FINDLAY CITY COUNCIL MEETING NOVEMBER 21, 2023

COUNCIL CHAMBERS

REGULAR SESSION ROLL CALL of 2022-2023 Councilmembers:

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

ABSENT: Bauman

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

President of Council Harrington opened the meeting with the Pledge of Allegiance and a moment of silence.

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

Councilman Slough moved to accept the November 8, 2023 Regular Session City Council meeting minutes, seconded by Councilwoman Warnecke. All were in favor. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

Councilman Russel moved to remove and add-on the following on tonight's agenda, seconded by Councilman Palmer. All were in favor. Filed.

REMOVALS:

- 1. Ordinance No. 2023-106 Indigent Defense Services renewal agreement 2023-2025 (LEGISLATON section)
- 2. Ordinance No. 2023-107 Capital Improvement Flood Mitigation (LEGISLATION section)
- 3. Ordinance No. 2023-108 HAN-Interstate and FHS Trails PID115232 (LEGISLATION section)
- 4. Ordinance No. 2023-110 Water Meter System Replacement (LEGISLATION section)
- 5. Ordinance No. 2023-112 Project Hat Trick (Sheetz) MOU (LEGISLATION section)

All were adopted during the 11/8/23 City Council meeting.

ADD-ONS:

- 1. Letter from Service-Safety Director Martin sewer rules amendment (*REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS section*)
- 2. Ordinance No. 2023-134 sewer rules amendment (LEGISLATION section)

PROCLAMATIONS: none RECOGNITION/RETIREMENT RESOLUTIONS: none PETITIONS: none

ORAL COMMUNICATIONS:

Danny Delong - water rate increase

On November 9th, a plan to raise water bills by fifty percent (50%) was announced. It is funny how this announcement came three (3) days after the November election in that the Mayor controls the Service-Safety Director's Office. He has been told that the Service-Safety Director can raise water rates himself, but that the Mayor wants Council's approval so that fifty percent (50%) increase does not fall on her alone. City ordinance 9933-06 allows the Service Director to increase water rates outside the City limits. He has been told that there is an Ohio Revised Code that gives the Service Director the authority to raise rates without Council approval, but he has not been able to find that code. In talking to the Lieutenant Governor's Office who cited Ohio Revised Code 4909 stating that local government is not subject to regulations by the Legislative Service Commission. Today, the Governor's Office stated to Mr. Delong that the State is not involved in local government, so Mr. Delong is now asking what code it is. The Mayor has stated in the past that she had no plans to increase water rates. He has a voicemail from her assuring him that there was no current plan. Per the City's press release, this water rate increase has apparently been in the works and was just waiting on the water meter project to be completed, and that it had not been put to bed yet because the meters were not read for twenty (20) months, causing the high water bills. It was proposed that if Findlay consumers do not keep current on a payment plan, then their water will be turned off. After his investigation of the figures given during the Water Commission meeting, he discovered that they were not current and were not accurate. The total revenue of eight million seven hundred thousand dollars (\$8,700,000) shown on the chart is not accurate. As of November 5, 2023, the City's finance website shows that revenue was ten million three hundred thousand dollars (\$10,300,000) and that there will be additional revenue from bills being paid in November and December. The ending surplus will be at least four million seven hundred thousand dollars (\$4,700,000) with additional payments being at least a six million (\$6,000,000) surplus, but that remaining revenue years are not correct, even though the first year was correct. 2024 will still be black, not red. It does not seem logical that the City could go from a surplus of nine million one hundred thousand dollars (\$9,100,000) to a negative one million three hundred thousand dollars (-\$1,300,000). The fifty percent (50%) increase is not needed and the City should wait to see the results of 2023 before proceeding with a big increase. He asked Council to review the chart he handed out tonight to see that the figures are not correct and not accurate as they show that 2023 will end with a surplus of three million one hundred thousand dollars (\$3,100,000), and that 2024 will end with a surplus of only two hundred fifty-five thousand dollars (\$255,000). As of November 5, 2023, the surplus will be at least four million eight hundred thousand dollars (\$4,800,000) and that as of November 17, 2023 (per the City's financial website) it will be at least five million four hundred thousand dollars (\$5,400,000), not including the rest of November and December because it is not in that figure. Ending in 2024, the City will still have two million five hundred thousand dollars (\$2,500,000) in surplus. This chart is not including the rest of November or December, so everything else in the chart that was given to Council does not include any grant money for years 2024-2033.

Discussion:

President of Council Harrington informed Mr. Delong that his allotted four (4) minutes was up. Councilman Wobser moved to allow Mr. Delong to continue, seconded by Councilman Niemeyer. All were in favor.

Mr. Delong continued asking Council if residents should expect sewer and storm rates to also go up next. Once again, there will be no final figures for 2023 until at least January 30, 2024. He reminded Councilmembers that they are elected officials responsible to the City of Findlay and that the Mayor is not Council's President and that Council are not members of her cabinet that she can fire. It is the duty of Councilmembers to examine figures when they are given to them and to not accept everything as accurate until they have been able to investigate. He commended Councilwoman Frische for the input she gives and that he was shocked by the way she was treated at the water committee meeting when she was rudely told to stop talking. The other Councilwoman representative that was there was talking, but was not told to stop talking. Findlay residents cannot go shopping for water and have to rely on the City. Rates have gone up on other utilities, but that consumers can shop for better pricing on them. Many Findlay citizens that he has talked to are shocked and not happy with the proposed increase. During the WATER AND SEWER COMMITTEE meeting, there was a chart showing Findlay's rates compared to other communities in which Findlay's rates are lower, which is good for Findlay citizens and is something that the City does have to keep up with the Joneses on. If someone buys a new car, the City does not have to go out and buy a new car. If all other communities are raising their rates, that does not mean Findlay has to raise their rates too. Everything with the City seemed to be going okay because the year started with the 9.1 surplus of cash, so apparently, the City has done a good job with finances. If the Water Committee had done their homework, they should have realized the figures given to them were wrong and should not have assumed they were accurate and correct. Council should never assume figures are correct until they investigate. He asked Council to go by the chart that he has provided tonight as those figures are current and that the numbers given at the WATER AND SEWER COMMITTEE were inaccurate and incomplete.

Discussion:

Councilman Wobser asked Mr. Delong what increase he thinks is acceptable. Mr. Delong replied that a fifty percent (50%) increase right off the bat is not acceptable. Councilman Wobser asked Mr. Delong what amount of increase would be acceptable. Mr. Delong replied that if other communities are going with a four percent (4%), then that would be acceptable for Findlay, buy not a fifty percent (50%) increase.

Councilwoman Frische asked Law Director Rasmussen for the code number that states that the Service-Safety Director can increase rates without Council's approval. Law Director Rasmussen replied by asking which one Councilwoman Frische is talking about as she spoke about two (2). Councilwoman Frische replied that she did not hear a code number given by Mr. Delong, but heard him talk about a code where Findlay passed legislation, so she is asking about Ohio Revised Code. She asked if there is an Ordinance inside the City that gives the Service-Safety Director the right to raise rates inside the City as well as outside or if the City is simply going by Ohio Revised Code. She is looking for an Ohio Revised Code number that states this. Law Director Rasmussen replied that he cannot give that tonight. Filed.

