

It will be a well-use of his time and others will be trained so that when he is not available, others can help, which will need to be budgeted for. Councilman Russel asked if a rank and file has noticed any difference in the way they approach their policing or the way the general public reacts to policing knowing that the camera is running. Chief Mathias replied that it has been perceived quite well. The public are asking about the cameras. During the training, professionalism and integrity was stressed upon, as well as some of the goals within the department in which the reviews show their performance in how they are speaking with the public, how they are interacting, de-escalating situations, and are able to review uses of force. There have been several pursuits either around town or happened in town that the Findlay Police Department has received some good feedback from. It has been a positive thing for the whole City.

Councilwoman Frische agrees with Police Chief Mathias that this has been great for the Police Department and the community. It is amazing how well they are working and are quick to get the information redacted and out. She knows of someone who made a request of an incident that happened over a weekend and had the information by Monday morning. The turnaround time and the customer service is fantastic. Filed.

Kim Meador – Carlin project

Ms. Meador lives in West Park in a private subdivision on the corner of Carlin and Jessica Drive. She is before Council tonight about the Carlin project and provided information about herself. She has been homeless. They lost everything they had in a flood here in Findlay. They did everything right. She and her husband both work. She has worked fifty (50) years and has just recently retired. They had flood insurance, but were told they made too much money to get any help, so they had to borrow money to get out of trouble. They had two (2) mortgages. For eighteen (18) months, they struggled paying two (2) mortgages on a house they were building in the West Park area and the other mortgage on a house that they could not do anything to. They chose the West Park area so that they could be closer to her husband's family, friends, and their jobs, which were both on that side of town, plus she likes to fish at Oakwood. She is not against Habitat for Humanity building homes, in fact, she has helped build homes, but does not feel any more homes are needed in the West Park area. There are already twenty-four (24) out there, just finishing four (4) just this year. She is against the waste of tax dollar funded money being used to fund their project. At the AD-HOC COMMITTEE meeting, Mayor Muryn suggested that the City become land contractors on the building of the infrastructure on Carlin to include water, sewer lines, and electric which has to go underground. Curbs, roads, and sidewalks also have to be put in. During the BOARD OF ZONING APPEALS meeting, the lot sizes and the building per acre of four to six (4-6) homes would look like it would be accommodating to the Habitat for Humanity single-family homes. Also, there will have to be a retention pond. She asked who will be taking care of all this. She asked if it will be a City-side subdivision or a private subdivision. She asked where the snow removal will go. The auctioning off of parcels was discussed and asked if it will be market rate or capped rate. She asked if it will be open to the public, to other contractors, or just Habitat beneficiaries. That part didn't sound quite right to her, so she contacted the State Attorney General's Office for some information who directed her to all the Sunshine Laws. Then she began to question it, so she went to the Ethics Office of Ohio who told her to submit her questions, so she did. Two (2) questions popped up – one about the City using taxpayer money funds to build infrastructure for a non-profit and how they were going to auction off the land. Another one, while she was canvassing her neighborhood, about a sitting Councilmember that works for a District House Director for a State Representative and how projects that were being asked for grant money. Everyone kept asking if this was going to be a conflict of interest to which he replied he didn't know and will find out. She has not received an answer back on it. The subdivision where she lives is going to be directly across the street from her. There have been so many dealings going on with the City Mission and Habitat homes that it scares her because they just received twenty-five million dollars (\$25,000,000), so they could just purchase the land themselves which would be more tax money that her great grandchildren will be paying for. She asked what will become of that land if that happens. She asked if that is freed up if the City will be able to fix some of the problems and issues that are happening with flooding in her subdivision, let alone all throughout the City in West Park. The subdivision sits directly across from where this project will be taking place. They are private in that they take care of their own roads, green space, lighting and do this with each homeowner paying dues. If this project is completed . . . President of Council Harrington interrupted informing Ms. Meador stating that her allotted four (4) minutes was up.

Discussion:

Councilwoman Frische moved to extend Ms. Meador's allotted time, seconded by Councilman Greeno. All were in favor.

Ms. Meador continued asking if the project is completed, if the City is going to help them with their roads to the implex of traffic, in which she knows the City will not. If their dues keep rising, their taxes will probably go up too. They will end up having to sell their retirement homes that they have worked very hard for which kills their dreams of homeownership until the day they die. She asked Council to think long and hard on the decisions they make because they need to fix the problems they already have before adding any interfractional systems that they all now have. Filed.

Wayne Breitigam – flooding and green space in West Park

Mr. Breitigam is before Council to talk about greenspace and flooding. He has been a contractor for over sixty-three (63) years, has built two (2) churches, a log cabin, many homes, garages and sheds. Most of the homes he has built are in the West Park area. He purchased land in West Park in 1958 and lived in West Park for over sixty-three (63) years. He is familiar with a lot of the issues West Park has and has had over the years. When the I-75 revamp was being done, there was a large flood in West Park because they blocked up the drainage which was the only way to get rid of their surface water in West Park. He provided copies of photos of that flood if anyone wants to see them. There have been some improvements since then, but that there is still much to do to better the situation. When a business wants to build on a lot or a parcel of land in this City, they have to put in a pond or some other means of holding or eliminating surface water to help with flood control. They already have problems with flooding in different parts of their neighborhood in which residential homes get water in their yards and streets have standing water with heavy rains because of the rock being so close to the surface, there isn't much dirt to soak up the water and that just lays on top the rock and is not being absorbed into the soil because it gets saturated and can't hold anymore. There are very few streets that have storm sewers to carry away the water.

Losing more green space just compounds the problem. If all of the sixty-eight (68) homes they want to build on the twenty-six (26) acres of land averages twelve hundred square feet (1,200 sq ft) and a driveway is about six hundred square feet (600 sq ft), that equals approximately six thousand square feet (600 sq ft) of soil that is absorbing any water, and then add the square foot of all the streets that are paved to that total which is a green space loss for water absorption. If he were to be provided with a plot of all the streets sizes the square footage of each home, he'd be able to tell how much green space they would be losing. One acre of land has forty-three thousand five hundred sixty square feet (43,560 sq ft) in it, so multiple that times twenty-six (26) acres results in one million one hundred thirty-two thousand five hundred sixty (1,132,560) square feet total area to build on. If each of these sixty-eight (68) homes are twelve thousand square feet (12,000 sq ft), it would equal eighty-one thousand square feet (81,000 sq ft). If each driveway averages six hundred square feet (600 sq ft), that would be another forty thousand eight hundred square feet (40,800 sq ft) totaling one hundred twenty-two thousand square feet (122,000 sq ft) for just the homes, then add on the paved streets to that total, along with the Community Center that they want to build, so that needs to be added to total. If all those numbers are converted into the acreage, it would be losing approximately eleven (11) acres or forty-four percent (44%), actually closer to fifty or fifty-five percent (50-55%). Since it is unknown what the Community Center is going to look like or how much the pond is supposed to take, it still will be losing approximately fifty percent (50%) of green space. He has not seen the numbers on the streets of the Community Center, so he is just guessing on that total. If these twenty-six (26) homes are going to be in West Park, all the green space will be lost. One cubic foot of space will hold 7.4 gallons of water. He does not know what size of a pond it would take to handle that area, but can do the research and find out. The City will be compounding the problem that already exists in West Park if these Habitat for Humanity homes are built there. The City needs to fix the problems they already have before adding to the infrastructure that they now live with.

Discussion:

Councilwoman Frische asked if eleven (11) acres of space is eliminated for absorption if it will change their discussion with how they are addressing the current infrastructure in West Park. City Engineer Kalb replied that whatever goes out there will require detention ponds to account for whatever impervious area there is for that. He cannot state the numbers of how big the ponds are for this as he has not seen the full plans, but that the standards include that they have to hold a one hundred (100) year storms worth of water and that there are certain rates that go out. If taking away eleven (11) acres of pervious area and turn into impervious area, those retention ponds would have to account for that. If there is already a large flow coming from the east side towards this property, they have to account for that flow too and cannot stop that from coming in. It has to be accounted for within that. It depends on how much soil is in those impervious and pervious areas, how fast it absorbs through. There are coefficients that are standards that determine how big the pond size is. Councilwoman Frische noted that information is worth discussing further if moving forward on this to ensure the City is calculating correctly for West Park, Baker's Acres, and whatever else goes there. Filed.

