

FINDLAY CITY COUNCIL MEETING

REGULAR SESSION

NOVEMBER 8, 2023

COUNCIL CHAMBERS

ROLL CALL of 2022-2023 Councilmembers:

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

ABSENT: none

President of Council Pro-Tem Russel pointed out that there were two (2) public hearings scheduled prior to tonight's Regular Session City Council meeting that have been moved to December 19, 2023 due to some miscommunications and public hearing notice concerns. Those two (2) public hearings will be held before the December 19, 2023 Regular Session City Council meeting.

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

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

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

Councilman Slough moved to accept the October 17, 2023 Regular Session City Council meeting minutes, seconded by Councilman Greeno. All were in favor. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

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

ADD-ONS:

1. Email from Kelsi – Grand Avenue safety concerns (*WRITTEN COMMUNICATIONS section*)
2. Letter from Income Tax Administrator Price – additional funds request (*REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS section*)

PROCLAMATIONS: none

RECOGNITION/RETIREMENT RESOLUTIONS: none

PETITIONS:

Zoning amendment request –0 Keith Parkway (parcel no. 570001019010)

Philip Rooney with Rooney & Ranzau, Ltd. on behalf of Strauch III, Ltd. would like to change the zoning of 0 Keith Parkway (parcel no. 570001019010) to M-2 Multi-Family High Density. It is currently zoned C-2 General Commercial. [Referred to City Planning Commission and Planning & Zoning Committee.](#) Filed.

ORAL COMMUNICATIONS:

Haydee Sadler – smart 15 minute city/water regionalization

Ms. Sadler resides at 220 Defiance Avenue. She ran for the City of Findlay Mayor earlier this year. She has a Facebook page where she writes about the City and things going on that this paper doesn't cover or other news regarding Findlay. While Findlay prides itself in being a top micropolitan city, it has not taken into account the dangers it has put its residents in while building this smart 15-minute communist city. Ms. Sadler has been doing research on the frequency combination of the smart water meters, the 5G radio frequency with the infrastructure the City is putting in through MetroNet and that the electromagnetic is causing dirty electricity from the new digitized power station on County Road 95. It causes many health problems such as the body frequencies a human body is able to take prior to it causing health problems such as cancer. She personally knows a half dozen individuals suffering from vertigo at this time that she believes is a side effect of all the infrastructure that the City is building and brags about. The sustainable development plan Findlay is currently following is not safe for the City of Findlay (health of the City of Findlay). In looking at the world economic forum, all the plans, the 2030 agenda and how it trickles down into our local community that are following that plan is dangerous for our City. She does not believe people realize how dangerous it is. The ordinance being passed declares a state of emergency involving nearly all low to moderate income housing, so everyone needs to look into exactly what that means. The City of Findlay, it is a sanctuary city with unaddressed illegal immigrants living here in the City of Findlay that is not talked about and the low to moderate income housing that includes housing for them paid with government funds which happen to be taxpayer dollars that Findlay citizens have no say about because our local government is making all those decisions. Our local government is eating up taxpayer dollars like kids in a candy store. Most that are living off the government are called welfare recipients, therefore, she calls the City of Findlay a welfare city, a sanctuary city, and a not-good-for-your-health city. She is trying to get statistics out and has started a podcast to talk about these types of things. She will break down the statistics, health problems associated with this, and what it all means to the City of Findlay. She feels responsible to let citizens know that they are living in a city that is in a little bubble and is no longer a safe little charming city bubble. Filed.

Renee Leguire - ordinances

Ms. Leguire lives on Larkins Street. She is here tonight to address City Council and the Administration on how much they love studies (safety studies, flood studies, river studies, traffic studies, and environmental studies). Paying outside companies to perform studies is a regular event at City Council. Almost every month, the City is paying for a study either before or after a project. She asked about having a study of the Zoning Ordinance changes and suggested they table them and hire a Constitutional Law Attorney to review the City's Zoning Ordinance changes. She is requesting her City Councilmember Jim Slough, Council-At-Large Randy Greeno, Grant Russel and Jeff Wobser table the zoning legislation until a study is performed of the entire Zoning Code to get outside counsel advice before continuing. She asked how much the City settled with George Martens and asked if it was a dispute regarding a zoning ordinance. She asked Council if they have considered hiring outside counsel to advise against unconstitutional zoning ordinances. She asked how much in attorney fees the City is paying to defend the City's zoning ordinances in Federal Court. She asked how much it would cost to have a review of the City of Findlay code to get rid of all the unconstitutional ordinances. She asked Council if they want to continue to be liable against lawsuits. She asked if Council wants to continue to violate the rights of Findlay citizens. She asked Council to please proceed cautiously and get advice from a Constitutional Attorney before proceeding with unconstitutional ordinances. Filed.

WRITTEN COMMUNICATIONS:

Email from Kelsi – Grand Avenue safety concerns

Discussion:

Councilwoman Frische asked if this is part of the bike path and moving traffic flow using it as a cut through. She asked if the City has looked at this or is planning on it. City Engineer Kalb replied that he cannot say if this is because of the bike trail project. Grand Avenue is on this side of Blanchard Street, so he does not think it would have an impact on it, but that there are businesses there. It is a one-way alley that is coming to Sandusky Street which is a main road out of Findlay, so motorists could be using it as a cut through. Service-Safety Director Martin has talked with Police Chief Mathias to ramp up patrol in that area to ensure that presence is felt within that area. It is a public roadway, a public alley, so the City cannot shut it down. The main thing the City can do is to ensure that laws are being abided to in that area. Filed.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Board of Zoning Appeals minutes –September 14, 2023. Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for TMI Property Management LLC dba Hampton Inn Findlay, 921 Interstate Drive, Findlay, Ohio for D5A liquor permits. This requires a vote of Council.

James H. Mathias, Chief of Police – TMI Property Management LLC dba Hampton Inn Findlay, 921 Interstate Drive, Findlay, Ohio. A check of the records shows no criminal record on the following:

Mark M. Chloupek, Andrew E. Leavitt, Robert P. Smith, Karen L. Kovach

Councilman Wobser moved for no objections be filed, seconded by Councilman Palmer. All were in favor. Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for MMG Findlay LLC, located at 1831 Fostoria Avenue, Findlay, Ohio for a C1 liquor permit. This requires a vote of Council.