Haydee Sadler - smart cities

Ms. Sadler began her ORAL COMMUNICATIONS by stating how strategic it is of Mayor Muryn to wait until after the election to raise the water rates by fifty percent (50%) and try to push the forty million dollar (\$40,000,000) legacy park before the end of the year. Ms. Sadler reminded the Administration that grant funds are not free money. The U.S. deficit is at thirty-three trillion dollars (\$33,000,000,000,000) that Council is now spending of our grandkids tax dollars. Ms. Sadler also addressed the fact that eighty-six percent (86%) of ordinances last year were passed declaring an emergency, and while Mayor Muryn noted that it doesn't give them special power, she deceives the people. She is taking away the power from the people when they are not able to referendum. For her, the business of the City is far more important to allow the people to speak up. Ms. Sadler addressed the note that Mayor Muryn made at the previous City Council meeting stating that she is not building a smart 15-minute city. Smart is a self-monitoring analysis and reporting technology system, so it must be a coincidence that the U.S. Conference of Mayors, that Mayor Muryn is affiliated with, has a Mayor's leadership institute on Smart Cities. It must be a coincidence that MetroNet, who is installing our 5G fiber optics, builds smart cities. It must be a coincidence that Suez North America, a company the City is using for Findlay's water project, is creating solutions for smart cities and has images on their web page. It must be a coincidence that the new transmitters are smart meters. It must be a coincidence that the Silver Springs Network provides a smart grid products for networking that enable smart energy. Silver Springs Network is a smart city and a mesh network player according to their own website, in that they see the internet of things grid and City connections, the internet of things that they plan on connecting to the internet of bodies according to the 2019 Forbes article that Council will need in the future. It must be a coincidence that Alcara (all the names she has mentioned are on the meters and the contracts that have been signed) is named in our smart cities as a supplier of Smart Infrastructure Solutions. It must be a coincidence that One Energy just built a one-ofa-kind fully digital power station marking the first time a power station is fully connected to fiber optics, which includes monitoring systems. It must be a coincidence that the Ohio Mayor's Alliance, that the Mayor is a member of, trains Mayors on how to use Federal funds to transform Ohio cities. It must be a coincidence that the vaccine pushed by Mayor Muryn contains nanotechnology for tracking and tracing. It must be a coincidence that stores like Walmart, Menards, Meijer, Kroger, and Target have all installed surveillance cameras at every turn and opened aisles for less privacy and easy surveillance. It must be a coincidence that we're spending millions on greenway trails to connect this smart, communist, surveilling City. Esoteric words mean something different than what the strategic plan states. Safe and connected mean more tracking and tracing. While building the Smart City, tracking and tracing City that you deny, are certainly not thinking of health problems because you are bathing us in radiation. While we value our freedom, this Administration is actually fast-tracking us to communism and socialism. Under this Administration, Findlay will never be a Safe City. It would be an unhealthy City, a sanctuary City, and a well-Policed communist City. That is what our Mayor has done for Findlay. Filed.

Katie Erickson – local parks

Ms. Erickson has lived in this City for almost seventeen (17) years and appreciates all of the parks and all the options we have in this city. She researched online because she was curious how many parks we have. According to data found online, between the Hancock County parks, City parks, and community parks, there are fifty (50) total named parks in Hancock County. There are twenty-three (23) named parks in the County, fourteen (14) named City parks, and thirteen (13) named community parks, not counting school playgrounds, etc. They are simply named parks. It does not appear that we have a park shortage in this town. She asked if there is any data on how many people use those fifty (50) parks on a regular basis. Ms. Erickson frequents parks. She takes walks in parks. She enjoys them, but a lot of times, there are not many individuals at a lot of these parks that we already have. On occasion when there are gorgeous weather days, the parking lots are full at parks, which is wonderful, but we already have fifty (50) parks in this County that need to be kept up and maintained, some of which could use a little keeping up and maintaining. She asked why we need another giant park in this town. She looked up on the National Recreation and Parks Association to find out what a good number of parks are, keeping an open mind that maybe the amount we already have is appropriate. The National Recreation and Parks Association states that an appropriate ratio is one park for every two thousand two hundred eighty-seven (2,287) residents. According to the U.S. Census Bureau data from 2021, Hancock County has seventy-four thousand six hundred fifty-six (74,656) residents which means per this ratio given by the National Recreation and Parks Association as a recommendation, Hancock County should have thirty-two point six (32.6) parks, again, we have fifty (50). Also, according to the Census Bureau data from 2021, the City of Findlay has thirty-nine thousand nine hundred forty-two (39,942) residents which means we should have seventeen and a half (17.5) parks in the City. There are fourteen (14) official City parks, but that many of the County parks are also located within the City or a very short drive outside of the City. She asked why we need one more park to be maintained. In addition, the proposed forty million dollar (\$40,000,000) park downtown is right by the river which is nice and scenic, but also in the flood zone. She is sure that everyone here has lived through floods in this town as she has where there is some pretty nasty residue left behind when floodwaters encroach on properties. She asked what the plan is for this new park for cleaning up after each flood. A lot of the parks are by the river and that she does not know what the process is to clean them up, but that this one would be right there in the flood zone. If this park does move forward, though she does not see the need for it, she would hope that there is a plan for cleaning that up as she would hate to see something that cost forty million dollars (\$40,000,000) be disgusting after just one flood. Filed.

Linda Bishop - 40 million park

The Federal Reserve has the ability to create money out of thin air and to manipulate the value of the dollar which gives it ultimate control over the purse strings of every American household. It is a private central bank, not Federal. The Federal Reserve is the cause of inflation. The public believes that inflation is rising prices, but in reality, inflation denotes an increase in the money supply of which rising prices are the most visible effect which we are seeing currently. The Federal Reserve System is tasked with manipulating the supply of paper money to the advantage of politicians and other privileged classes. Because of this, Americans are not able to enjoy the economic and financial freedom our ancestors once enjoyed. We have become a socialist and communist nation taking people's money through grants otherwise known as taxes . . . President of Council Harrington interrupted stating that Ms. Bishop mentioned on her ORAL COMMUNICATIONS form that she was going to talk about the 40 million park. Ms. Bishop replied yes, that is coming up.

Ms. Bishop continued stating that nearly every day, she reads in The Courier that there is some new large expenditure that the Mayor deems necessary for Findlay with Council lining up to say yes with few exceptions. She asked when Council and the Mayor return to free market value and stop stealing from the taxpayer. Cross and McCulley are only too happy to have her put in an application for a share of seven hundred million dollars (\$700,000,000) that the State of Ohio has for projects such as these (\$40million park). Ms. Bishop read part of a letter to the editor from last week that is from a person she never thought she'd ever agree with: how many wars can our country support. Our public debt is climbing to a point that could eventually lead to a collapse of our financial system. Interest on treasury bills is potentially ruinous. History points to other countries as examples of what can happen with runaway inflation. For one, Germany started World War II. In others, the population has been plugged into poverty and chaos. She asked Council before they vote on this \$40 million park with other people's money, to ask themselves if they still believe in the free market or if they are a socialist or even possibly a communist, in which there are many living in this country trying their very best to destroy the U.S. through wars and taxes. If there is any leftover money, she has an old schoolhouse she'd like to fix up, but that she will have to use her own money for that and cannot ask and wouldn't ask anyone to help her fix that schoolhouse up. Filed.