Jackie Magee – Carlin built

Ms. Magee is President of the Anti-Build Group of West Park. Before she talks about how the increased traffic affects the neighborhood, she feels it is necessary to share a comic communication item she recently had with the Mayor concerning their storm sewer. They have paid for the non-existing ones for years to which the Mayor responded "you are correct, there is little to no funding for your general storm sewer system, especially since it is not required because of how the area is already built for natural drainage". Their natural drainage is disappearing with each build. She moved on to their traffic problem stating that it starts in the dark of the morning when their children board the bus as there are no sidewalks so children share the road with cars flying down the street. Most of their children have already lost freedom to travel out of their neighborhood with the roundabout. Parents do not let their child cross the off and on ramp on I-75 to go into town, especially since the signs of flashing cross lights are plowed down on a regular basis. They are very blessed that no child has been hurt at this point, but it seems as if their children's safety is not a priority. The vast number of additional cars doubling on the narrow streets would increase the danger to their children. Their streets are built for residential traffic and not as thoroughfares. There are five (5) east and west streets that run directly from Lima Avenue to Carlin that will become instant drag strips for the new additions. The newer homes and apartments always seem to have a shortage of parking, so when they are parking on narrow streets with no curbs, it only compounds the problems. Fix the problems they already have before adding to the infrastructure they now have. Filed.

Robin Welly – Carlin build

Ms. Welly is President of West Park Block Watch whose speakers made excellent points tonight. The green space of flooding, the traffic, and inadequate streets they live on are just part of what is discussed in-depth at their Block Watch meetings. West Park does not have curbs, sidewalks or storm sewers, but do have the best Block Watch meetings in the whole City of Findlay. Officer Brian White can swear to this as he has been excellent to them. Before COVID, the Mayor requested get-together with each ward every other month. They revived their Block Watch because of the roundabout build. They have went through three (3) Councilmembers: John Harrington, Randy Greeno, and now Brian Bauman in which Councilman Greeno has been the only one who has attended their meetings. Surprisingly, Councilman Bauman sent her a DM on Facebook in August saying he would be attending, which was great, but coincidentally was the same day was when the guys from the City were coming to speak and help them. Then, Councilman Bauman attended their anti-build meeting. Councilman Bauman has his own agenda and not a West Park agenda. He knows the hazards and is still not ready to fight with them. When they started circulating petitions, they had a great opportunity to speak with neighbors. There was much reminiscing and lots of new stories. One story that stood out most to her, and had she known she was going to pass this around tonight, she would have had better handwriting. It's a George Freebus story: when Findlay announced it was not building the Street Department out at West Park, he inquired about it. His first adventure was to build a pole building and leave the rest as natural light habitat, but was refused by the City. He then approached the City and proposed the following: he would buy it for one hundred fifty thousand dollars (\$150,000) and would develop it into a wetland. He would put his name on it, but would turn the deed back over to the City with only one stipulation: that it could never be sold, but that offer was refused. She has wanted to share this story for a while, but her husband would not let her share it until she got George's approval signature to do so.

She obtained his signature yesterday giving her permission to tell Council that the offer is still on the table in that he will donate that land back to the City, which could be a solution for the City. It is definitely the best solution for the current West Park homeowners and the next generation of homeowners in West Park. If Councilman Bauman does not get on this, he needs to stop telling people that he represents West Park's best interests, because he does not. When residents of West Park attended the AD HOC COMMITTEE meeting, they all walked in expecting to spar with Habitat for Humanity, and were surprised with the new opponent. The Mayor started the meeting by announcing the City wants to be the subdivision developer. Successful developers start on such an adventure with high hopes, who want to get in and get out, get their investment back, make a profit and move on, but even under the best of situations, residential land development is a risky adventure. Nobody wants to build and nobody wants to live in a subdivision knowing it is under construction for the next ten (10) years. They are asking the City not to allow any subdivisions in their underdeveloped neighborhood. Every new build only adds to their existing problem. She suggested the City fix the problems they already have before adding to the infrastructure they now have. She will keep the original letter that Mr. Freebus's signed and will provide a copy of the letter and the petition for the file. Filed.

Matt Cordonnier – Superior Platting clean up

Mr. Cordonnier is with the Hancock Regional Planning Commission (HRPC). He is before Council to provide a quick update on Superior Platting of the Brownfield Remediation project. HRPC assisted the County in applying for Brownfield funds and are also assisting the County in the implementation of the grant. In addition to HRPC, the County has contracted with CEC Environmental out of Toledo, Ohio who are the technical experts for the project and to ensure that the remediation project complies with all applicable State and Federal Laws. During the September 5, 2023 City Council meeting, there were some discussions about the requirements of the Resource Conservation and Recovery Act (RCA or RCRA), however, the environmental consultant informed him that the Superior Platting Site is not a RCRA corrective action project, nor is it designated as a RCRA site. No mandatory hours have been issued from the EPA, State or Federal Government to clean up the site. The County applied for and received Brownfield funds from the Ohio Department of Development to clean up the site in preparation for the river benching project. Per the grant, the County is using the standards of the Ohio Voluntary Action Program which gives entities a way to investigate possible environmental contamination, clean it up if necessary, and receive a promise from the State of Ohio that no more clean up is needed. To date, seven hundred (700) tons of soil has been removed and transported to Oregon, Ohio to a special environmental contamination landfill. The project has seemingly sat idle because they removed soil and tested it, in which takes several days for the testing to come back. The testing indicated that more soil should be removed, so two (2) more feet of soil will be removed and will test again, repeating that process until the testing is in compliance with State regulations. It has been a start and stop process from the beginning. Once the remediation is complete and a no further action letter is prepared by the environmental consultant, the Ohio EPA will then review the letter and the project, and then will issue a covenant not to sue. At that time, the project is closed out and complete. He is anticipating one question: why is the County the lead agency. The answer is that the Brownfield Grant only allows one lead agency per County. When this was applied for, there were three (3) applications for Brownfield remediation, one was in the City and two (2) were in the County. Additionally, this project is part of the cleaning up because of the river benching project which is being coordinated by the County. Any costs above the grant amount, which was five hundred thousand dollars (\$500,000), would be paid for by the County via the Flood Mitigation Fund.

Discussion:

Councilwoman Frische pointed out that the remediation for the Brownfield cleaning is different if it is going to be a park or if people will be on it. She asked if this meets the standard for the City to proceed with a park. HRPC Director Cordonnier replied that the consultant expects to have a clean bill of health for the site. If there are any restrictions, it would be to not build residential homes on the site. The consultant is unsure how it is going to come back, but expects no limitations, but if there is any limitations, it would be to not construct residential homes on the site. Filed.

WRITTEN COMMUNICATIONS: none

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay Municipal Court Activities Report – August 2023. Filed.

Service-Safety Director Martin – transfer funds from Service-Safety Director budget to Law Director budget

The City of Findlay Law Director's Office has incurred expected legal fees this year that are depleting their budget. In anticipation of additional legal fees to be incurred through the end of the year, funds will need be needed in the Law Director's budget. Legislation to transfer funds is requested. [Resolution No. 023-2023 was created.](#)

FROM:	Service-Safety Director #21020000-other	\$ 20,000.00
TO:	Law Director #21005000-other	\$ 20,000.00

Discussion:

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

Councilwoman Frische asked if funds in the Service-Safety Director budget is depleting the Law Director's budget and if there is quite a bit still there. City Auditor Staschiak replied that he would defer to the Service-Safety Director to answer whether or not he has enough money, however, he believes this request is in order to keep legal expenses unified. It is his belief and understanding that this is for expenses incurred with Bricker Graydon on the water subject. Service-Safety Director Martin added that this does not deplete the Service-Safety Director budget. He does not have an exact number, but does know that there are funds left for the rest of the year. The Service-Safety Director budget has a line item for legal services, so when he started to create a purchase order, he was informed by the City Auditor that legal services need to come out of the Law Director's budget even though the Service-Safety Director's budget has a line item for it.