James H. Mathias, Chief of Police – MMG Findlay LLC, located at 1831 Fostoria Avenue, Findlay, Ohio. A check of the records shows no current criminal record on the following:

Manpreet Singh

Councilman Wobser moved for no objections be filed, seconded by Councilman Bauman. All were in favor. Filed.

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

Fifth Ward Councilman Bauman – City of Findlay Shade Tree Commission Ordinance

The City of Findlay Shade Tree Commission's (FSTC) ordinance was last updated on May 17, 2016 via Ordinance No. 2016-040. In conjunction with the Public Works Department, Councilman Bauman is recommending the changes outlined below as approved by the FSTC:

- Reduce the number of members of the FSTC from eleven (11) to ten (10).
- Eliminate the City Forester position. (Salary Ordinance).
- The position of City Forester has been replaced with "designee" of the Service-Safety Director and Public Works Department.
- Replace "Service Director" with Service-Safety Director.
- Add definition for the Zoning Department.
- 913.05 Section C, #1 is amended to provide a more workable definition for the Public Works Department.
- The City of Findlay may subsidize the purchase of a tree for planting on private property in an area not to exceed twenty feet (20') from the back edge of the sidewalk of right-of-way line.
- Zoning Department may refer developers/builders of new residential developments to the FSTC ordinance to ensure plans for proposed landscaping or tree plantings within the right-of-way comply with 913.05, Section J.

- No public tree shall be planted closer than five feet (5'), previously four feet (4') from underground utilities which include gas, electric and sewer lines.
- Public trees may be planted over underground water lines. Water lines are typically placed about four feet (4') below the surface and will not be impacted.
- No public tree may be planted closer than twenty-five feet (25'), previously ten feet (10') from curb cuts (driveways or crosswalks) and street signs.

Ordinance No. 2023-120 was created.

Discussion:

Councilwoman Frische asked who the second member of Council is that recommended this legislation. Councilman Bauman replied that he was not aware that a second was needed in this instance because it is not a recommendation from him (as a Councilmember). It is the Shade Tree Commission bringing the legislation forward. He was not aware that there is a requirement for two (2) members of Council to request legislation. Councilwoman Frische replied that two (2) members of Council have to give a recommendation for legislation. Councilman Bauman replied that he is presenting the request to revise legislation because he is the Chair of the Shade Tree Commission, so this is from the Shade Tree Commission who is recommending the language changes. President of Council Pro-Tem Russel pointed out that per Council's Rules, if a Council Representative makes a recommendation for Council for legislation that would require two (2), but that the Commission is free to make that recommendation to Council. Councilwoman Frische asked if it should have been a letter to Council and not legislation and then Council could have made a request with two (2) members of Council to request that legislation in order to follow the rules. Mayor Muryn replied that Council can review this process, however, the Commission did recommend changes. The best way to proceed at this point would be for a Councilmember to make a second to Councilman Bauman's request for legislation to address the Shade Tree Ordinance. President Pro-Tem Russel clarified that Council would first need a motion from someone on Council.

Councilman Bauman moved that the changes be accepted and move forward with the legislation as outlined, seconded by Councilman Slough.

Councilwoman Frische pointed that in order to follow process, the ordinance should not be included this evening and that this request would just be considered a letter from the Shade Tree Commission for Council to review. Now that there are two (2) members of Council in favor of the legislation, it can be on the agenda for its first reading at the next Council meeting. Acting Law Director Feighner replied that the Commission is making the recommendation for the Ordinance, so he is on the fence whether or not there needs to be a second. His recommendation is if it is put into business today, there can be three (3) readings, there can be discussion, it can be tabled to keep things moving forward, but cannot come from a separate sole Councilmember.

Councilwoman Frische noted that if a committee has a recommendation, a letter comes to Council. If Council accepts the letter, then legislation follows as a request from Council.

Councilman Wobser pointed out that there are still enough City Council meetings left this year to get this through prior to the end of the year. Even if Council tabled it, it would still have the required three (3) readings: one in November and two in December allowing for the final vote before the end of the year, so legislation on this would not die with this Council. Even if Council forgoes the first reading this time, it still can be passed before the end of the year.

President of Council Pro-Tem Russel clarified that there is a motion and a second on the table. Councilman Bauman and Councilman Slough can remove their motion to accept the changes and move forward.

Councilman Bauman moved to withdraw his previous motion, seconded by Slough.

Councilman Wobser suggested Council table this legislation during the LEGISLATION section of tonight's meeting and untable it during the next City Council meeting on 11/21/23 and go forward from there. President Pro-Tem Russel replied that the alternative would be to remove it from the agenda. Councilman Wobser agreed stating that it needs to show back up on the agenda for the November 21, 2023 Regular Session City Council meeting. President of Council Pro-Tem Russel noted that it was suggested that it would be best to remove it from the agenda, but will need a motion to do so.

Councilwoman Frische moved to remove Ordinance No. 2023-120 from tonight's agenda and start fresh with new legislation at the November 21, 2023 City Council meeting, seconded by Councilman Wobser. All were in favor.

Councilman Niemeyer asked if this is just a committee report. President of Council Pro-Tem Russel replied that this letter is serving as a committee report, a committee recommendation, but because Council did not have the opportunity to accept the letter as a recommendation, the argument is being made that Council should not be in legislation today. Discussion has been made and now there is a motion to remove the corresponding legislation from the agenda, and having that legislation put on the agenda for the November 21, 2023 Regular Session City Council meeting. Councilman Niemeyer agreed. President of Council Pro-Tem Russel recalled the question stating that there is a motion to remove the agenda item (Ordinance No. 2023-120) and a second to that motion. All were in favor.

Councilman Wobser asked if Council needs to accept the report from the Commission like any other committee report, or if it just goes through since it is a Commission. He asked for the difference between a recommendation from the Commission and from a Committee. President of Council Pro-Tem Russel replied that he quickly looked through Council's Rules of Procedure but that it does not specifically address legislation that is proposed by a Commission. It is something the Ad-Hoc Committee will look into when addressing Council's Rules of Procedures for the 2024-2025 City Council term. The letter is in essence a recommendation from Councilman Bauman on behalf of the Commission and informed Council that if they want to accept the letter as the Commission's recommendation and then have the legislation placed on the agenda for the November 21, 2023 Regular Session City Council meeting, it can be done by a motion and a second and then a vote of Council. Councilman Wobser replied that he does not want to have any more procedural hiccups on this.