Renee Leguire - 10-40mil park & 50% water increase

Ms. Lequire applauds those who have spoken. Ms. Sadler has done an incredible amount of research and that if Council had done their research, they would have found out that what she has uncovered is true. Ms. Leguire has children, grandchildren, and a great grandchild. She asked Council what they are passing down to our children and grandchildren. We are passing down debt. She does not want a ten or forty million dollar (\$10,000,000 or \$40,000,000) park. She wants the parks that we already have maintained. She asked when it gets to a point where we say enough is enough, and when we say stop. The perception is that it is not our money, but it is our money and are stealing it. it is being stolen from the public, from every citizen that pays taxes. It has got to stop. She asked if anyone comprehends that the Unites States of America is thirty-three trillion dollars (\$33,000,000,000,000) in debt. Our founding fathers gave us a constitutional republic. We have out of control spending, out of control politicians who think that it is okay to pickpocket the American citizens. We have people that are living on the pig and not doing a thing to support themselves. We are giving away needles to help people who are on heroin. She asked when we stop enabling people. When do we stop. Forty million dollars (\$40,000,000) is a lot of money. We need to say no that we do not want the State's money and want you to give it back to the people who it belongs to. Seven hundred million dollars (\$700,000,000) that the State has to give away means they have taken it from the people. It is time that we realize that it is not money. It is money that people have labored for. It is her hopes that Council will not lift the one million one dollars plus (\$1,000,000+) off the table and say no that we do not want this park. There is also the fact that it could be on ground that is very dangerous for children. There is something going on here and we need to stop. Five percent (5%) or ten percent (10%) on water rates is acceptable, but fifty percent

WRITTEN COMMUNICATIONS:

email from Cathy Weygandt - we can do this! Filed.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay Municipal Court Activities Report - October 2023. Filed.

Mayor Muryn - Hometown Hero Banner Program

The City of Findlay ordered banners for the Hometown Hero Program to be hung from November 2023 through January 2024. Participants in the program paid a fee to the City to cover the cost of the banners which has been deposited in the General Fund. Legislation to appropriate funds is requested. Ordinance No. 2023-128 was created.

FROM: General Fund TO: Mayor's Office #21002000-other

Filed.

Board of Zoning Appeals minutes - October 12, 2023. Filed.

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

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

Filed.

City Auditor Staschiak - Self-Insurance Fund

In 1987, in order to have money available to cover potential liabilities of the City of Findlay, a "SELF INSURANCE FUND" was crated. It has annually been funded to one million dollars (\$1,000,000). Deductibles, premiums, and certain claims are paid out of this fund. In that past, he has mentioned that at one time, a very large environmental fine was paid out of this fund. Environmental liability is one of your highest uninsured risks to the City. Most recently, the City has seen a large increase in the number of lawsuits filed against it and its officials. Several types of legal claims are regularly paid out of this fund and have been over the years. He believes the time is right and that it is wise to increase this fund to an annual beginning balance of two million dollars (\$2,000,000). It not only adds additional protection to the City against potential liability, it would strengthen the City's ability to be selective of liability coverage that is continually purchased from the insurance markets. In the current interest rate environment, the revenue will more than likely cover its typical annual operation costs. Legislation to appropriate funds is requested. <u>City Auditor Staschiak requests that this be read</u>. <u>Ordinance No. 2023-129 was created</u>.

FROM:	General Fund	\$ 1,065,000.00
TO:	Self-Insurance Fund	\$ 1,065,000.00

Discussion:

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

City Engineer Kalb – AIP-35 (North Apron Rehab alternates), Project No. 35225200

As previously discussed in Council last year, the bid alternates for the North Apron Rehab project are being paid through a new FAA AIP grant. The City has received the grant funds from the FAA that will cover ninety percent (90%) of the construction cost and is expected to receive an additional five percent (5%) match from the Ohio Department of Transportation (ODOT) Aviation. Last year, the City approached funds to cover the construction cost of the North Apron Alternates, and this AIP grant is the first funding step towards the City being reimbursed for the cost of the alternates construction. Once all of the funds are received from the FAA and ODOT Aviation, the City will only be responsible for five percent (5%) or ten thousand five hundred nine dollars (\$10,509.00) of the construction cost for the two (2) alternates. Legislation to appropriate funds is requested. <u>Ordinance No. 2023-130 was created</u>.

FROM: FAA AIP Grant (3-39-0034-035-2023)

TO: AIP-35 (North Apron Rehab Alternates), Project No. 35225200

\$ 189,162.00 \$ 189,162.00

\$ 1,739.37

\$ 1,739.37

Filed.

City Engineer Kalb - Taxiway 7-25 Rehabilitation, Project No. 35225200 FAA AIP-34 grant funds

The Federal Aviation Administration (FAA) has awarded the City a grant in the amount of two hundred sixty-eight thousand two hundred dollars (\$268,200) for the design portion of the rehabilitation of Taxiway 7-25. The awarded grant funds will cover ninety percent (90%) of the design cost and the City is expected to receive an ODOT Aviation grant that will cover an additional five percent (5%) of the design cost. Once all grant funds are received, the City will be responsible for fourteen thousand nine hundred dollars \$(14,900) of the design. Legislation to appropriate and transfer the FAA grant funds and the local match funds to the project so that the design work can commence is requested. A future appropriation will be made once the City receives the grant agreement from ODOT Aviation to cover the remaining five percent (5%). <u>Ordinance</u> No. 2023-131 was created.

FROM:	FAA AIP Grant (3-39-024-034-2023)	\$ 268,200.00
TO:	Taxiway 7-25 Rehabilitation, Project No. 35234200	\$ 268,200.00
FROM:	CIT Fund- Capital Improvement Restricted Account	\$ 14,900.00
TO:	Taxiway 7-25 Rehabilitation, Project No. 35234200	\$ 14,900.00

City Engineer Kalb – Broad Avenue Bike Path, Project No. 31934600

As authorized by Resolution No. 004-2019, the City of Findlay received grant funds form the Ohio Department of Natural Resources (ODNR) through the Recreational Trails Program to improve a stone bike path along the Blanchard River. The Broad Avenue Bike Path Project will consist of installing a ten foot (10') wide multi-use path along the south side of the Blanchard River from Broad Avenue to River Street. This proposed path will tie into the existing path that goes under the Broad Avenue overpass and will continue to the east behind the Cooper ballfields and will tie into the Karg Well Dam area. Legislation authorizing the Mayor, Service-Safety Director and/or City Engineer to advertise for bids and enter into contracts, as well as appropriate and transfer funds is requested. <u>Ordinance No. 2023-132 was created</u>.

FROM:	Ohio Department of Natural Resources (ODNR), Recreational Trails Program	\$ 150,000.00
TO:	Broad Avenue Bike Path, Project No. 31934600	\$ 150,000.00

Filed.

Filed.

Mayor Muryn – Downtown Recreation Area timeline

Mayor Muryn is providing an important timeline item related to the downtown recreation area. As shared at the last Council meeting, the environmental study is moving forward and expected early December, but does not believe that it will be ready to be included in the December 5, 2023 Council packet. On Thursday, November 9, 2023, Mayor Muryn attended State Representative Cross's meeting regarding State Capital Requests and requests for funding out of the seven hundred million dollar (\$700,000,000) pot of one-time money the state currently has available for local investment. These funds are targeted for one-time transformational investments. She has also individually met with Representative Cross and Senator McColley regarding the Downtown Recreation Area funding from the State. Both have recommended to submit a request for funds through the seven hundred million dollar (\$700,000,000) to allow the City to seek a larger dollar amount than traditional community projects through the State Capital Budget. In order to do so, requests for funding are to be submitted by December 18, 2023, therefore, Mayor Muryn would like to have Council's approval on the Downtown Recreation Area design moving forward prior to December 18, 2023 which would mean that Council would need to pass the legislation on or before the December 5, 2023 meeting.