This is just to transfer money to the Law Director's budget. Councilwoman Frische asked what the Service-Safety Director's legal expenses are. Service-Safety Director Martin replied that he has not used any of those funds to this point this year. Councilwoman Frische asked if it is a Service-Safety Director expense and if it is for legal. Service-Safety Director Martin replied that he budgets for the unknowns. He has a legal line item and that this is an appropriate use of it. Councilwoman Frische noted that City Council has a process that if there is a bill over three thousand dollars (\$3,000) without a purchase order, there is a standard Resolution that is provided to Council listing each line item that Council has to approve. The Law Director budget has been having a lot of money on legal side. Moving this money from one to department to another is inappropriate because it is then eliminating the process of Council having the discussion of what there is a bill for that is over three thousand dollars (\$3,000) without a purchase order. She does not support this transfer. She asked what the bills are that the Law Director needs funds for, how much is in the Law Director budget right now, and what this twenty thousand dollar (\$20,000) request is for. Law Director Rasmussen replied that it is to pay the legal bills that he has and anticipates having in the future. He is working through these cases and are narrowing down the amount of cases that he has. He cannot say what is going to come up in the future. Councilwoman Frische asked what the bill is for. There would not be a request to move money from one department to another if there wasn't a bill that needed to be paid. She wants to know what that bill is since this is trying to eliminate moving money and not having a purchase order and not discussing something. She needs to know what the Law Director budget needs it for, and if it is not needed for anything, then why funds are being moved. She asked what the bill(s) for this are. Mayor Muryn replied that this is for the Bricker Graydon bill which previously did not require Council's approval to pay except that the purchase order was messed up. She appreciates that Councilwoman Frische pointed out that the Administration, including the Law Director and the Service-Safety Director, do not need Council authority to pay legal bills unless the purchase order was done inappropriately, which in that case it was, but that in this case, the money would not have to be transferred even though each Administration's budget has a legal services line item, but that the City Auditor's Office stated that they wanted it for their reporting purposes, whatever that may be, to be paid out of the Law Director's budget. So, this is following their request to pay that bill. As Service-Safety Director Martin stated, the Service-Safety Dept has a legal line item in their budget and could just pay these bills, but that in this case, are moving funds per the City Auditor's request. Councilwoman Frische replied that she does not care what Mayor Muryn thinks her process is. Usually, when there is a big project like selling City water to other villages or communities, it goes to the WATER AND SEWER COMMITTEE, but that it continues to be dodged and not taken to that committee. Mayor Muryn seems to be spending money and writing contracts without discussing with Council. For the Mayor to say she didn't need permission for a three thousand dollar (\$3,000) purchase order, that is false because she is supposed to work with City Council. City Council has not told the Mayor what they want or don't want, or what the community wants or does not want. This is a side step to try to get a bill paid. She asked if there are still meetings and discussions going on with Bricker Graydon and are still ignoring Council discussion, which would be completely inappropriate. This request is inappropriate. The last Bricker Graydon bill was removed from the last Resolution. Mayor Muryn sent an email to Councilwoman Frische when she asked her for the contracts that were drawn up for Arlington and North Baltimore in which Mayor Muryn stated they were not public documents and that she does not have to show them to her, but that she would be glad to show to her in person only and would not email them. Councilwoman Frische replied to Mayor Muryn that if she is meeting with Bricker Graydon on her own, then that is her own dime and she can pay that bill. Mayor Muryn replied that she is not going to get into the back and forth that Councilwoman Frische so much enjoys, and will continue to restate the facts which are: as Mayor, she has the responsibility to bring to Council thoroughly thought out proposals. In this instance, she was gathering information from the communities that had reached out to the City to potentially provide them water, either in a bulk method or working with them long-term to apply for grants to get their system up to par to be able to ensure that they have appropriate drinking water for their community. She then made the operational decision to consult legal experts, not only that are legal experts, but also engineering experts to inform the City how this could potentially be structured. It was then her full intention, as she had communicated to Council when Councilwoman Frische was not on Council at that point in time, to then bring it to them of what was being requested and what the options are, what it would mean operationally, if there is any additional information needed, and how Council would like to move forward, which is what she does with every committee. Mayor Muryn pointed out that Councilwoman Frische is shaking her head while she is talking because she does not understand what she is trying to explain to her, but that is the responsibility of a Mayor. She then brings it to Council to find out how they would like to proceed and if it is something that Council would like to understand. The only reason that this has become a big deal is because it is being politicized by individuals on Council and others that have positions in the City who have decided to instead of move it forward with facts and information to make an educated recommendation on behalf of the community, what is best for the community, and partnership with the County moving forward, but have instead decided to play politics with half truths and spitball information in saying that she is somehow trying to circumvent a process, trying to do a disservice, or is trying to annex all parts of the County, which is simply false, ridiculous, and a waste of taxpayers time. If Councilwoman Frische wants to have accurate information, Mayor Muryn is happy to meet with her at any point in time, but is not going to fall into her political games by providing information that can be piece mail and part out of and put on social media to get clicks because which is not in the best interest of the community. When Councilwoman Frische is ready to meet and have an adult conversation, she would be happy to do so, but until that point in time, tonight's meeting can move on.

President of Council Harrington read Council's Rules of Order: under the rules of Council, no speaker made filibuster. No speaker shall speak for more than five (5) minutes on any question except by the permission of the presiding officer of the majority vote of Councilmembers present. Councilwoman Frische has exceeded her five (5) minutes unless the rest of Council would like her to continue by a motion and a second. Councilwoman Frische asked if she was timed. President of Council Harrington asked if there is a motion and a second for Councilwoman Frische to continue. No motion was made. Councilwoman Frische asked for a point of order. She asked if she was timed that she was over five (5) minutes. She asked if the Mayor was timed and if she was over five (5) minutes. She asked if the policy states that Councilmembers can only talk once or if there is legitimate communication for the community happening that discussion should not continue. President of Council Harrington replied . . . Councilwoman Frische interrupted asking if President Harrington timed her or not. President of Council Harrington replied yes . . . Councilwoman Frische interrupted asking to see the timing of her speaking. President of Council Harrington replied it has been deleted . . . Councilwoman Frische interrupted mocking President of Council Harrington's response causing an audience outburst of cheers. President of Council Harrington gavelled the audience stating that they will be quiet or they will be removed from the meeting.

He reiterated to Councilwoman Frische that a motion was not made for her to continue and that her point was made over and over . . . Councilwoman Frische interrupted asking if that is according to President of Council Harrington and stated point of order. President of Council Harrington replied it states “presiding officer” which is him.

Councilman Wobser moved to allow Councilwoman Frische more time to ask another question succinctly, seconded by Councilman Niemeyer. Bauman, Greeno, Hellmann, Niemeyer, Palmer, Wobser. Nays: Russel.

Councilwoman Frische continued stating that it needs to be clarified that economic development discussed with Arlington about extending water. Nothing is being politicized. She has no problem, as a member of Council, when the Mayor is exploring an idea and communicating with Council, but when she is spending lots of money without any discussion, that is the problem. There is no politicizing, no social media clicks, and is sticking to the facts. We can move on now. Mayor Muryn replied . . . Councilwoman Frische interrupted stating there needs to be a motion . . . President of Council Harrington replied for it to be quiet . . . Councilwoman Frische interrupted stating point of order. We need a motion to let her talk longer than five (5) minutes. President of Council Harrington struck the gavel. Mayor Muryn has been recognized as a speaker. Mayor Muryn noted that she is not a member of Council, therefore, she has the ability to speak. As she shared in the public records request to Councilwoman Frische and City Auditor Staschiak and as she has shared on a monthly basis with all of Council, and are of which public record, that Economic Development did have a conversation with Arlington because they represent the entire County, which includes the Village of Arlington, and as she stated in that conversation, the City was not a part of it. Her understanding of the conversation is that Arlington is interested in planning their community development down the road in which water is a part of that, but does not change the conversation for the City, but would be a part of the conversation with Council when it got to that point in time. Economic Development was doing their job just as she as Mayor was doing hers. Filed.

Service-Safety Director Martin – amend Ordinance No. 2023-081 (farmland leases)

This is a request to amend Ordinance No. 2023-081 regarding farmland leases to include the Carlin Street farmland. The Carlin Street farmland was not originally included due to the discussions held in Council Committee regarding the future use of this property. The Carlin Street property is approximately twenty-three (23) acres. Ordinance No. 2023-081 received its first reading during the 8/15/23 City Council meeting and its second reading during the 9/5/23 City Council meeting.