Council as a whole moved to accept the Shade Tree Commission's recommendation via this letter. All were in favor. The Shade Tree Commission letter of recommended changes to the Shade Tree Ordinance is accepted. Filed.

City Engineer Kalb – HAN I-75 CR 99 DDI Interchange (PID102375) Project No. 32811100 City’s share for construction

The Ohio Department of Transportation (ODOT) will be constructing a Diverging Diamond Interchange (DDI) for Instate 75 and County Road 99, due to the increased traffic volume and decrease in level of service. This project has been in discussions for a number of years and the City of Findlay, along with the County, have been working with ODOT to improve this key gateway to the community. As discussed during the September 5, 2023 City Council meeting, the City previously committed four hundred twenty thousand dollars (\$420,000) towards the design of the DDI and an additional one million dollars (\$1,000,000) towards the construction. This one million dollar (\$1,000,000) commitment has been planned and accounted for over the past couple of years and can be seen in the Capital Improvement Plan. An additional one million dollars (\$1,000,000) is requested to be appropriated to this project as the City’s share to the construction of the DDI. The project is scheduled to be sent out to bid in January 2024 and construction is expected to start in spring of 2024. Additional information will be provided to Council once a contractor is selected and the project schedule date is set. Legislation to appropriate and transfer funds is requested. Ordinance No. 2023-121 was created.

FROM: CIT Fund – Capital Improvement Restricted Account \$ 1,000,000.00
TO: HAN-I75 CR99 DDI Interchange (PID 102375), Project No. 32811100 \$ 1,000,000.00

Discussion:

Councilman Russel asked if the approximate time for this to be out to bid is in January and if so, if there is a need to have the legislation passed yet tonight. City Engineer Kalb replied that there is no emergency to pass it. It is just the City’s share of the project. Funds need to be to the State by the end of the year, so there is time for this to go through the three (3) readings. Filed.

City Engineer Kalb – HAN Interstate and FHS Trail PID 115232 (32821400) third party acquisition

During the October 3, 2023 City Council meeting, it was mentioned that this project is for an extension of a ten foot (10’) multi-use trail along Howard Street and Broad Avenue. The City of Findlay Engineering Department is currently working with a consultant on the design of the trail and through the design process where it was determined that additional right-of-way will need to be developed per the Ohio Department Of Transportation’s (ODOT) manual. Due to some of the existing grades along the proposed path, temporary easements are needed for construction. A full set of right-of-way plans are required for any temporary easements (or right-or-way takes) and a pre-qualified acquisition consultant will perform any negotiations since this is an ODOT funded project. Funds have previously been appropriated for the design of the multiuse path and for the development of the right-of-way plans. Additional funds are requested to team up with an acquisition consultant to perform the necessary negotiations that are needed for this project. Legislation to appropriate and transfer funds is requested. Ordinance No. 2023-122 was created.

FROM: CIT Fund – Capital Improvements Restricted Account \$ 26,000.00
TO: HAN-Interstate and FHS Trails PID115232, Project No. 32821400 \$ 26,000.00

Discussion:

Councilwoman Frische asked if that small section of property needs to be done because of the incline/steepness. City Engineer replied that this is for homeowner’s driveways. There is an offset of where the City has to be with the ADA and where homeowners existing driveway are coming in, so the City has to go back into their private property a little bit more. The City has to follow a whole different procedure since this is Federally funded. It is right in the middle of Howard Street and would be a big disruption in that path of six (6) driveways. Councilwoman Frische pointed out that it seems expensive. City Engineer Kalb replied that it is, but since they are Federal Highway Funds through the State, the City has to follow their guidelines on everything. Filed.

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

City Auditor Staschiak – City Income Tax Administration Fund

One of the primary roles of the City Auditor is to monitor receipts and appropriations throughout the year to ensure the City complies with State Budgetary Law. Year-to-date income tax receipts are coming in higher than expected and projected for 2023, primarily due to a large influx in business net profit tax receipts. This increase in revenue necessitates an appropriation of money within the City Income Tax Administration Fund to the General Fund. This appropriation will have the effect of increasing the transfer thereby increasing the projected General Fund year-end balance by the amount below which has no impact on CIT operations. Legislation to include the emergency clause to appropriate funds is requested. Ordinance No. 2023-123 was created.

FROM: City Income Tax Administrative Fund \$ 5,223,200.00
TO: City Income Tax Administration #27047000-other \$ 5,223,200.00

Filed.

Findlay Police Department Activities Report – October 2023. Filed.

City Planning Commission agenda – November 9, 2023; minutes – October 12, 2023; staff report – November 9, 2023. Filed.

Mayor Muryn – 2024 salary ordinance amendment

Mayor Muryn is requesting to amend SECTION 9: HOURLY JOB CLASSIFICATIONS AND PAY RANGES of the current salary ordinance (Ordinance No. 2023-097, AS AMENDED) to add pay ranges 0160 and 9160 back onto the salary ordinance for the job classifications of Assistant Recreation Supervisor and Assistant Utilities Billing Supervisor. This information was inadvertently deleted and should have remained as pay ranges for the aforementioned job classifications. Legislation to amend salary ordinance no. 2023-097, AS AMENDED as redlined in the proposed documents is requested. Ordinance No. 2023-124 was created.

Discussion:

Councilwoman Frische noted that the letter states to take pay range 0160 and 9160 back onto the salary ordinance and asked what it was before. She asked if it to move someone up or if someone is getting a different title. Mayor Muryn replied no, it was inadvertently left out in the edits that were previously adopted. Filed.