Questions she has been asked:

- Are you committed to cleaning up the downtown recreation area properties?

Mayor Muryn's answer: I am. This is a key part of our community and should be cleaned up regardless of what occurs in this area. Additionally, the phase 2 benching will address a significant portion of these properties (Note: brownfield funds are currently available through the state and we should try to leverage those as quickly as possible.)

- Do you believe that investing in these 19 acres of downtown is beneficial?
 Mayor Muryn's answer: I do. This area of the City is a huge opportunity to transform our river into an asset, spur development, and extend downtown into the surrounding area.
- Do you believe that working with an expert engineering firm to further refine and prioritize the downtown recreation area concept is necessary?

Mayor Muryn's answer: I do. Ensuring this project is completed with expert knowledge on design, materials, maintenance, etc. is critical.

- Do you believe that having a more refined design will assist the City in leveraging outside dollars to see this project through?
 Mayor Muryn's answer: I do. Presenting a concept is one thing, presenting a plan is another. To ask for funding through outside resources, a more refined design is needed, especially with corporate donors.
- Do you believe the downtown recreation area supports what we heard from the Findlay Forward Strategic Plan?
 Mayor Muryn's answer: I do. See the Downtown Recreation Area Proposal and Findlay Forward Strategic Plan Document.
- Do you believe it is the responsibility of City Council to have a vision for the City of Findlay which sets it apart?

Mayor Muryn's answer: I do. Ordinance No. 2023-071 was tabled after third reading on 8/15/23.

Discussion:

Councilwoman Frische asked if this is a grant the City is applying for or if it is something new since it is unappropriated dollars. Mayor Muryn replied it is similar to the Community Capital Fund Project, so it is a grant. They have not laid out the full guidelines of what that will look like, but in essence, will apply with an application to the State Representative and the State Senator who will endorse having those funds as part of the budget process to be allocated to the project and granted to the community. At this point in time, she is not aware of any match requirements. Councilwoman Frische asked when the application is due and if it requires the City to have money paid to the Engineer for the study. Mayor Muryn replied as stated in bold and underlined in the middle of the letter in front of Council, the application to the State is due December 18th. She is not requesting Council to move on the legislation tonight and wants them to be prepared, but given the timeline with the environmental study, that information is targeted to be back by December 5th. She does not expect to have an opportunity for a full meeting to review it. The City is well aware of the different hotspots as part of the benching project that are going to be addressed on any additional work that is needed that the City wants to get involved that would not be addressed during the benching. The planning process for the downtown recreation area is going to take over a year to be able to complete. As she has stated many times, it is appropriate to be able to do these things in tandem with some of the remediation that is going now, as well as being able to work on designs.

Councilman Wobser noted that he and Mayor Muryn both attended a meeting that Representative Cross had on the seven hundred million dollar (\$700,000,000) fund. What he took away from that was that they were looking for projects in the fifty to one hundred thousand dollar (\$50,000-\$100,000) range. He had mentioned they were going to do a lot of those projects with the seven hundred million dollars (\$700,000,000), but what we are talking about is much more substantial than that. Mayor Muryn added that the meeting was specific to the Community Capital Fund which is approximately one million five hundred thousand dollars (\$1,500,000) per Senate District. It is a very different capital limit, however, they are using the same process, in which she has met individually with Representative Cross and Senator McColley about that has the same application process and deadline as the seven hundred million dollars (\$700,000,000) which is a State pot of money that they are looking for more transformational projects that are either going to spur development to help transform an area with some limitations. It will not be for roadway projects, etc. Councilman Wobser noted that in conversations with the Auditor this week and Deputy Auditor Sampson, City Auditor Staschiak has some legislation that he would like to have in place prior to this potentially being passed. Whether or not it is brought up for consideration, Council needs to make sure that it is not passed tonight with the earliest it being looked at would be during the December 5, 2023 City Council meeting. Deputy Auditor Sampson replied that is correct. City Auditor Staschiak is working with Bond Counsel to ensure that in the event that we have to go further with this that we might be able to recoup our costs with this legislation that is currently tabled.

Mayor Muryn added that this has been tabled for awhile, so this is the first time she is hearing of such legislation and that she will do everything she can to make sure that is addressed prior to the December 5, 2023 meeting.

Councilwoman Frische asked for clarification. She understands that there is a seven hundred million dollar (\$700,000,000) application to possibly get funding for a park or maybe EPA cleanup. She asked what bearing, if any, there is in the application for untabling this one million five hundred thousand dollar (\$1,500,000) to go ahead and start the design because the design won't be back by December 18th. She asked how those come together. Mayor Muryn replied that it is important to show that the City is committed to the project and being able to refine the scope. As soon as we are able to start working with the Engineers, there are certain elements that we will be able to start refining. The City has to submit a document stating that we are interested and provide a broad concept in which they have meetings to refine the proposal. She would like to have a more refined concept. For example as talked about in the PARKS AND RECREATION meeting months ago, the reason for the broad range of ten to forty million dollar (\$10,000,000-\$40,000,000) price tag for the park is because the City has not decided what all they want to do yet. Each of the elements presented in the master plan can be done either on the lower end which would cost ten million dollars (\$10,000,000) or can do all of the elements on the high end which would cost forty million dollars (\$40,000,000) in which the City has explicitly said that we do not plan to do all of them at the high end and will not be building at the forty million dollars (\$40,000,000) range. There are certain elements like the bridge, that it has been suggested to have it be an iconic bridge, and should look into taking it to other locations and not just to Anchor Park, which would be one of the most expensive parts of project and can easily be a ten million dollar (\$10,000,000) bridge, which is not what she feels Findlay needs. The City needs to work through and start refining those with the Engineering firm, but cannot do so right now because there is no contract in place to move forward with it. Councilwoman Frische replied that she knows this legislation has been tabled and that one hundred thousand dollars was appropriated to do some of the environmental phase 1 and phase 2 work with the next sampling to be done on the 27th right after Thanksgiving and that it will be two (2) weeks or more before getting the results back, but that her biggest concern has always been the RaNik property that has been talked about multiple times. Council needs to understand that a four hundred ninety-two thousand eight hundred dollars (\$492,800) Brownfield grant to do the cleanup is exhausted to just under fifteen hundred dollars (\$1,500). She has the samplings from those locations that are overwhelming as there is a lot going on with the most recent first drilling. For instance, the coronium on metals was over two thousand (2,000), and then coronium the hexcavant was at four hundred eighty (480) just on one sampling, so there is a lot of environmental to address to make sure it is safe for the people of the community, including kids of the community to be on it. She is unsure of how the Mayor can even ask Council to untable to move forward on a plan that half of it might not even be doable to even happen if we cannot get this site cleaned properly and safely to have a park on it. Mayor Muryn replied that making sure it is a safe environment in this area is everybody's top priority which is exactly one of the points she made in her letter regardless if we invest in a significant and iconic legacy park versus just having green space in our downtown. Either way, we need to remediate any of the issues that have been identified. The RaNik property is the most significant concern which is why it has been addressed first, is being addressed now, and is being addressed by the Commissioners who are fully committed to getting that cleaned up. The bigger question for Council is if there is any other remediation that is identified that is not going to be fully addressed by the benching, that we would move forward with the Brownfield grants or with investing in getting these cleaned up. Regardless, we need to clean them up. It is something that should be addressed regardless of what goes there. This is a key area of the community that needs to be invested in, but at what level can be debated. There should be some amenities in this area that we should be cleaning it up, both of those things can be done at the same time.