Discussion:

Councilman Bauman asked for clarification as there might have been some misinformation in today’s Courier regarding this ad. 2024 is fastly approaching and asked if this needs to put out for bid so a farmer can cash rent that property. Service-Safety Director Martin replied that is correct. When this conversation started with the Carlin property, the Carlin property was intentionally withheld from the bidding process, hence the third reading with the discussion in subcommittee conversations that have happened. This is in a position that it needs to move forward because of the timing of the bidding process and with the Carlin property. After working out the legal side of that agreement, whatever the decision is with the Carlin property, whether or not it is residential down the road, there will be an out clause at the end of year one to be able to move forward with it and does not want to miss out on the opportunity for it to be maintained as an agricultural property. If it is not maintained as that, then the City would have to mow it and maintain it. So, this seemed like the most logical due to timing and the uncertainty of moving forward with that property. Councilman Bauman stated that the City might as well make money on it while they have the chance. He asked if next year’s harvest would only be impacted if that was taken out. Service-Safety Director Martin replied it would not impact the harvest of 2024. Filed.

Mayor Muryn – Council ward events for 2024 budget season

In preparation for the 2024 budget, Mayor Muryn is requesting something different this year: each Ward Representative to host a ward event that could be an open house in the Council Chambers as a town hall meeting for constituents in that ward, a party at a park with the Keep Active, Keep Healthy bus and food, or something created by the Council Representative in which the Council Representative and Mayor Muryn would be in attendance. Project Manager Hohman and Mayor Muryn will coordinate the event that would be via an invitation to those in the ward, but to do so, she will need an idea of cost. She is asking Councilmembers to provide ideas to her (i.e. type of even, ballpark cost, desired food, rental fee for space, etc.). The City of Findlay team works diligently to identify issues in all neighborhoods, however, Mayor Muryn and Project Manager Hohman would also like to know of any comments, questions, ideas, etc. that are given to Councilmembers that they should be aware of. Mayor Muryn and Project Manager Hohman have developed a brief questionnaire for Councilmembers to complete in order to provide additional insight to the Administration. A fillable .pdf questionnaire will be emailed to all Councilmembers tomorrow. Although there is no guarantees that the projects provided by Councilmembers will be completed, she does want to hear from each Councilmember to ensure that she is keeping their ideas front of mind.

- In the next two (2) years: what three (3) projects Councilmembers would like to see completed within their ward. Please list them in order of need and identify which item(s) they are associated with on the FindlayForward Plan.
- In the next ten (10) years: what three (3) projects Councilmembers would like to see completed within their ward. Please list them in order of need and identify which item(s) they are associated with on the FindlayForward Plan.
- Please list dilapidated structures Councilmembers are aware of in their ward that they would like the City to evaluate.
- Other issues and neighborhood concerns Councilmembers are aware of in their ward that the City Administration should be aware of.

Filed.

City Engineer Kalb – 2023 street preventative maintenance, project no. 32830300

City Engineer Kalb is requesting to appropriate a portion of the July allocation of the Capital Improvements Restricted Account into the Street Preventative Maintenance project to allow the Street Department to continue their efforts to maintain the City's existing roadway system. Legislation to appropriate and transfer funds is requested. Ordinance No. 2023-098 was created.

FROM:	CIT Fund – Capital Improvements Restricted Account	\$ 75,000.00
TO:	2023 Street Preventative Maintenance, <i>Project No. 32830300</i>	\$ 75,000.00

Discussion:

Councilman Russel asked if this is something that needs to be done tonight assuming it is getting towards the end of this year's preventive maintenance season. City Engineer Kalb replied it is ultimately Council's decision, but are getting to the end of this year's preventive maintenance season. If passed tonight, the Street Department would be able to use the money on street resurfacing as they are moving quickly and could also get some alternate streets and a couple of more alleys done. They could take advantage while the weather is nice.

Councilwoman Frische asked if there is list. City Engineer Kalb replied he does not have it with him tonight. Filed.

City Auditor Staschiak – salary ordinance

As paymaster for the City of Findlay, the salary ordinance has typically been revised by the City Auditor's Office with changes requested by the Administration and presented to Council for review. Attached is this year's updated pay ordinance. Changes made to the existing ordinance are summarized in the attached document titled "2024 Salary Ordinance Changes". The Mayor's Administration and the City Auditor's Office have reviewed the document. It is important that a completed ordinance is passed by Council's first meeting in December 2023 which includes the emergency clause so that the City of Findlay can continue its regular course of business. Additional time has been incorporated into the process to allow for a committee review, should Council deem that appropriate. City Auditor Staschiak requests that this letter be read. Ordinance No. 2023-097 was created.

Discussion:

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

Councilman Wobser moved to refer this to the APPROPRIATIONS COMMITTEE, seconded by Councilman Russel. All were in favor. Referred to the APPROPRIATIONS COMMITTEE. Filed.

City Planning Commission agenda September 14, 2023; **staff report** – September 14, 2023. Filed.

A set of summary financial reports for August 31, 2023:

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

Filed.

COMMITTEE REPORTS:

A **COMMITTEE OF THE WHOLE** meeting was held on Tuesday, September 5, 2023 to discuss the City's mid-year review.

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

Discussion:

City Auditor Staschiak clarified that it was discussed from the aspect of the act for the financial report that is done annually by an outside State contracted audit firm and included discussion of the management comments from that document. All were in favor. Filed

An **AD HOC COMMITTEE** met on September 12, 2023 to review land transfer request from Habitat for Humanity (Carlin property).

We recommend that the Administration will work on a plan for possible development.

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

Discussion:

City Auditor Staschiak noted that he was unable to fit in the room during that meeting with the large tables in there. The City, to the history that he is aware of, has never been a developer, so he encourages the Administration to work very closely with the City Auditor's Office in advance very slowly and patiently to make sure that this is discussed thoroughly all aspects and concerns are discussed.

Ayes: Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Wobser. Nays: Frische. Filed.

A **COMMITTEE OF THE WHOLE** meeting was held on Tuesday, September 12, 2023 to discuss Zoning Code updates.

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

Discussion:

Councilman Wobser thanked HRPC Director Cordonnier for his time and effort putting together the presentation of going through all the changes. There were good discussions. The changes were not major changes in the code, and mainly just a lot of clean up of the code to get it up to date and to be in compliance of State Statute. All were in favor. Filed.

The **WATER AND SEWER COMMITTEE** met on September 13, 2023 to discuss the State of Ohio waterline to Van Buren State Park.

We recommend that the Administration pursue the agreement with the Village of Van Buren for a water line and to increase the proposed 6" line to an 8" line to Van Buren State Park.

Councilman Greeno moved to adopt the committee report, seconded by Councilman Slough.

Discussion:

Councilwoman Frische noted that she was not able to be at this meeting, but was able to see it. She does not understand how this got to the point of the Administration pursuing the agreement with the Village of Van Buren when there was an ample discussion on the current agreements with Van Buren and the limitations, and then also discussing the impact on the City's system to Findlay's community. The City Auditor mentioned several times that this is a Van Buren project and not a Findlay project, so if Van Buren wants to increase a line or wants to put in a six inch (6") line, the project should be at their cost. She does not understand why the City is exploring and putting dollars into it before all of the details of the contract have been looked at.

City Auditor Staschiak reiterated to Council asking if they have established that the 1999 agreement that was distributed is the correct agreement because his understanding of the agreement is that Van Buren decides what they are going to do with their system, how they are going to do it and when they are going to do it. All the City does is spec according to that document and the intent of it. Findlay has complete control on where it grows, how it grows, and if they even want growth. They may not want an oversized line. If the City specs it because there are reasons for it, that is a different issue. He is very concerned how this approach has come about and wants to be very conscientious and very respectful of the fact that this is Van Buren's sovereignty with regard to this line. The State should have went to Van Buren and worked it out with them in which Van Buren would have said it was outside the purvey of certain aspects of the agreement and go to Findlay and see if they are amenable to this and go from there. He is unsure how it got to this point. They will have to move very cautiously as they move forward. He is not against anything or concerned about anything from that aspect, but wants to make sure it is done right and honors what has been agreed to.