Mayor Muryn – Downtown Recreation Area Environmental Review

Mayor Muryn is providing an update on the status of the environmental review of the downtown recreation area footprint and a number of other surrounding properties which have been identified for transfer to the City of Findlay. As a reminder, a variety of environmental studies have been done on these properties over the years, and the City is aware of a number of RECs (reported environmental condition). These RECs will largely be addressed by the phase 2 benching work which is expected to begin next spring, but out of an abundance of caution a more thorough environmental review is in process. Following approval by Findlay City Council, myself and Auditor Staschiak, reviewed and selected Civil Environmental Consultants, Inc. to complete a Phase I and subsequent Phase II environmental studies of the identified area. As was expected, the Phase I reports identified parcels where additional study was recommended. Currently, the Phase II environmental studies are underway and are expected to be complete by the end of November/early December. She plans to share the Phase II reports as soon as they are received and have a committee meeting as needed to review in detail so that Council may take appropriate action by the end of the year. Please note that one of the invoices received from CEC for seventeen thousand nine hundred seventy-two and sixty-five cents (\$17,972.65) for their services will need Council to approve payment as the purchase order was not processed prior to the work beginning. The invoice will be paid out of the previously appropriated one hundred thousand dollars (\$100,000) via Resolution No. 016-2023 in project #31933000. The invoiced amounts, along with the remaining work, will be under the one hundred thousand dollar (\$100,000) funds appropriated.

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. City Auditor Staschiak thanked Council as a whole for tabling the legislation and allowing for this process to occur. The document that was provided to the City by the CEC, the environmental company out of Pittsburgh, has a couple comments that is relevant and worth Council's knowing because it is such a large topic in the community. The document states that based on CEC's review of environmental documents in the Stantec plan set, it is estimated that sixty-seven (67) soil borings will be installed and sampled. Soil borings depths range from four to twelve feet (4-12") based on the potential source of contamination, and the planned soil removal depths identified in the Stantec plan set. Chemicals of interest include volatile organic compounds, polynuclear aromatic hydrocarbons, and RCA metals. Then on the next page, it is relevant and incredibly significant for Council to know that it is based on current available information that the planned in-use for the project area is public green space, therefore, analytical results will be compared to Ohio VAPS commercial land use with high frequency child exposure use standards. It is significant. It is wonderful that this project took this pause and that it is moving forward and that Council appropriated the money. As the City's Fiscal Officer, he thanks Council. Filed.

Mayor Muryn – KPIs

Third quarter 2023 City of Findlay Key Performance Indicators (KPI) are now available at: <https://www.findlayohio.com/government/transparency-performance>. The attached KPI Dashboard shows a few key metrics. These KPIs are a critical tool used to measure service delivery and operational effectiveness. They show progress towards goals set for continuous improvement. The City of Findlay is proud of the work the City of Findlay team is doing to ensure targets are met. Filed.

Findlay Fire Department Activities Report - October 2023. Filed.

Income Tax Administrator Price - additional funds request

As part of collecting income taxes, the City Income Tax Department processes refund requests within 90 days, typically much quicker after receiving a request from taxpayers that have paid excess taxes for a particular year. At the Income Tax Board meeting held on August 7, 2019, the Board adopted a motion to end the process of allowing the waiver of estimated tax payments. The Income Tax Department is compliant with this motion and has not waived any estimated tax payments since this was passed. With remote work also continuing to be prevalent in the workforce, both of these factors have resulted in a higher amount of refunds being expended in the year 2023. Due to a number of larger business refund requests for tax year 2022 that have been recently received, the current funds are insufficient and an additional \$285,000 to the refunds subcode 448600 would allow the City Income Tax Department to process other requests that may come in prior to the end of the year. Additionally, the City Income Tax Department will increase their refund budget line item for 2024 and 2025 while continuing to learn how the change in the estimated tax process and work from home impacts refund requests. The Income Tax Board approved this request to be brought to City Council during their November 1, 2023 meeting.

Discussion:

City Auditor Staschiak pointed out that this is a zero sum item that was discussed in the Income Tax Board with regard to refunds. Refunds are due if the tax was due, if it's paid. If it is not due, it is not paid, or if it is paid in advance, it is returned. It has no impact on what Council would have gotten or what would be done. He had asked City Income Tax Administration Price during the Board meeting if this amount was enough because, even as the City's Fiscal Officer, he is very comfortable with Ms. Price's asking for as much money as she needs for refunds as there are times when he is cautious in his allocation of that money when it comes in and makes sure there is enough if he anticipates refunds that may be coming in that he is aware of. This is a good thing and not a problem at all. Filed.

COMMITTEE REPORTS:

A **WATER AND SEWER COMMITTEE** meeting was held on October 17, 2023 to discuss the Project Hat Trick (Sheetz) infrastructure.

We recommend stating that the intent of the WATER AND SEWER COMMITTEE is to endorse the construction of a 16" waterline on TR 99 from CR 212 to TR 99 and a 24-inch sanitary sewer from the existing sewer connection on the west of TR 99/CR 212 heading east on TR 99 to the intersection of TR 230.

Discussion:

City Auditor Staschiak suggested for posterity, that Council consider dropping the name Hat Trick when adopting the committee report and leaving it as the Sheetz project so that when looking at it in the history books, it shows that the City did not fund the project Hat Trick, but that decision is at Council's discretion.

President of Council Pro-Tem Russel informed Council that there has not been a motion to accept or not accept the committee report. Councilman Bauman moved to adopt the committee report, seconded by Councilman Palmer. All were in favor. Filed.

An **APPROPRIATIONS COMMITTEE** meeting was held on October 17, 2023 to discuss the Project Hat Trick (Sheetz) infrastructure.

We recommend that the City Administration get documents verifying that the property has transferred to the new owner; a document for easements for a future waterline on TR 99; and a document from Sheetz that states that they are moving forward.

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

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 024-2023 requires three (3) readings

third reading - adopted

(CR 230/212 aka Hat Trick aka Buchanan annexation aka Sheetz)

A RESOLUTION STATING WHAT SERVICES THE CITY OF FINDLAY, OHIO, WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF FINDLAY, OHIO, SITUATED IN ALLEN TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 32, T2N, R11E, A TRACT OF LAND CONSISTING OF 77.808 ACRES OF LAND, MORE OR LESS (HEREINAFTER REFERRED TO AS THE CR 230/212 (HAT TRICK AKA SHEETZ ANNEXATION)).

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

RESOLUTION NO. 026-2023 (Recreation Department All Star Park) requires three (3) readings

second reading

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

Second reading of the Resolution.