She is not saying it should move tonight, especially based off of what Councilman Wobser shared, but wants Council to be very aware that in order to be able to move forward, she will need some sense of support from Council to try to bring in and leverage those external dollars that has been part of the plan to make sure we are investing in this and doing it right, but also have to further refine what it looks like. Councilwoman Frische pointed out that Council is tabling it until the environmental is figured out and know that there are major issues with the RaNik property and that there are other locations Mayor Muryn is identifying as well, so there is no way possible to be able to appropriate one million five hundred thousand dollars (\$1,500,000) to do a pie-in-the sky design that may cost four million dollars (\$4,000,000). At the end of the day, all there will be is green space, some asphalt, connecting a bike path. We are not there. Maybe the Mayor can find another place to use it in the community that may be something good to use with the five million dollars (\$5,000,000) earmarked with working with Norfolk Southern with the flood mitigation, which would be something different, but that this is completely inappropriate and are not anywhere close to being there.

Councilman Wobser asked if the main reason for wanting this passed is to give more to bolster the argument for the request for funding through the seven hundred million dollar (\$700,000,000) fund in that it would give more to talk about and indicates the City's commitment. He asked if the City could still apply for this since there is already an ordinance dedicating one million five hundred thousand dollars (\$1,500,000) to the design. Mayor Muryn replied that is correct. In essence, she could submit it without it and feels comfortable in doing that. The City should have the report back in some form on the 5th, but most likely will not be part of the packet. If on the 5th Council approves to proceed with submitting to the State, that would be a reasonable expectation. This was more so to remind Council of the opportunities and her approach. The letter explains more than what has been represented to the public thus far. Councilman Wobser suggested that Council leave this request tabled tonight because a lot of information is still needed and then will determine if enough information has been received by the next City Council meeting on December 5, 2023 to make a more informed decision and have more conversation at that point. Council should all be in agreement to let this sit where it is at for several different reasons.

Councilman Hellmann asked if the City can decide not to proceed if it is found out that there is not a path forward, or that the project cannot be funded, or just decide to back out of it. He asked if it is something that the City gets into, if they have to stay in it. Mayor Muryn replied the contract with Strand and Associates is billed as they work with the projection on the cost as ten percent (10%) of the total project which is consistent with other professional service agreements, so it would scale based off the elements and overall design work they have to do, and that there are outs giving them a sixty (60) or ninety (90) day notice, and then payment to them for the work that they have performed. The reason that the one million five hundred thousand dollar (\$1,500,000) appropriation is in there is because it was part of the APPROPRIATION COMMITTEE recommendation to set aside this amount of money based off of their projections through phase 1 and 2 of design. Councilman Hellmann wanted to verify the design fee so he contacted a friend of his who is a well-recognized landscape architect who has done projects around the country whose answer was ten to fifteen percent (10-15%) of total construction cost which is pretty standard, so the City is in the ballpark for this. He asked if the City would be obligated for the total project cost or if it is just based on whatever the City is committed to or the design piece that has already been completed at a ten percent (10%) rate. Mayor Muryn replied that is correct. The contract with Strand and Associates pays them one million five hundred thousand dollars (\$1,500,000) out of the gate. It is built off of work they perform. The one million five hundred thousand dollars (\$1,500,000) out of the gate. It is built off of work they perform. The one million five hundred thousand dollars (\$1,500,000) out of the gate. It is built off of work they perform. The one million five hundred thousand dollars (\$1,500,000) out of the gate. It is built off of work they perform. The on

Councilwoman Frische asked Mayor Muryn if she heard correctly that she had said the one million five hundred thousand dollars (\$1,500,000) is not needed to apply. Mayor Muryn stated that she can apply for dollars from the seven hundred million (\$700,000,000) and start the process without one million five hundred thousand dollars (\$1,500,000) being appropriated off the tabled and passed. Mayor Muryn replied that she does not have to sign any official commitment that local dollars have been appropriated towards the project, however, having a local commitment and support for a project is appropriate. Councilwoman Frische asked Mayor Muryn to send over the contract for the Engineers. She would like to see their rate per hour to see how things are going to move. Mayor Muryn replied that was provided to Council in their May packet whenever this was tabled. Councilwoman Frische asked Mayor Muryn to resend it. Filed.

email from Councilman Russel - elected officials salary ordinance

In order for the City of Findlay Mayor, City Law Director, and City Auditor to be paid during the next terms in office, please create an updated version of Ordinance No. 2018-125 with dates adjusted as needed for the terms of office commencing on January 1, 2024 and ending on December 31, 2027, and reflecting current salaries plus the standard raises based upon 2018-125. Please place this new legislation on Tuesday's agenda. Doing so will ensure it gets three readings. Please include emergency clause on this legislation. The proposed legislation may be reviewed by the Ad-Hoc Committee on rules/committee assignments that will be called for on Tuesday. I have had discussions with Councilman Wobser concerning this clarification and he is in agreement. Jeff had previously agreed to co-sponsor this legislation. <u>Ordinance No. 2023-133 was created</u>. Filed.

President Pro-Tem Russel – Ad-Hoc Committee on 2024-2025 Council Committee Assignments, Rules of Procedure Review & Elected Official Salaries

President Pro-Tem Russel is appointing an Ad-Hoc Committee to recommend Council committee assignments for the 2024-2025 term, review Council's current Rules of Procedures & review Elected Officials Salaries for terms of office commencing non January 1, 2024. The following Councilmembers are appointed to serve on this committee: Grant Russel, chairman, Brian Bauman, Josh Palmer. Recommendations on Elected Officials Salaries will be presented to the full Council at the December 5, 2023 Regular Session of Council. Recommendations for 2024-2025 Council committee assignments and Rules of Procedures will be presented to the full Council at the January 2, 204 Regular Session of Council for approval. Filed.

Income Tax Board minutes – August 29, 2023 and November 1, 2023. Filed.

Treasurer's Reconciliation Report - October 31, 2023. Filed.

Service-Safety Director Martin – Sewer Rules amendment

As the City of Findlay Water Department concluded the transmitter project, based on the utility bill reconciliation process, specific adjustment criteria for utility bills were established for a one-time adjustment. For auditing purposes, this process must be documented in both the Water and Sewer Rules to identify the process created and followed. Additionally, the Utility Billing Office has a traditional payment plan for customers that are struggling to stay current on their bill. The process was never formally documented, however, moving forward, the procedure will be included in the necessary rules. The attached language will be included in both Water and Sewer Rules. It is required that the language being recommended for the Sewer Rules come in front of Council as legislation to be updated by the end of the year. This was discussed and requested at the WATER AND SEWER COMMITTEE meeting on 11/9/2023, but was inadvertently left off of the agenda as discussed, and the committee meeting was not advertised to be held on 11/21/2023, therefore, by copy of this letter, the Law Director is requested to prepare the necessary legislation for the Sewer Rules to be amended with the provided language. A WATER AND SEWER COMMITTEE meeting will be held between ow and the next Regular Session City Council meeting to discuss any amendments that need made prior to adoption. Additionally, it is the Administration's intention to do a full review and update of both the Water and Sewer Rules next year. <u>Ordinance No. 2023-134 was created</u>. Filed.