Councilman Greeno asked for some background on this project, how it came about, and the legality with Van Buren. City Engineer Kalb replied that their State Park is with their campground. The City was approached about it because they are needing water service out there as they currently have a well, but are pretty much out of solutions of what they can do. The City currently has a water main that is out on 613 that could be ran out there. They have explored every option possible, but have come back to this same thing. The City was approached on running a main out there. The State is going to run a line out to the east side of their property that they will pay for all of it. They did not want to set up a rotary to try to get money back on it. They need it for their campgrounds. It will run out there and they are paying it out there. They are only needing a six inch (6") to get it stretched out there. If there would be any kind of taps on top of that, fire suppressions, etc., it would be beneficial for future use to size it up to an eight inch (8"). This is not the first time the City has ran into the practice of paying for the upsizing which is only paying for the material, no labor, nothing else. It is what is placed in the ground. They came back with an estimated cost because of estimated quantities right now and is not in the ground. It is approximately eighty-three thousand dollars (\$83,000) for eighty-four hundred feet (8,400 ft) of pipe. Another option with this is to set a master meter or a meter at 613 which is a service line that no one can tap into because it is a private line. Once they are done building this, they want to turn it over to the City for our maintenance so the City would pay for the upcharge on it. They would be providing all the specs. There would be inspectors out there that they would reimburse the City for the placement of the line. There are seventeen (17) properties down there that have the potential to tie into it. There is also another campground that has three hundred (300) campsites within that, so with their daily load if running every single day, would be approximately thirty-eight thousand (38,000) gallons a day. Right now, Van Buren is running in the one hundred thousand (100,000) gallon a day category. Per the contract of 1999, they can go up to a maximum of five hundred seventy-six thousand (576,000) gallons which is why there have been some issues with the chlorine residual there which is where dumping of water has to take place because they are not meeting that. This extra thirty-eight thousand (38,000) gallons a day is not going to stress the City's system, plus the campground does not run twelve (12) months a year. It runs nine (9) months out of the year. The running of the line will be under the City's care. Even though it is within their service area, Van Buren should not be paying for the upsizing on it when the City is the one receiving the revenue if it is a City line. All Van Buren residences, as well as those outside the City limits are paying one and a half (1.5) times the City's water rate, so they are paying into our water bill for that. The Water Fund that is being used to fund that is also funded from their funds and also from City funds from both citizens. This is a service they are needing and see the City as a service industry. The City is wanting to help a State park that is in need. It would be a million dollar (\$1,000,000) job if the City were to just run a line out there, so this is a great opportunity for the City to build that line out there and pay for the upsizing for future use.

Councilman Bauman asked if this agreement is really between the City and the State of Ohio because it is a State park and that the agreement with the Village of Van Buren is just for the City to be digging around in their back yard. City Engineer Kalb replied that this is within their service area per the contract. They set up a service area back in 1999 of where they see their village expanding to. During this whole process, the City has been in contact with Van Buren, so they know about the project and are in support of it. He talked with Van Buren Mayor Ed May who is in support of the project. Whether or not the line goes in, Van Buren does not see any positive or negative from that. They do not get any revenue kickback from that line going in or out. The City is who will be seeing that revenue on that by expanding that line out. Ultimately, it is the City's system that is going out there that the City has to maintain. The City is who would have to be supplying good water to them, which is why the City stepped in saying this is the line we want for future builds.

Councilman Greeno asked if the contract has been looked at to make sure that the City is able to do what they want to do. He asked if any discussion with legal representatives have taken place. Service-Safety Director Martin replied that the City's legal department did review the contracts and are basing it on the 1990 contract. Once it is in the ground, it will be the property of the City of Findlay to maintain and be able to extend as we want within or without of the City limits.

Councilman Hellmann asked if “we” refers to the City of Findlay and if “they” refers to the State of Ohio and not Van Buren. City Engineer Kalb replied that the State of Ohio will be building this line and running it out to their property, and the City would be taking over care for it. It is being built within the City’s specs. If they are needing easements within the right-of-way, the State has worked with the townships with them agreeing with where the line will go, the County has agreed with where the line is going, and the City has agreed on the type of pipe to be put in (depths, fittings, etc.). Van Buren only needs a six inch (6”) to run to their property, but for future use and to eliminate redundancy, the City wants to see it as an eight inch (8”).

President of Council Harrington interrupted announcing that Councilman Palmer had to leave the meeting for an issue. He left the meeting at 7:07pm.

Councilman Hellmann understands that the City would own the line, but asked if requests for taps would be requested from the State or City. City Engineer Kalb replied from the City because it will be a City line. The only thing the City is not doing is not installing this line and paying for the whole construction. The City is only paying for the upsizing from a six inch (6”) to an eight inch (8”) which is where the eighty-three thousand dollars (\$83,000) comes in. It is the cost of the pipe going from a six inch (6”) to an eight inch (8”) with eight inch (8”) fittings.

Councilman Russel noted that the committee report states that the City is going to pursue the agreement with the Village of Van Buren. He asked if the Village of Van Buren is going to do any of the necessary steps themselves in order for this to proceed in a legal manner. He asked if Van Buren will be discussing this with the Van Buren Village Solicitor Rob Feighner. Service-Safety Director Martin replied that is correct. Mayor May has had conversations with multiple individuals including their Village Solicitor who is in agreement with this. If it pleases Council, the Village Solicitor is willing to provide a letter of support on this, but that this is between the State and the City. Initially during the conversation, a bystander brought up concern and uncertainty of the contract when the City was still in the process of reviewing it about the involvement of Van Buren, but that is not the case.

Councilwoman Frische noted that the Solicitor of Van Buren is one of the City’s employees and is in the same law firm as the City Law Director, so she is not sure she will like the Van Buren Solicitor’s opinion at the end of the day and is unsure if his opinion would be appropriate. She is unsure if it was the 1999 or 1998 agreement, but that when the line was put in, Van Buren could only hook up one fire truck because if they hooked up more than one fire truck, it could deplete the pressure inside the City’s system and cause issues. She was under the impression that the City was dumping daily because of Home Depot’s fire suppression and had to make sure everything was being rotated. Originally, Van Buren was who the City was working with, but that it is now the State. At the end of the day, it is not whether the City is for or against it, but that the City should care about themselves first and how it is going to impact us inside the City. They could install the lines and give them back to the City, but that the City has to know that it’s system can take it and are not going to have a problem. She asked if the extension inside the City limits is part of what the Mayor is projecting about annexing to be able to bring more businesses into that area and that we’re going to be tapping in other businesses before it gets to the State park. City Engineer Kalb replied that he is confused how Councilwoman Frische is blending the two subjects together and asked her to restate her question on what she is asking. Councilwoman Frische replied that the water line extension is going from a six inch (6”) to an eight inch (8”) for future development with the City managing it. Tap fees would come back to the City for anyone wanting to tap into the City and would assume it could be a business industry out that direction or possibly residential. It sounds as though some kind of development is anticipated prior to reaching the State park. City Engineer Kalb asked Councilwoman Frische if she is stating that the City should just design waterlines at this present time and then when someone comes in to tie in, the City tells them that it should have been done as an eight inch (8”). Councilwoman Frische replied no, that is not what she is saying. City Engineer Kalb replied that waterlines are designed by what is out there that could potentially tie in. Right now, the State park is wanting to use it. There are seventeen (17) residential homes within that whole area that could tie into it, as well as a campground. They are not required to tie into it, but if they need to tie into it or want to tie into it, then the City has to make sure that they can still supply water down to the State park and to everyone else, especially when hydrants for fire suppression are part of it. Even sanitary lines are not designed to what is currently there, but always look for future development and what it is going to look like regardless of what direction it is going to go. Councilwoman Frische replied that the City does not typically look at its water system outside of City limits. City Engineer Kalb clarified that the City has built for the future. For example, an eight inch (8”) was going to go under I-75, but since it is unknown what could go in west of that, the City put in a ten inch (10”) to go in for any type of future expansion. Another example was when Deer Ridge, down towards the south, only needed a six inch (6”) line, but the City placed a sixteen inch (16”) line for the future and to help the City’s water supply. Councilwoman Frische asked if the City did an oversize on that. City Engineer Kalb replied yes. The City knows how its water system reacts to that. Councilwoman Frische replied that the City is skipping the process of what they can and cannot handle and if it can be provided adequately without negatively impacting those here. She does not see where that discussion is taking place, but that it is known that a Northern Ridge water situation inside the City limits with pressure is taking place and it is known that more than one fire truck cannot be hooked up. City Engineer Kalb replied that was the 1998 contract that changed for the 1999 contract. Councilwoman Frische pointed out that those things are not being discussed. Mr. Ruse stated that it took the City six (6) years to get to the Van Buren project. When Mr. Hackenberg was the City’s Law Director, he stated that it is not the business the City is supposed to be in because once the City extends for one, they have to keep doing it and paying for it which is the discussion she wants to have before jumping forward just because the State wants to extend water to the State park. The City still has to make sure it takes care of us.