RESOLUTION NO. 028-2023 (no PO) requires one (1) reading

first reading - adopted

A RESOLUTION APPROVING THE EXPENDITURES MADE BY THE AUDITORS OFFICE ON THE ATTACHED LIST OF VOUCHERS WHICH EITHER EXCEED THE PURCHASE ORDER OR WERE INCURRED WITHOUT A PURCHASE ORDER EXCEEDING THE STATUTORY LIMIT OF THREE THOUSAND DOLLARS (\$3000.00) ALL IN ACCORDANCE WITH OHIO REVISED CODE 5705.41(D).

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

ORDINANCES:

ORDINANCE NO. 2023-043 (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. 2023-099 *(City employee retirement payouts)* **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: Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-099 and is hereby made a part of the record.

ORDINANCE NO. 2023-102 **requires three (3) readings**

third reading – tabled until 12/19/23 public hearing for Ordinance No. 2023-103

(CR 99 annexation – accept & approve)

AN ORDINANCE ACCEPTING AND APPROVING AN APPLICATION FOR ANNEXATION OF TERRITORY SITUATED IN THE TOWNSHIP OF ALLEN, COUNTY OF HANCOCK, STATE OF OHIO, CONSISTING OF TWELVE (12) PARCELS TOTALING 57.691 ACRES OF LAND, MORE OR LESS (HEREINAFTER REFERRED TO AS THE COUNTY ROAD 99 (RACETRAC) ANNEXATION).

Councilman Palmer moved to adopt the Ordinance, seconded by Councilman Niemeyer.

Discussion:

Councilwoman Frische asked if this needs to be tabled. Councilman Russel replied that this is not the zoning of it. It is to accept and approve what services the City will provide to the property.

Councilman Russel noted that Ordinance Nos. 2023-102, 2023-103, 2023-105, 2023-115 are going to be tabled tonight until the 12/19/23 public hearings. Ordinance Nos. 2023-102 and 2023-103 are on the same annexation, so if Council wants to table all four (4) of those, that would make sense. Three (3) of them are on their third reading and one is on its second reading. If all of them are tabled, then public notices could be done allowing for their appropriate readings at the appropriate time.

Councilman Wobser moved to table Ordinances 2023-102, 2023-103, 2023-105, and 2023-115, seconded by Councilman Slough. Ayes: Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Frische, Greeno. *The Ordinance is tabled.*

ORDINANCE NO. 2023-103 *(CR 99 annexation zoning)* **requires three (3) readings**

third reading – tabled until 12/19/23 public hearing

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO KNOWN AS THE ZONING CODE BY ZONING THE FOLLOWING DESCRIBED PROPERTY AS BOTH I-1 LIGHT INDUSTRIAL AND C-2 GENERAL COMMERCIAL AS OUTLINED BELOW. SAID ANNEXATION OF TERRITORY SITUATED IN THE TOWNSHIP OF ALLEN, COUNTY OF HANCOCK, STATE OF OHIO, CONSISTS OF TWELVE (12) PARCELS TOTALING 57.691 ACRES (HEREINAFTER REFERRED TO AS THE COUNTY ROAD 99 (RACETRAC) ANNEXATION).

See motion to table via Ordinance No. 2023-102. The Ordinance is tabled.

ORDINANCE NO. 2023-105 *(315 Walnut St rezone)* **requires three (3) readings**

third reading – tabled until 12/19/23 public hearing

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 WALNUT STREET REZONE) WHICH PREVIOUSLY WAS ZONED “R-3 SMALL LOT RESIDENTIAL” TO “C-1 LOCAL COMMERCIAL”.

See motion to table via Ordinance No. 2023-102. The Ordinance is tabled.

ORDINANCE NO. 2023-106 *(Indigent Defense Services renewal agreement 2023-2025)* **requires three (3) readings**

third reading - adopted

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT FOR CALENDAR YEARS 2023 THROUGH 2025 WITH THE HANCOCK COUNTY PUBLIC DEFENDER COMMISSION, AND THE HANCOCK COUNTY COMMISSIONERS FOR A TOTAL OF NINETY-FIVE THOUSAND DOLLARS (\$95,000.00) PER YEAR FOR SAID CALENDAR YEARS, AND DECLARING AN EMERGENCY.

Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Bauman. Ayes: Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-106 and is hereby made a part of the record.

ORDINANCE NO. 2023-107 *(Capital Improvement Flood Mitigation)* **requires three (3) readings**

third reading - adopted

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Councilman Palmer moved to adopt the Ordinance, seconded by Councilman Slough.

Discussion:

Councilwoman Frische asked what the dollar amount on this is. Councilman Russel replied two million five hundred thousand dollars (\$2,500,000).

Ayes: Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-107 and is hereby made a part of the record.

ORDINANCE NO. 2023-108 *(HAN-Interstate and FHS Trails PID115232)* **requires three (3) readings**

third reading - adopted

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Councilman Bauman moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Russel, Slough, Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-108 and is hereby made a part of the record.

ORDINANCE NO. 2023-110 (*Water Meter System Replacement*) **requires three (3) readings**

third reading - adopted

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Councilman Palmer moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Slough, Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-110 and is hereby made a part of the record.

ORDINANCE NO. 2023-112 (*Project Hat Trick (Sheetz) MOU*) **requires three (3) readings**

third reading – adopted

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE NECESSARY PARTIES, INCLUDING, BUT NOT LIMITED TO THE HANCOCK COUNTY ENGINEER AND THE ALLEN TOWNSHIP TRUSTEES TO ASSIST WITH ROADWAY IMPROVEMENTS TO DISTRIBUTION DRIVE NORTH OF COUNTY ROAD 212 AND TOWNSHIP ROAD FROM DISTRIBUTION DRIVE EAST TO TOWNSHIP ROAD 230.

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

Discussion:

Councilwoman Frische asked if Council should be waiting on this until the recommendation from the committee report is submitted or if Mayor Muryn has already received all the documents that the committee report recommended before doing a Memorandum of Understanding with all groups. Mayor Muryn replied that no, she does not have all of the items as was discussed at the committee meeting. A number of the items are part of their closing contingency. One of those items was the approval of the annexation that Council passed this evening. The City does not have all of those rectified, but per the conversation, none of the work will actually start until the City has those items. She still needs to meet with Councilman Wobser and City Auditor Staschiak to resolve some of those. She does not believe that this should be delayed because it simply gives the City the authority to do it, but that all of those other items related to release of the funds is going to be required by the City Auditor before he would be able to move forward. She would like to continue to proceed with getting all of dominos lined up to be able to move forward with the project, and that no funds will be released until all the items required by the committees are in hand. She would like this approved so that the City has the flexibility to move forward, but that the City has continued to work with the Township and the Engineer that keep going back and forth on how they want to do the arrangement, so it may take longer than normal because having Council's approval to make that decision in order to keep things on track is beneficial.