COMMITTEE REPORTS:

The **STRATEGIC PLANNING COMMITTEE** met on November 8, 2023 to continue discussing the Strategic Planning process. *We recommend the Administration create a matrix of the action items with proposed committee or other to be assigned to for vetting.* Councilman Wobser moved to adopt the committee report, seconded by Councilman Palmer. All were in favor. Filed.

The PLANNING & ZONING COMMITTEE to whom was referred a request Philip Rooney of Rooney & Ranzau, Ltd. on behalf of Strauch III, Ltd.to rezone 0 Keith Parkway (parcel no. 570001019010) from C-2 General Commercial to M-2 Multi-Family, High Density.

We recommend approval as requested. Ordinance No. 2023-126 was created.

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

The WATER AND SEWER COMMITTEE met on November 9, 2023 to discuss the Water Fund.

We recommend:

- Council support for the rate increase as proposed.
- Further visibility into expenses delineating capital expenses from operating expenses.
- Councilman Slough moved to adopt the committee report, seconded by Councilman Russel.

Discussion:

Councilwoman Frische noted that she was at this meeting. Unless Ohio Revised Code states something different, the Service-Safety Director makes the rate increases for the water rates and that Council has no say in it, so it is completely inappropriate for Council to support a rate increase at fifty percent (50%) in order to take some heat off the Administration when Council has no say in it. Council appreciates the Administration informing them before moving forward., but she will vote against passing this committee report for that reason.

Councilman Russel pointed out that the first ORAL COMMUNICATIONS speaker tonight raised some question about the revenue figures presented in the committee meeting and asked Service-Safety Director Martin to address some of the concerns that were raised and where the revenue figures for this current year are at, assuming there would be no change in the rate of the revenue figures. Service-Safety Director Martin replied that this is not something the Administration wanted to do, but was something that they had been looking at and had been anticipating. It had been on the radar for some time, but that there have been external influences that caused it be to be delayed up to this point. One being COVID, and the second being the transmitter project because we wanted to make sure we had that done to have accurate numbers. This conversation was brought up well over a year ago at a WATER AND SEWER COMMITTEE meeting with the consensus being that the City needed to do something, but needed to make sure we are getting accurate numbers. The revenue is based off the Auditor's projections. The Administration got those numbers off that website, off his transparency page and based their numbers, moving forward, on historical trends, as well as the assumptions made on year-over-year budgets, so those numbers are consistent and accurate. There may be some lag time with what is on the transparency page. The Water Fund may appear high, but that there are projects that still need money appropriated for. There is money on that fund or on the transparency page that has already been accounted for. There are also things like the minimum reserve that we have to take into consideration. There are a lot of moving parts with this budget. The numbers they are using are accurate and are consistent with how they have been projected, displayed, analyzed and utilized in the past. Councilman Russel noted that as the now Chair of the WATER AND SEWER COMMITTEE, he is of the understanding that this had been looked at previously, but that the water rate increases were to be held until after the meter reader transmitter project was in place, with the question being raised during the WATER AND SEWER COMMITTEE meeting, if the information gathered since the transmitters had been installed that verified where the consumption is and if we are then able to make revenue projections based on comfortable figures on consumption with the response being yes that the current meter readings are confirming our historical consumption trend so that there is a good base of our consumables on hand. Given that, the way he approached this since 2011, was that we have had no increase in water rates which is a good thing. He is proud that we were able to maintain that flat rate for so long. During those twelve (12) years, the consumer price index has increased thirty-seven percent (37%).

One hundred dollars (\$100) in 2011 is now one hundred thirty-seven dollars (\$137) in 2023. It increased just a little over sixteen percent (16%) in the last three (3) years, so inflation is definitely hurting the Water Fund significantly now. According to the Ohio Environmental Agency (EPA), Ohio municipalities have increased water rates an average of four percent (4%) per year since 1997. If water rates are raised four percent (4%) per year, a one hundred dollar (\$100) bill in 2011 for water at an average Ohio municipality is now a one hundred sixty-six dollar (\$166) bill. If the fifty percent (50%) increase that is proposed is done, that one hundred dollar (\$100) bill for the City of Findlay will be one hundred fifty dollars (\$150) which is sixteen dollars (\$16) less than the Ohio average. He is happy that Findlay held their rates steady for as long as they possibly could, but that it is difficult to continue that. Water is close to the top of the list of primary duties of a municipality. It is one of our core services beside (sewer, Police, Fire, and roads). If a City does not have a good water system, they cannot provide clean water like the City has been doing for decades. Part of the way the City pays for future capital projects at the water plant is through the only place we can get the money which is through the consumer supplemented by grant dollars. Those capital expenditures have been delayed in the last few years as the transmitter project went on, but they are coming and it is known that there are some big capital projects coming. Because the desire of the Auditor and Council to do a lot of things in cash instead of floating bonds, we have to build a big cash reserve in order to pay for these things which was the reasoning he supported the plan. He does not like it and wishes we did not have to do it, and wishes to keep rates flat forever, but the reality is that it is not possible. It is more expensive to provide the same services in 2023 that were provided in 2011 and will continue to increase. The City needs to do the right thing to ensure the safety and security in our ability to continue to provide clean water for the City of Findlay which is why he supported the committee report and will vote in favor of it.

Councilman Wobser pointed out that we find ourselves in an interesting situation here in a couple of different ways. The first situation is the fact that we have gone since 2011 without increasing water rates which has brought us to this point in time which is difficult at best, and need to have the Law Director research to figure out who can make water rate increases or changes. He asked what ordinance gives the Service-Safety Director the ability to do so, the one that gives him the ability for inside rates. While it is known what ordinance authorizes him to alter the outside rates, it is not known what ordinance authorizes him to alter the inside rates. If it cannot be determined that the Service-Safety Director can alter the inside rates, then all Council is doing is approving a committee report and would not be approving legislation, not necessarily approving the increase, but would be giving the Administration their good graces to go ahead and do that, but do not know if the Service-Safety Director can do so. Until that question gets answered, Council does not need to move forward. This does have some time as this is not effective until January 1st and have two (2) more meetings to work on it. Once it is known where the current ordinances lie on these approvals, Council then needs to act by putting an ordinance in place that would require an annual review to be done by the Administration and given to Council on an annual basis. Council can pick a timeframe so that it gets done so that Council sees this so that they do not end up back in this same place ten (10) years from now. Service-Safety Director Martin noted that it falls under Ohio Revised Code 743.04(A) which states: for the purpose of paying the expense of conducting and managing the waterworks of a municipal corporation including operational expenses and the cost of permanent improvements, the Director of Public Safety and/or other City officials or body authorized by charter may set and collect a water rent, which is the term they use, or charge a sufficient amount, and in such matter as the Director or other official or body determines to be most equitable for all tenants and premises supplied with water. It a part of the discussion that has taken place at WATER AND SEWER COMMTITEE meetings and with other individuals. The City was grateful that they did not have to do this over a period of time, but that now there are certain situations and circumstances that are causing to make this determination to do this now. The City has absorbed as much cost as they could over time without passing the expense on to the consumer. This change or adjustment will create a runway for the City to maintain solvency for the current operations of this Water Fund and provides a runway to actually sit down in 2024 to have time to look at what this should look like. This was studied to the point of determining whether to do lump sums and incrementals year-over-year and follow best practices, or what they do across the State. The City does not want to be like everyone else. Findlay has a great asset here with a focus on the consumers and maintaining current systems. The intent is to have the ability to pause and look at the right way to do this moving forward.