Councilman Greeno pointed out that the Water Superintendent is in the audience and would like to hear his response if the City can handle thirty thousand (30,000) gallons a day to Van Buren without it affecting the system here in Findlay. Also, if the City is wasting approximately two hundred fifty thousand (250,000) gallons a day for blow off into the sewer system to keep the sewer system from having odor problems that comes back into the City of Findlay. He asked if it is correct that two hundred fifty thousand (250,000) gallons a day are wasted. Water Treatment Plant Superintendent Phillips replied yes that is correct. The flushing stations are still going: one that feeds right into the pump station to keep the flow going and the odor down and the other one in the subdivision directly north of the township house and the ballfields. Councilman Greeno asked if this is being done because there is not enough flow through the Van Buren system. Water Treatment Plant Superintendent Phillips replied that is correct for chlorine residual and for odor control.

Councilman Greeno asked if adding a thirty thousand (30,000) gallon line would help this situation any and if it would not stop the wasting, but that the City would be getting paid for some of the wasted water that is happening now. Water Treatment Plan Superintendent Phillips replied that is correct.

Councilwoman Frische noted that is thirty thousand (30,000) gallons now and asked what the number will be if it keeps getting tapped into. She asked if parameters are being set. She understands that some is wasted because it has to be, but even with the dumping off, there have been problems with pressure inside the City of Findlay with residential properties.

City Auditor Staschiak asked if the City is truly wasting two hundred fifty thousand (250,000) gallons of water through a refreshing program, what the net benefit to the City would be and if it is even worth doing and expanding. Council really needs to see that number, and should be taken into consideration as part of this process. Also, the shoe is on the other foot whenever the State of Ohio is involved with grants, contracts, etc. in that they provide a resolution of support as the legislative authority and has not seen any letters, resolutions or anything else from the Village of Van Buren who are in agreement with our interpretation of the contract they are a party to. He is not questioning the integrity of anyone here, but is asking why it is moving forward without a resolution of their intent and their request because this is part of their system and is in their contract that is in place. He hopes that Council would first consider that before moving forward. That way, Council would know that the politics are out of it and that Van Buren has confirmed that this is what they really want and that the City's resolution is saying this is what we want so it is clear for Council because the contract is clear that Van Buren has sovereignty over whether or not they want that growth regardless of what we do. The City has the right to spec it which is clear from that language. He recommended that Council obtain the resolution or something from Van Buren's legislative authority that is formal, official, and protects everyone including the City. Mayor Muryn replied she will obtain any documentation that necessary. She asked if something from Van Buren is needed stating that it was already discussed and had gotten their approval stating that this is direction they want to move before it was discussed in committee, which is exactly what was done. The conversation took place in committee in which the committee agreed they were supportive and is what they would like to see, so formal documentation is now needed from Van Buren stating that this is the direction they want to move. She will provide the legal documentation that she has on this matter. She provided a letter to Council a couple of meetings that provided the breakdown of the water supply which we have, the quarterly Reservoir reports that provide commentary on about five (5) year's worth of water that we have in our Reservoirs on a regular basis, and the six million dollar plus (\$6,000,000+) gallons of capacity that we have on a daily basis within our system. Our priority is definitely the City of Findlay. We also have a great opportunity to monetize our excess while also improving the quality of our system by adding these various lines. City Auditor Staschiak noted that there has never been a five (5) year supply reported to Council that he is aware of. It has been some time since the actual capacity of that Reservoir has been calculated, plus those reports do not take into consideration the fact that we are not going to drain them completely. That report lists how much water is actually in the Reservoir and probably should be re-evaluated from a technical and engineering standpoint so that it is known that it is accurate and not just a ballpark figure estimate depending on how much water we have.

Councilman Greeno asked if the Water Treatment Superintendent knows the number of years. Water Treatment Superintendent Phillips replied that multiple things have changed since the 1988 drought. One of the things that helped generate that report was that fact that in 1997, the pump station at the river was changed, so there are two (2) variable speed pumps that allow water to pump into the Reservoir when the river is low which is why we can confidently say that we have about a four to five (4-5) year supply in the Reservoir.

Ayes: Bauman, Greeno, Hellmann, Niemeyer, Russel, Slough, Wobser. Nays: Frische. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request for ~~two (2)~~ **twelve (12)** parcels totaling ~~138.018~~ **57.691** acres on County Road ~~220 99~~ that are ~~both~~ situated in Allen Township, County of Hancock, State of Ohio that are currently in the process of being annexed into the City of Findlay, Ohio limits. All the parcels are to be given ~~to be zoned as~~ **I-1 Light Industrial zoning**, except for parcel # 020001030280 and the eastern 1.351 acres of parcel #020001030251. *note: edits reflect revised information provided to the CITY PLANNING COMMISSION after the County Commissioners heard the case.*

We recommend approval as requested and per reference to the attached map.

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

Discussion:

Councilwoman Frische asked if the acreage changed from 138 to 57 acres. Council Clerk DeVore replied that is correct.

Councilman Russel noted that the original request was for the 138.018 acres and then the County Commissioners came back and only approved the 57.691 acres that Council is giving the initial zoning to, which is rare to change what is requested. The changes they made are the changes that Council Clerk DeVore referred to here and is why the numbers are less than what was originally requested from the County Commissioners. Councilwoman Frische asked what was taken out and why they didn't want it all annexed. Councilman Russel replied that they took out the northern half that went above a road up there that snaked its way above. The Township Trustees and the County Commissioners were concerned that the farther north (which is no longer on the attached map), was on the original request and is owned by the same person that tried to have it all brought in at one time, but the County Commissioners said no. Mayor Muryn added that the map is accurate.

Councilman Hellmann asked if a representative from Van Horn, Hoover & Associates, Inc. could provide better maps to Council to more definitively explain what is being done. He is somewhat familiar with it because of the economic development position he had at the Alliance, but that it is still confusing to him, especially if he were a novice looking at it. Councilman Russel replied that during that committee meeting, there was a lot of conversation about that specific map. HRPC Director Cordonnier and HRPC Planner Mercer came to the meeting and went through this map specifically explaining the different parts of it. It is not easy to do when reading it which is why the committee report included that map that Cordonnier and Mercer provided to better explain it with pictures. All were in favor. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Commander David Rhodes of VFW Post 5645 to rezone 315 Walnut Street from R3 Small Lot Residential to C1 Local Commercial.

We recommend approval as requested.

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Dan Stone, Van Horn, Hoover & Associates, Inc. on behalf of Nipper Industrial Holdings, LLC to rezone 1700 Fostoria Avenue from C-2 Commercial to I-1 Light Industrial.

We recommend to table the request.

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

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 021-2023 (*bulk trash and tire drop off event*) **requires three (3) readings** **second reading**

A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

Second reading of the Resolution.

RESOLUTION NO. 023-2023 (*transfer funds from SSD budget to Law Director budget*) **requires three (3) readings** **first reading**

A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

First reading of the Resolution.

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. 2023-071 (*Downtown Recreation Area – design & engineering*) **requires three (3) readings** **tabled after third reading on 8/15/23**

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT WITH STRAND & ASSOCIATES, INC. TO PROVIDE DESIGN AND ENGINEERING SERVICES OF THE DOWNTOWN RECREATION AREA PHASE II BENCHING OF THE BLANCHARD RIVER, PROJECT NO. 31913700, APPROPRIATING FUNDS, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2023-076 (*OPWC grant application – Morriscal Blvd waterline replacement*) **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 APPLY FOR AND EXECUTE THE NECESSARY GRANT APPLICATION(S) AND AGREEMENT(S) TO RECEIVE GRANT FUNDS FROM THE OHIO PUBLIC WORKS COMMISSION FOR A REPLACEMENT WATERLINE ON MORRISCAL BOULEVARD FROM I-75 TO BLISS AVENUE, AND DECLARING AN EMERGENCY.

Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Bauman, Frische, Greeno, Hellmann, Niemeyer, Russel, Slough, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-076 and is hereby made a part of the record.

ORDINANCE NO. 2023-081, AS AMENDED (*farmland lease*) **requires three (3) readings** **third reading - adopted**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A LEASE AGREEMENT(S) TO FARM APPROXIMATELY ONE HUNDRED EIGHTY-ONE (181) ACRES IN THE VICINITY OF THE AIRPORT, APPROXIMATELY SIXTY-FOUR (64) ACRES IN THE VICINITY OF THE RESERVOIRS, ALL OWNED BY THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel moved to amend the Ordinance as requested by Service-Safety Director Martin via his letter and is included in tonight's packet, seconded by Councilman Bauman:

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A LEASE AGREEMENT(S) TO FARM APPROXIMATELY ONE HUNDRED EIGHTY-ONE (181) ACRES IN THE VICINITY OF THE AIRPORT, APPROXIMATELY SIXTY-FOUR (64) ACRES IN THE VICINITY OF THE RESERVOIRS, **AND APPROXIMATELY TWENTY-THREE (23) ACRES AT THE CARLIN STREET LOCATION**, ALL OWNED BY THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY. Added verbiage in noted in **red** above.