Councilman Wobser asked if the City or County is going to do the road work there or if that is what is being discussed at this point. Mayor Muryn replied it is being discussed at this point.

Councilwoman Frische asked what the Memorandum of Understanding is spelling out. Mayor Muryn replied that the Memorandum of Understanding, as presented, allows the City to transfer the funds for the Township/County to do the road work improvements. It would be transferring the City's funding support to them for that portion. Councilwoman Frische asked if 629 funds would be used. Mayor Muryn replied that is correct. Councilwoman Frische asked if the 629 funds are the road work funds. Mayor Muryn replied that is correct. Councilwoman Frische asked Mayor Muryn if she is saying that this should not wait. Mayor Muryn replied that is correct.

Ayes: Warnecke, Wobser, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-112 and is hereby made a part of the record.

ORDINANCE NO. 2023-114 (*Income Tax Code update*) **requires three (3) readings**

second reading

AN ORDINANCE AMENDING SECTIONS 194.03, 194.062, 194.094 AND 194.10 AND ADDING SECTION 194.0621 OF CHAPTER 194 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

Discussion:

Mayor Muryn noted that City Auditor Staschiak requested at the last Income Tax Board meeting to see the entire ordinance and not just the previous draft version from the last meeting. That will be reflected in the committee report on the next City Council agenda.

Second reading of the Ordinance.

ORDINANCE NO. 2023-115 (*zoning code*) **requires three (3) readings**

second reading – tabled until 12/19/23 public hearing

AN ORDINANCE REPEALING THE CURRENT ZONING CODE, CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, AND IN ITS PLACE, ENACTING A NEW CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO; TO BE KNOWN AS "CITY OF FINDLAY ZONING ORDINANCE"; ADOPTING, APPROVING, AND INCORPORATING THE CURRENT ZONING MAP, ALONG WITH THE ENTIRE TEXT OF NEW CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO AS IF FULLY REWRITTEN HEREIN.

See motion to table via Ordinance No. 2023-102. The Ordinance is tabled.

ORDINANCE NO. 2023-116 (*ee payroll deductions for HSA*) **requires three (3) readings**

second reading - adopted

AN ORDINANCE AUTHORIZING THE AUDITOR TO MAKE PAYROLL DEDUCTIONS FOR THOSE EMPLOYEES WHO HAVE ELECTED TO ENROLL IN THE HEALTH SAVINGS ACCOUNT (HSA) PLAN AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend statutory rules and give the Ordinance its third reading, seconded by Councilman Palmer. Ayes: Wobser, Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke. Nays: Frische. The Ordinance received its third reading. Councilman Palmer moved to adopt the Ordinance, seconded by Councilman Bauman. Ayes: Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-116 and is hereby made a part of the record.

ORDINANCE NO. 2023-118 (1600 E Melrose Ave rezone) **requires three (3) readings** **first 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 1600 EAST MELROSE AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "C-2 GENERAL COMMERCIAL" TO "M-2 MULTI-FAMILY, HIGH DENSITY".

First reading of the Ordinance.

ORDINANCE NO. 2023-119 (1700 Fostoria Ave rezone) **requires three (3) readings** **first 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 1700 FOSTORIA AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "C-2 GENERAL COMMERCIAL" TO "I-1 LIGHT INDUSTRIAL".

First reading of the Ordinance.

ORDINANCE NO. 2023-120 **removed from the agenda during REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS section** (Shade Tree Commission & Tree Regulations) **requires three (3) readings**

~~AN ORDINANCE REPEALING CHAPTER 913 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, AND IN ITS PLACE, ESTABLISHING A NEW CHAPTER 913 ENTITLED ESTABLISHMENT OF SHADE TREE COMMISSION AND TREE REGULATIONS ORDINANCE FOR THE CITY OF FINDLAY, OHIO.~~

ORDINANCE NO. 2023-121 **requires three (3) readings** **first reading**

(HAN I-75 CR 99 DDI Interchange (PID102375) Project No. 32811100 City's share for construction)

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2023-122 (HAN Interstate and FHS Trail PID 115232 (32821400) third party acquisition) **requires three (3) readings** **first reading - adopted**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel asked that since Council just adopted Ordinance No. 2023-108, which is part of this project, if this should also be adopted tonight. City Engineer Kalb replied that is correct. He would have had this in the original one, but did not have the quote back from the third party acquisition, but that it is now all on the same line and if passed tonight will help keep the project moving on time.

Councilman Russel moved to suspend statutory rules and give the Ordinance its second and third readings, seconded by Councilman Palmer. Ayes: Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman. Nays: Frische. The Ordinance received its second and third readings. Councilman Bauman moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Bauman, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-122 and is hereby made a part of the record.

ORDINANCE NO. 2023-123 (City Income Tax Administration Fund) **requires three (3) readings** **first reading**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2023-124 (salary ordinance amendment) **requires three (3) readings** **first reading**

AN ORDINANCE AMENDING ONE (1) SECTION OF CODIFIED ORDINANCE NO. 2023-097, AS AMENDED, KNOWN AS THE SALARY ORDINANCE OF THE CITY OF FINDLAY, OHIO, AND REPEALING ALL OTHER PARTS OF ORDINANCES IN CONFLICT HEREWITH, DECLARING AN EMERGENCY.

First reading of the Ordinance.

UNFINISHED BUSINESS:

OLD BUSINESS:

President of Council Pro-Tem Russel noted that City Auditor Staschiak asked him to confirm with Council that budget hearings will be held on 12/12/23 @ 4:00pm. Councilmembers nodded in agreement.

BUDGET HEARINGS: Tuesday, December 12, 2023 at 4:00pm in the first floor Council Chambers of the Municipal Building (CC).

This will be livestreamed.

Councilwoman Frische asked for the status of the Marie Scramblers liquor permit. Last update Council had was that Mayor Muryn was going to look into it. Mayor Muryn replied that she spoke with Councilman Niemeyer who was going to have the applicant send her an email to try to get it sorted out, but that she has not yet received an email from them, so she has not been able to proceed because she needs more information from them before the Liquor Control is able to help out with it.