Councilwoman Frische noted that 743.04 was stated being a charter, but the City of Findlay is not a charter. Mayor Muryn replied it states that for the purpose of paying the expenses of conducting and managing the water works of a municipal corporation, including expenses . . . the Director of Public Service or any other City official or body authorized by a charter . . . In the City of Findlay's situation because we are a statutory city and that this would also apply to charters, however they deem that person. Councilwoman Frische asked if the Governor's Office was wrong in what he told Mayor Muryn even thought there is an ordinance for outside the City and do not need one for inside the City. Law Director Rasmussen clarified that it is not 4904 and that it was a ridiculous discussion they were having which is what Councilwoman Frische first quoted. Councilwoman Frische replied that she did not quote any numbers and asked him to give her the number. Law Director Rasmussen replied that Councilwoman Frische asked what the City could do under 49. Councilwoman Frische replied that Law Director Rasmussen is stating that the Governor's Office was wrong. Going back to Councilman Russel's statements, there has been a lot on social media from the Administration trying to explain the fifty percent (50%) increase in which she does not think the majority of the community is concerned about. The community wants a justified percentage increase. Councilman Russel has commented about things going up and have to start charging the City more money, which is not necessarily true. Before she left City Council at the end of her last term, Councilman Wobser supported her and the rest of Council of doing a performance audit on water and sewer. She encouraged the WATER AND SEWER COMMITTEE and the rest of City Council to review that document to show how lean and how well ran the City's Water Department is before increasing water rates or supporting the Administration to increase by fifty percent (50%). Now that Councilman Russel is the Chair of the WATER AND SEWER COMMITTEE, it would behoove him to look at the leak detection. Back in the 90s, leak detection was started and saved a lot of money. It is her hopes that is still being done. In that WATER AND SEWER COMMITTEE meeting, the engineering firm that did that rate and water model with the City updating it themselves was talked about. It might be smart of the City to take it back to that engineering firm to dot "I's" and cross "T's" to make sure everything is looking good. We need to remember the numbers that Service-Safety Director Martin put together did not include the grant dollars that come in or the late fees that are assessed to certain people.

She is not saying that the City should not raise water rates, but that the WATER AND SEWER COMMITTEE should be looking at documents and doing their homework and not looking at these estimates because estimates are not factual and then stating what other communities are doing. The City is not other communities. We are Findlay, Ohio. Economic development is a tool for them to have low water rates in our community to hopefully attract higher paying jobs that could use the water services. It makes absolutely no sense to state that because everybody else is doing it, we're going to do it. She encouraged the WATER AND SEWER COMMITTEE to start doing their homework and looking at some information and ask questions instead of just following in line.

Councilman Russel referred to the rate study done in 2009 predicting future rate increases of a two percent (2%) increase in 2011, a three percent (3%) increase in 2012, a three and a half percent (3.5%) in 2013, and a three and a half percent (3.5%) in 2014 with similar increases on wastewater. That was before his time on Council, so he is unsure why those recommendations were never implemented, but is happy that the City was able to hold the rates for so long. He finds it interesting that the City was calling for increases fourteen (14) years ago in water rates.

Councilman Wobser asked if it is true that an article in the newspaper made it seem as though the City had forgone capital projects to keep this fund in balance, and if so, what capital projects have we not done. Service-Safety Director Martin replied that from 2020-2022, over six million six hundred thousand dollars (\$6,600,000) was eliminated out of not only capital, but also operating such as the waterline replacement aspect of maintaining the infrastructure by eliminated over one million eight hundred thousand dollars (\$1,800,000), by holding off on vehicle replacements by using them as long as possible totaling one hundred fifty thousand dollars (\$150,000) and a reduction of a quarter million dollars (\$250,000) in operating budget, the raw water line design and evaluation with a two million dollar (\$2,000,000) price tag, held on to a FTE to back fill at the Reservoir, and a couple of other things that add up. Another big ticket item was a scheduled plant and system improvement that was held off which had a two million dollar (\$2,000,000) price tag on it. There is a ten (10) year plan that Council is well aware of, has evaluated and is prioritized, but that there are some things that there is no choice but have to do and work them out and make those investments. Some are premeditated, sometimes they come up as issues arise, but that they still have to be addressed in order to maintain current infrastructure and make prioritization on what is listed for the year, and what will be held off. It continues to be balanced as the year moves forward. Councilman Wobser asked what the total of all those projects were. Service-Safety Director Martin replied six million six hundred thousand dollars (\$6,600,000) between 2020-2022. City Engineer Kalb added that roughly eight (8) years ago when he first came to the City, they were doing roughly one million dollars (\$1,000,000) worth of waterline replacement within residential areas per year. A lot of that was pulled back and started only doing four hundred thousand dollars (\$400,000) per year and starting directing grant funds instead of OPWC, CDBG, etc. from the roadway sanitary storm infrastructure straight to the water infrastructure to help supplement to do more residential waterline replacements throughout which is another thing that is not shown within capital when developing these plans. For instance, when there are waterline replacements scheduled on four (4) different streets, but know that there are projects that have to move forward such as the CO₂ tanks or generators that are detrimental to our whole system and not just that one area, we pull back on waterline replacements, but still need to continue with replacements because that has the largest impact on all our residents. Mayor Muryn added that on the financial health indicator report from the State, which is a guiding document with any yellow areas being our infrastructure age and investment, which is one that shows that we are lagging behind and need to catch up. Councilmembers are very engaged in reading material and making sure that they are well informed on topics and have many conversations. The documents in front of Council show the charts, that were in the newspaper today, that breakdown the personnel expenses versus operating expenses versus debt and capital compared to revenue. They would have shown even more years leading up to 2020, but that it gets difficult to read especially when it was in the newspaper, so they tried to limit it. Even then, the revenue was below operating expenses and have managed that over the years while evaluating various things (going over the 5-year capital plan to a 10-year capital plan, doing the rate study, external audit). She appreciates Councilwoman Frische stating that the Water Department does operate very lean and efficient, as she is very proud of that and will continue to maintain that. Over the last couple of years, we worked to upgrade our commercial meters and did audits on them to make sure they were fine tuned and not getting inaccurate reads capturing all of those dollars, focusing on unaccounted water. In 2019, there was approximately twenty percent (20%) of unaccounted water as seen in the KPI reports, so they went through and identified fire service lines that weren't metered and worked with systems and lead detection and have done so much to bring that down, bringing it down now closer to ten or twelve percent (10% or 12%) and will continue to refine that. They have tried to make every operational change possible within their control to manage this fund, but have been running in a deficit leading up to this point for the past five (5) or so years and have bled into our funds being unable to make an adjustment. It is now in a position that in order to avoid depleting the fund beyond what is legally allowed, we have to raise funds. As an enterprise fund, this really should not be receiving General Fund dollars and should be self-sustaining. Grants can be brought in, but cannot just throw money in to help it because it is not just a one-time issue and is a long-term issue. Even with the rate change, it does not address our overall long-term needs and will have to continue to adjust operationally to manage the expenses and look for opportunities to bring in additional revenues, hopefully without putting that burden on consumers. The reason the City compares themselves to other communities is because we want to be better than them and want to have a lower rate than them, and will continue to maintain that. Comparing ourselves to other communities is just a point of reference. Even with this change, we are below, and continue to be below the State. We want to keep our costs low. The City could had done a year-over-year increase, which would have been easy to do and that no one would probably have been upset about a three to four percent (3%-4%) increase each year which would be summarized as inflation, but that the City chose not to do that and now have to make the adjustment. Had Findlay done that, rates would actually be higher today than is being proposed. The City does not take this decision lightly. They have analyzed it and reviewed it. Today, the Administration is coming to Council asking for their support and understanding that as a City, we understand that even when it is a tough decision that we may not like to make, it is what is needed to run the City.