Discussion:

Councilwoman Frische pointed out that earlier when Councilman Bauman mentioned adding this in and that discussions of the other potential project are not being stopped, it was mentioned that all the parcels are three (3) year farmland leases and that there is language to get out of the three (3) year contract, but she does not see that language. Service-Safety Director Martin replied that these typically are three (3) year leases, but when this goes out to bid when arrangements are made with the farmer, that clause will be in the agreement, specifically to Carlin. Councilwoman Frische asked if that should be published when going out to bid.

Service-Safety Director Martin replied it would be part of that discussion. Councilwoman Frische asked if the clause to get out of the three (3) year contract language should be in the ordinance. Law Director Rasmussen replied no. The language has not been in the Ordinance for years. Councilwoman Frische replied that the legislation and contracts for this is not usually amended, so stating three (3) years is usually how long they are, and asked if the Carlin property that was added is also for three (3) years. Service-Safety Director Martin replied that he does not know. It is based on what decisions are made by the committee of an informed decision for Carlin.

City Auditor Staschiak added that this gives the Service-Safety Director permission to enter into this for a period of three (3) years, but does not specifically state that he has the option of opting out for a lesser amount. If this is passed, it is for a three (3) year agreement for all of the parcels which is the way the City Auditor's Office would view it. Mayor Muryn replied that the Administration will ensure that based off of this, it can be for three (3) years and will have an out clause to provide notice in the language of the advertisement. It will be bid for three (3) years and will be able to address it to ensure it meets all appropriate guidelines and conforms to the ordinance.

Councilman Russel asked if this amendment was drawn up by the Law Director, his department, or his assignees. He asked if that is where City Ordinances come from. He asked if they draw them up and review them for the legalities of them. He assumes if they are in front of Council as an amendment that the Law Director has opined that this will do what we want, or if legislation just gets created and that the Law Director never sees them. Law Director Rasmussen replied that yes he creates them, yes he sees them, and yes the City follows them. Councilwoman Frische loves that Law Director Rasmussen stated that the City follows them. The Ordinance states what Mayor Muryn can/cannot do. It states she can do a three (3) agreement, but does not state that after only one (1) year into the agreement, that she can then go ahead and develop the property. If Law Director Rasmussen is telling her that he is one hundred percent (100%) sure, then she is fine with this which is all she asked for in the beginning. She asked that since he has opined as the Law Director, he is one hundred percent (100%) sure. Law Director Rasmussen replied that he is unsure what Councilwoman Frische wants him to opine about. Someone has already walked out because he is not in his firm, and asked Councilwoman Frische to not mention that.

Councilman Russel moved to add-on to Councilman Wobser's amendment to give the Administration the ability to put in a one-year out clause on any properties that they see fit, seconded by Councilman Bauman.

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A LEASE AGREEMENT(S) TO FARM APPROXIMATELY ONE HUNDRED EIGHTY-ONE (181) ACRES IN THE VICINITY OF THE AIRPORT, APPROXIMATELY SIXTY-FOUR (64) ACRES IN THE VICINITY OF THE RESERVOIRS, AND APPROXIMATELY TWENTY-THREE (23) ACRES AT THE CARLIN STREET LOCATION, ALL OWNED BY THE CITY OF FINDLAY, OHIO, WITH ANNUAL OPT-OUT PROVISIONS, AND DECLARING AN EMERGENCY. Added verbiage in noted in red above.

Discussion:

Councilman Russel asked if he needs to give approval to Councilman Wobser's amendment. He asked if Council is now voting on Councilman Wobser's change to his amendment or if he can just agree to it and then Council votes on the whole thing as one. He asked what Council is voting on. He had made a motion to amend Ordinance No. 2023-081, and then Councilman Wobser made a motion and was seconded by Councilman Bauman to amend Councilman Russel's amendment. President of Council Harrington replied that Councilman Russel's amendment that he made, can add this language to that amendment and does not have to be voted on twice. Councilman Russel asked if he can do so by stating that he accepts the amendment and is seconded by the same Councilmember who seconded the first motion to amend it. President of Council Harrington replied that is correct. Councilman Russel stated that he will accept Councilman Wobser's amendment, seconded by Councilman Bauman (he also seconded the first motion to amend it).

Motion to amend to add the Carlin property and to add the opt-out verbiage requested by Councilman Wobser:

Nays: Frische. Ayes: Greeno, Hellmann, Niemeyer, Russel, Slough, Wobser, Bauman. Councilman Russel moved to adopt Ordinance No. 2023-081 AS AMENDED, seconded by Councilman Greeno. Ayes: Greeno, Hellmann, Niemeyer, Russel, Slough, Wobser, Bauman. Nays: Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-081 and is hereby made a part of the record.

ORDINANCE NO. 2023-082 (*PUCO Hazmat training grant award*) requires three (3) readings

third reading - adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Hellmann, Niemeyer, Russel, Slough, Wobser, Bauman, Frische, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-082 and is hereby made a part of the record.

ORDINANCE NO. 2023-084 (*200 W Lincoln St rezone*) requires three (3) readings

second reading

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 200 WEST LINCOLN STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R-3 SMALL LOT RESIDENTIAL" TO "C-3 DOWNTOWN COMMERCIAL".

Second reading of the Ordinance.

ORDINANCE NO. 2023-087 (*jake braking and noise pollution*) requires three (3) readings

second reading

AN ORDINANCE DECLARING THE PRACTICE OF ENGINE BRAKING, OTHERWISE KNOWN AS "JAKE BRAKING", TO BE PROHIBITED WITHIN THE CORPORATE LIMITS OF THE CITY OF FINDLAY, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel asked if the TRAFFIC COMMISSION discussed this on Monday, and if so, if they come to a conclusion, provided a suggestion or a recommendation. Service-Safety Director Martin replied that the TRAFFIC COMMISSION did in fact meet on this and had a discussion around it. The minutes will be in the next Council meeting packet. The recommendation was to move forward with utilizing the engine brake or jake brake process in and around the City. City Engineer Kalb will be following the National Traffic Standards with an evaluation of where those signs should be for Council to move forward per the recommendation of the TRAFFIC COMMISSION meeting minutes that are to be in the next City Council meeting packet. Councilman Russel asked if ODOT gets involved for I-75 or if this applies to I-75. City Engineer Kalb replied that it does not apply to I-75, but that State Route 224 and State Route 12 run within Findlay's municipality. They fall within the City's jurisdiction, so they follow the City's rules. If the City implements this jake brake law, then ODOT would also honor it. The City would have to install and maintain signage. ODOT has the same agreements for County and Townships. As long as Counties and Townships have legislation to adopt the jake brake law, then ODOT will also abide by it. Councilman Russel asked about the exit ramps of State Route 15 at Western Avenue as it is a location that semi-truck drivers might be possibly jake brake. He asked if signage would be placed in that area. City Engineer Kalb replied that the City will consult with ODOT as Findlay is not the first town to do this. Where signs have to be placed is through the Ohio Manual Uniform Traffic Control Devices, but will still consult with ODOT as they will also have to know that.

Councilman Wobser asked City Engineer Kalb to include costs for signage and anything else that might be involved with this. City Engineer Kalb replied he will do so. The City has a sign shop where those signs can be made in-house. There will still be a cost, but is a benefit of the City having that sign shop.

Councilwoman Frische pointed out that jake braking happens when semis have to stop quickly that are carrying large heavy loads. She'd prefer that happen in order to keep everyone else safe. This is similar to the 25mph on Tiffin Avenue coming off of Main Street (aka Center). Mayor Muryn noted that the Ordinance specifically addresses that people will not be ticked for using jake brake in emergency situations.

Councilman Niemeyer asked if this Ordinance was originally for noise or a stipulation about Cruise Night, etc. Mayor Muryn replied no, the Ordinance specifically is just referencing jake braking. Her letter mentioned noise pollution and some of the concerns heard from residents on various parts of the community, and noise pollution as an item that the City is trying to pay attention to recognizing that there have been events. There is no intention of getting rid of events such as Cruise Night and is an opportunity to try to work with informal organizers to try to decrease some of the noise because it is being disruptive to some of the neighborhoods and downtown businesses. The City wants everyone to be able to come down and have a great time, but also need to be considerate of everyone involved.