Councilwoman Frische asked if the study has started to see if a bike path needs to be designated or any routes changed for Blanchard Street now that school is back in session. City Engineer Kalb replied that they are actively working on it. He has spoken with GPD, who is under contract for it, who had started traffic counts for it as soon as school was back in session. Councilwoman Frische asked if there will be more information before the end of the year. City Engineer Kalb replied he should have additional information either by the end of the year or shortly thereafter. It might take longer with how busy of a road it is and with all the intersections.

Councilwoman Frische asked for an update on the RaNik properties. Hancock Regional Planning Director Cordonnier was at City Council about a month ago stating that everything was copesetic and cruising along, but that it doesn't appear to look that way and looks as if they have cleared out, and that additional digging has been done and sounds as if the location is still active. Mayor Muryn replied that all required sampling has been done and are waiting for the final results. It is waiting to see if any additional digging is needed and are still working through the process. She does not have any updates beyond that as it is being handled through the County. Councilwoman Frische asked if there are still funds to be able to continue to dig or if more Brownfield grants or other funding will be needed. She asked if the hundred thousand dollars (\$100,000) designated for this has been spent. Mayor Muryn replied that she is unaware of the necessity for any additional funding.

City Auditor Staschiak requested information for a couple of legislation items for proposed zoning changes. He had hoped that an analysis had been done for its alignment with the strategic plan. He would also like to get some information on how the proposed changes will impact the City's revenue income tax permitting fees. He is in the process of doing the City's revenues and needs this information.

City Auditor Staschiak mentioned in the mid-year review that fifty percent (50%) of development in recent years have gone towards warehousing and distribution centers with the majority of that component being trucking and noticed that a lot of items in the report may cause a burden or may have some issues with trailers, tractor trailers, and truckers in general, so it is his hopes that there has been an impact study on the businesses or it be called a business impact assessment and the potential costs that may have an impact on citizens. It appears that there are a lot of items in this that will place burdens in order to do a lot of asphalt paving or concreting, so Council may want to look into whether or not there are enough service providers. It might be difficult for contractors to get smaller service jobs done. He knows of a couple of individuals who are unable to do smaller jobs at this point who pulled up months ago. He is providing this now because he will not be able to provide updates to Council at the third reading of the legislation and that there tends to be concern when he brings up issues like this on third readings of legislation. He feels the business analysis and revenue projected changes incurred by these are important. Mayor Muryn asked what in the document makes City Auditor Staschiak think that there is going to be revenue changes. City Auditor Staschiak replied that it is clear that there will be additional costs to the community. The simplest example he can give is that no permit is required if a deck is built in a backyard if it is going to be three foot (3') or lower, so he is unsure if it is nine (9) or twelve (12) lines, but that permitting will now be required that will incur additional revenue and that permit fees will have to be paid if building a deck that is higher than nine or twelve inches (9 or 12"). He needs to know the projections on how much permit fees that are expected to be paid of those decks so that he can properly place revenue into that department. When doing revenues or budget projections in tight timeframes, anything more than twenty-five dollars (\$25) is considered significant, and in good times, it is considered closer to fifty dollars (\$50). There is a little bit of leeway there, but that there are several other items that require permits and fees that he would like an estimate for his revenue projections. Mayor Muryn asked City Auditor Staschiak if he has a recommendation on how she should survey the community to understand who plans to build a deck to the new specs in the next couple of years. She is unsure how she could guesstimate who is going to be building a deck and to what spec. City Auditor Staschiak replied that he hopes Mayor Muryn's response was tongue and cheek because the City Engineering Department regularly provides him estimates of what they expect to get in terms of permits and construction in the next year. While the Mayor may not be involved in it, her people are, so he would hope that she would provide that information which is a reasonable request, and that a business analysis of the impact of these changes would be helpful. He has received word out in the community that they are minor changes, but adding windmills and re-adding a Planned Unit Development (PUD) category is not a minor change and are significant changes to the code that will have an impact on what homeowners can do and permitting costs. He would like an estimate of those. A business analysis with any proposed legislation is a reasonable request from a financial perspective.

NEW BUSINESS:

Councilman Russel: **PLANNING & ZONING COMMITTEE** meeting on Thursday, November 9, 2023 at 12:00pm in the first floor Council Chambers of the Municipal Building (CR1).

agenda: 0 Keith Parkway rezone

President of Council Pro-Tem Russel informed Council that he will be forming an AD-HOC COMMITTEE meeting to review and approve City Council Rules of Procedures and Committee Assignments for the 2024-2025 Council term. He asked any Councilmember interested in serving on that AD-HOC COMMITTEE to contact him. He will schedule a meeting during the next City Council meeting.

Councilman Greeno: **WATER & SEWER COMMITTEE** meeting on Thursday, November 9, 2023 at 4:00pm in the third floor conference room of the Municipal Building (CR1).

- agenda: 1. Water Fund
2. Water & Sewer Rule Revisions

City Auditor Staschiak informed Council that there is a review going on as to whether or not pension contributions made by the City towards OPNF on behalf of Police Officers that is being considered for what could be a significant increase. Some calculations were done in the City Auditor's Office with two (2) approaches being discussed, one being a step approach for increased pension contributions over the next few years to go up possibly a percentage each year until they reach the percentage that they finally agree on, or all at once. The City Auditor's Office put together a projection through 2030 based on the number that they are throwing around now what that additional cost will be. If it is all done at once, the additional cost in pension contributions to the City through 2030 will be two million dollars (\$2,000,000). If it is done in step, based on what the understanding of what the steps would be, it would be approximately one million six hundred thousand dollars to one million seven hundred thousand dollars (\$1,600,000 - \$1,700,000) which is not insignificant, but is out there. It would create parity between the Police Department and Fire Department on pension contributions, but that there is quite a difference between the non-OPNF employees that are in OPERS that they are discussing. If a number is given that they are seriously considering, he will calculate that for Council. Mayor Muryn replied that she is surprised that City Auditor Staschiak is sharing these numbers at this meeting given that she requested them from him three (3) weeks ago, but that he told her that he was too busy to provide them at that point in time. She has been well aware of this topic and engaged in conversations through the Ohio Mayor's Alliance as they have been advocating at the State level and specifically requested our figures to better understand what that impact would look like for the City. She asked City Auditor Staschiak to send that document to her in an email, as well as when he pulled those figures.