Councilman Russel noted that as a resident on South Main Street, he echoed what Councilman Greeno mentioned at the last City Council meeting that the drivers and participants of Cruise Night are very respectful. The event ends at a reasonable hour between 9:00pm-10:00pm. Even though a stray car cannot always be stopped, he and his wife find those events wonderful to watch. There is nothing in this Ordinance that is looking to do anything, that would affect Cruise Nights in any manner or the ability to have participation in them.

Councilwoman Frische would be more interested in addressing the properties out on the south end of town that back into I-75. Western Avenue originally tried working with ODOT to put up noise wall barriers, but that didn't happen. After a couple of years, there is still concern about noise from I-75, so it would be better suited addressing something like that than trying to police who jake brakes and who doesn't, and if it is warranted. Noise barrier walls could definitely help property owners out in the south end. Mayor Muryn replied that the City has been in communication with a couple of the neighbors in that area. Back in 2016 when that work was being done, the neighborhood did a formal petition through ODOT that was circulated, but voted down. The City has been in touch with some of that neighborhood, but that the cost for sound walls is significant, and there are a number of residents that do not want them because of them impeding their view, and have talked about possibly planting some trees, especially near the school. The school has reached out to the City letting us know that they are looking into alternative methods that would not be as intrusive as a noise wall, but would provide some sound buffers. Both the walls and trees can be done.

Councilman Niemeyer pointed out that Council just received the letter, but that the Ordinance was created last meeting and asked if this would be the first reading and not the second reading. Mayor Muryn replied that the letter and Ordinance were both provided at the last City Council meeting with the Ordinance given its first reading with Council requesting it also be referred to the TRAFFIC COMMISSION, so tonight is its second reading.

Second reading of the Ordinance.

ORDINANCE NO. 2023-088 (DFID MOU) requires three (3) readings

second reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2023-089 (solar eclipse event) requires three (3) readings

second reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2023-090 (Cemetery sanitary sewer) 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 CONTRACTS FOR THE INSTALLATION OF A SEPARATE SANITARY LINE TO ALLOW FOR A DEDICATED SANITARY AND STORM SEWER FOR THE CITY OF FINDLAY'S MAPLE GROVE CEMETERY BUILDING, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Greeno asked if this is something that the City would like to get done before winter. City Engineer Kalb replied that is correct.

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

Discussion:

Councilman Hellmann asked if there is a way to do a dye test or something to see if there is a storm water leak before digging this up. City Engineer Kalb replied that it was suspected, but that through flow monitoring efforts, they were able to confirm that there are clear connections of storm water into the sanitary since this was written. Dye testing has been done on this to ensure the storm water is in the sanitary.

Councilman Russel moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Russel, Slough, Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-090 and is hereby made a part of the record.

ORDINANCE NO. 2023-091 (*Laurel Lane waterline replacement*) **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 CONTRACTS WITH HELMS & SONS EXCAVATING, INC. FOR A REPLACEMENT WATERLINE ON LAUREL LANE, APPROPRIATING FUNDS THERETO, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2023-096 (*WTP CO₂ Tanks Replacement*) **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 CONTRACTS WITH KIRK BROTHERS CONSTRUCTION, INC. FOR THE REPLACEMENT OF CO₂ TANKS AT THE CITY OF FINDLAY WATER TREATMENT PLANT, PROJECT NO. 35790800, APPROPRIATING FUNDS THERETO, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Greeno asked if this is something that needs to move forward tonight. City Engineer Kalb replied that one of the big aspects of this is long lead times on the materials for it. The sooner the money can be approved for this, the sooner the materials can be obtained.

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

Second reading of the Ordinance.

ORDINANCE NO. 2023-097 (*salary ordinance*) **requires three (3) readings** **first reading**

AN ORDINANCE ESTABLISHING JOB CLASSIFICATIONS, PAY RANGES, SALARY SCHEDULES AND OTHER MATTERS THAT MAY AFFECT PAY, FOR ALL NON-ELECTED OFFICERS AND EMPLOYEES OF THE CITY OF FINDLAY, OHIO, AND REPEALING ORDINANCE NO. 2022-081, ORDINANCE NO. 2022-012, ORDINANCE NO. 2023-036 AND ALL OTHER ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2023-098 (*2023 street preventative maintenance*) **requires three (3) readings** **first reading - adopted**

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel noted that per conversations with City Engineer Kalb, this needs to be passed tonight so that the City can continue with street maintenance with the add-on streets and additional alleys.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Slough. Ayes: Bauman, Greeno, Hellmann, Niemeyer, Russel, Slough, Wobser. Nays: Frische. The Ordinance received its second and third readings. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Frische, Greeno, Hellmann, Niemeyer, Russel, Slough, Wobser, Bauman. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-098 and is hereby made a part of the record.

UNFINISHED BUSINESS:

OLD BUSINESS:

Councilwoman Frische asked if the site location for the Sheetz is on County Road 99. Mayor Muryn replied it is on County Road 212 east of Lowe's Distribution Center, just south of Township Road 99 and just north of County Road 12. It has been inaccurately reported.

NEW BUSINESS:

City Auditor Staschiak thanked Councilmembers who attended tonight's pre-budget meeting. It is important to continue to have those meetings. There were great discussion. He appreciated the engagement.

City Auditor Staschiak noted that in the last two (2) weeks, he has been getting a number of citizens telling him that their calls are not getting returned by Councilmembers that they are contacting. It is not a single Councilmember not returning calls and is more than one. City Auditor Staschiak reached out to one himself a couple of days ago and did not receive a return call which has been the practice from that individual. He wanted to make Councilmembers aware of it and to double-check with the Clerk that correct numbers are given out as some Councilmembers have a second phone for their business. Citizens are frustrated with six (6) different individuals that started with the McManness issue and are individuals he would not have expected to not get a return call from.

Mayor Muryn noted that with the change in temperature, there has been some odor in Findlay water in different places around town. The team has already adjusted for that. There are no issues with the water and it is expected to go away in the next day or two as more carbons to filter that out are being added. It is that time of year when it gets cold at night and hot during the day when the water turns over and are getting some taste and odor issues.

Mayor Muryn will be sending out some communication related to the annexation process. While having individual conversations with property owners, it ended up with nine (9) City parcels that the City owns that will be annexed in that are random throughout the City. There are also nine (9) individual property owners that are wanting to annex who have signed a petition. The City is not seeing any big groups that want to be annexed in. There are a few that are 2-sides adjacent to the City that want to come in, and there is one (1) condo association that is a larger footprint that they have agreed to. All of the property owners that have been annexed have had individual letters and conversations and will move forward with an update to CITY PLANNING COMMISSION and the PLANNING & ZONING COMMITTEE that will go through the details and will start on the surveying process and actual annexation process. She will provide more detailed information to Council.

Mayor Muryn gave a shout out to Findlay City Schools. The State report card gave the Findlay City School District 4.5 out of 5 stars which is one of their highest ratings ever. It is great to see the work that has been done in the school district that is an instrumental part of the community that City Governmental Officials do not have direct control over, but is extremely important to the community's success. She thanked the workers at the schools, teachers, staff, and the investment that the School Board and the Administration have been making there. It is great to continue to see them be successful.

Mayor Muryn noted that the Administration has been receiving questions and complaints about sidewalks. She reminded Council that it is the property owner's responsibility to maintain their sidewalk, but will try to work with them. If a complaint from a citizen about a neighbor's sidewalk comes in, the City will reach out to them and work with them to put a plan together to get it remediated or made safer. If Councilmembers receive questions or complaints about sidewalks to direct them to contact the Mayor's Office.

Councilman Wobser: **STRATEGIC PLANNING COMMITTEE** meeting on Tuesday, October 3, 2023 at 5:00pm in the third floor conference room of the Municipal Building (CR1).

Councilman Wobser: **APPROPRIATIONS COMMITTEE** meeting on Tuesday, September 26, 2023 at 4:00pm in the third floor conference room of the Municipal Building (CR1).

agenda: salary ordinance 2023-097

Councilman Bauman moved to adjourn City Council at 7:56pm, seconded by Councilman Russel. All were in favor. Filed.

CLERK OF COUNCIL

COUNCIL PRESIDENT