Mayor Muryn pointed out that with the passage of issue 2, she and Acting Law Director Feighner have been gathering information over the last couple of weeks, and to not be surprised if over the next couple of months, they bring forward some legislation to make sure the community is appropriately regulating all the different aspects that are going to come with marijuana legalization.

Mayor Muryn pointed out that since Council has not met since the Halloween parade, she is just now giving a shout out to all of the City of Findlay staff that were involved in that. It is an overwhelming endeavor at times. Late that night after it was over, City of Findlay teams were out there trying to clean it up, take down barriers, move trash cans, etc. to make sure the community was cleaned up as quickly as possible. The City's Public Works Department, Police Department, Fire Department, as well as other teams were pulled in to help.

Mayor Muryn noted that the City of Findlay is continuing to utilize the Correction Center of NW Ohio (CCNO) for housing some of the City of Findlay's inmates. She does not expect that to change anytime soon. She reached out to the County Commissioners this week to confirm that they are not interested in entering into a contract at the County level, which would be helpful if they were to do so, in which she would investigate and discuss with Council on going back to just using them as the City's conduit, and if they chose to send the City's individuals up there, it would help support the County's operations of the jail, but would also ensure that the City's needs are met. She does not expect for them to say that they are going to do so, but wanted to give them the opportunity to confirm that. If they do not, she will most likely be asking Council to enter into a five (5) year agreement with CCNO for the fifteen (15) beds which is not a huge capacity. By doing so, it would lower the City's per bed cost and would be meeting the needs recognizing that any changes to the local criminal justice system are multiple years out.

Mayor Muryn noted that she and City Auditor Staschiak had a good conversation around the Self-Insurance Fund. Council may be seeing some legislation by the end of this year to put some additional funds into the Self-Insurance Fund for a couple of reasons that City Auditor Staschiak will be able to expand upon when legislation is brought forward. With the City's current cash position, they would like to bring some funds into it to bring it up to best practices standards and look at adding some additional revenue at this point in time, because with interest rates being where they are, the City can start garnering some additional revenue on those funds, it will help reinvest in that fund hopefully eventually making it sustaining where the City is paying out a lot of different bills out of that, which would be beneficial. Mayor Muryn has been discussing with Councilman Wobser that if there is any legislation on best practices where the City should move funds out, he would like to do so by the end of the year starting next year out fresh in order to meet all of the best practices.

Mayor Muryn informed Council that she worked with an expert attorney that specializes in zoning legislation on the zoning code regulations who was involved in that process and went through a number of iterations with the committee.

Mayor Muryn clarified that the City of Findlay is not establishing a smart 15-minute City.

Mayor Muryn noted that the emergency clause within legislation does not give the City any additional special powers. All that it allows is for the legislation to take effect immediately rather than waiting thirty (30) days. So, when there are legislation items that just standard operations for the City of Findlay and could potentially be harmful if referendumed, moving those items along is in the City's best interest.

Mayor Muryn updated Council on the questions about the outstanding Bricker Graydon invoice. She has been continuing to work with City Auditor Staschiak to hopefully get it addressed and bring it back to Council by the end of the year.

Mayor Muryn is gathering information on warehousing. Findlay does have a large amount of warehousing because it supports local businesses. They wouldn't be here if they didn't see it was supporting. Many manufacturers are able to utilize that warehousing space to be able to bring in product and hold product when it is advantageous. Findlay has a strong logistics and warehousing industry both to support the local manufacturers and also the region.

City Auditor Staschiak referenced back to Mayor Muryn's comment stating that Council will see legislation for the self-insurance fund that will look familiar as Council considered it about a year ago. As part of the budget process, it is determined what severance payouts on liability will be when it is known when City employees can retire or leave the City. Mayor Muryn has made a reasonable request based on the City's cash position at trying to fund those before the end of the year to start with a fresh full number at the beginning of 2024. They are looking at getting that severance legislation put together. With various clean up items, Council will see a lot of clean up legislation at the last couple of meetings. He will get as much of it to Council as quick as he can, but that there is always that last piece for the last meeting of the year in which there needs to be quorum to pass on emergency for the last meeting of the year.

Councilman Wobser referred back to Mayor Muryn's discussion on the CCNO and asked if the five (5) years was the suggestion of the Mayor's. Mayor Muryn replied that is where they can give the City a better discount. Councilman Wobser asked if that is where the break in time is. Mayor Muryn replied correct. They discussed a three (3) year contract, but that a five (5) year contract has a three (3) year out. So, in two (2) years, the City could get out of it.

President of Council Pro-Tem Russel announced that the Blanchard River Watershed Partnership's annual meeting is Thursday, November 16, 2023 starting at 12:00pm being held out at the Findlay Elks Lodge located at 900 West Melrose Avenue. The Blanchard River Watershed Partnership is a strong partner with the City of Findlay in this region that ensures water quality and that they are instrumental in looking at projects to remove sediment behind the Riverside Dam. They are the little engine that can when it comes to water quality. He encourages anyone from Council who is able to attend the annual meeting to do so and hear about the things the watershed has done in past years and their plans for the future. Councilman Wobser noted that the BRWP is asking for RSVPs to Ms. Sandhu's email address that was provided in the email from her to all Councilmembers for those that are going to be there for lunch.

Acting Law Director Feighner suggested that whenever there are any new considerations of a new contract with the CCNO to invite one of the Judges to meeting for their input on why they think it is necessary as they know all about the costs and benefits to the City and use of that facility.

Mayor Muryn requested an Executive Session meeting to discuss an on-going litigation matter under Ohio Revised Code Section 121.22 (G)(3) with no action to be taken after the Executive Session. Councilman Russel moved to adjourn into Executive Session at 7:11 pm, seconded by Councilman Slough. Ayes: Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser. Councilman Palmer moved to adjourn out of Executive Session at 7:35 pm, seconded by Councilman Greeno. All were in favor. Councilman Palmer moved to adjourn City Council at 7:35 pm, seconded by Councilman Bauman. All were in favor.

CLERK OF COUNCIL

COUNCIL PRESIDENT PRO-TEM