Councilwoman Frische read the performance audit form 2019, the utility fees side, the City's water and sewer rates are well below the peer and State average, but generate enough revenue to cover the current expenditures related to departmental operation and maintenance. The City also maintains fees that are reasonable and appropriate based on the work performed and the amount of revenue generated compared to its peers.

While both departments are currently operating with a positive balance, rates can be adjusted based on operational needs of the department. Economic growth, health and safety of the community, and the ability of the account holders to pay for the services. Nowhere in that audit does it recommend any type of major increase. It has to be reasonable, acceptable, and appropriate. She asked how much is projected to be returned at the end of this year from the department. Service-Safety Director Martin replied that based on history, it will be approximately seven hundred fifty thousand dollars (\$750,000). Councilwoman Frische replied when looking at previous yearly budgets, it has been underbudget in this department. In this year alone, overtime with employee staffing has been hugely increased compared to normal. The charts provided show expenditures being higher than revenue in which there was a five million dollar (\$5,000,000) meter project that was supposed to be spaced over multiple years that was fast-forwarded that caused that big bump in the chart. There was no discussion in WATER AND SEWER COMMITTEE and there is no justification no matter how you put it. Service-Safety Director Martin replied that the City did in fact front-load the transmitter project this year because of the lack of communication between the transmitters and the Utility Billing. If that would have been addressed way back when it was originally brought in 2018, we wouldn't be here. Moving forward, other major projects other than the transmitter, fixing a problem that was created, there is the valve project at the Reservoir that had such a lead time on the valves that was mandated by the State government that the City had to do that project. It was required and had to front-load that expense. The CO₂ project needed to get done because of lead times. Another project was the generator project at the Water Department. They are all long-term projects that are essential for the maintenance of our water system. When that legislation was passed, there was a ninety-eight (98) week lead time on some of the equipment. Money is being appropriated in 2023 for projects that will not be designed or addressed until 2025. Lead times continue to be pushed out. There was a significant influx of capital dollars because of these projects looking forward to sustain our water for this community. The overtime Councilwoman Frische is referencing was to do the transmitter project. All of these are explainable expenses. Councilwoman Frische noted that Service-Safety Director Martin has referenced in several meetings the water meter transmitter project and that things were held up. She clarified why things were held up because she chaired the WATER AND SEWER COMMTTEE at that time in which the process for the community was to have at least two (2) bids, but that the Administration at that time did not want to provide two (2) bids, which is where the performance audit came from, and that there was not politics played, there was process that was avoided, with it moving forward with a five million dollar (\$5,000,000) project that did not have more than one bid for. It is not on her and is not on the 2018 WATER AND SEWER COMMITTEE, and is what happened. A 2G went out. There are no politics there. That needs to be clarified and end that discussion right now.

Councilman Wobser noted that he is going to vote in favor of this committee report which essentially is Council's approval of the increase and do not vote on it and are just giving their approval. He is voting in favor of this for one sound reason in that if the City were to experience a catastrophic event with the water plant. He asked how old the Water Plant is. Mayor Muryn replied that from the most recent significant renovation, it will be one hundred (100) years old in 2031. Councilman Wobser pointed out that if this fund is not brought back up to a reasonable point, the City will not be able to go to Bond Counsel to go to the bond market to look sensible enough, to look like we know what we are doing, for anyone to give the City additional funding to fix whatever it is that breaks, which is very concerning to him. As Councilman Russel stated, water, sewer, Fire and Police are the main things that the City has to do, so there is a need to get this fund back in gear. It is unfortunate that we are having to do this, but is the reason that he will vote for it.

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

The WATER AND SEWER COMMITTEE met on November 9, 2023 to discuss the Water & Sewer Rule Revisions.

We recommend:

LEGISLATION:

- Further revisions of proposed rules and meeting prior to the November 21, 2023 meeting to finalize.
- Remove section 4 turn off policy paragraph 2 due to refusal to cooperate with another City department in its entirety.

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

RESOLUTIONS: RESOLUTION NO. 026-2023 (Recreation Department All Star Park) requires three (3) readings A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

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

third reading - adopted

 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.
 Contract with strain a straight of the strain and the strain and

ORDINANCE NO. 2023-102 (*CR* 99 annexation – accept & approve) requires three (3) readings third reading – tabled until 12/19/23 public hearing 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 TWELEVE (12) PARCELS TOTALING 57.691 ACRES OF LAND, MORE OR LESS (HEREINAFTER REFERRED TO AS THE COUNTY ROAD 99 (RACETRAC) ANNEXATION).

 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 TWELEVE (12) PARCELS
 TOTALING 57.691 ACRES (HEREINAFTER REFERRED TO AS THE COUNTY ROAD 99 (RACETRAC) ANNEXATION).

 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".
 Commentation

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

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.

Councilman Russel moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-114 and is hereby made a part of the record.

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

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 ORDINACES 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.

ORDINANCE NO. 2023-118 (1600 E Melrose Ave rezone) requires three (3) readings

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".

Second reading of the Ordinance.

ORDINANCE NO. 2023-119 (1700 Fostoria Ave rezone) requires three (3) readings

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".

Second reading of the Ordinance.

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

(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.

Discussion:

Mayor Muryn received a call last week from the Track Board for the State of Ohio which is the lead agency that is funding the construction of the CR 99/I-75 Interchange Diverging Diamond Project who informed the City that the State approved one million dollars (\$1,000,000) to cover our local share. She is waiting for documentation in written form from them with the hopes that when this is up for its third reading at the next City Council meeting, she will either ask Council to remove it, or decline it as they will cover that expense.

Second reading of the Ordinance.

ORDINANCE NO. 2023-123 (*City Income Tax Administration Fund*) requires three (3) readings AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

second reading

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second reading

second reading

third reading - adopted

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

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

Second reading of the Ordinance.

ORDINANCE NO. 2023-125 requires three (3) readings

(Shade Tree Commission & Tree Regulations ordinance (2023-120 removed from 11/8/23 agenda) AN ORDINANCE REPEALING CURRENT CHAPTER 913 ET SEQ OF THE CODIFIED ORDINANCE OF THE CITY OF FINDLAY, OHIO, AND IN ITS PLACE, ENACTING A NEW CHAPTER 913 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO ENTITLED ESTABLISHMENT OF SHADE TREE COMMISSION AND TREE REGULATIONS ORDINANCE FOR THE CITY OF FINDLAY, OHIO, THUS REPEALING ORDINANCE NO. 2016-040, AS AMENDED AND ALL ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

First reading of the Ordinance.

ORDINANCE NO. 2023-126 (O Keith Pkwy rezone) requires three (3) readings

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 0 KEITH PARKWAY, PARCEL NO. 570001019010 REZONE) WHICH PREVIOUSLY WAS ZONED "C-2 GENERAL COMMERCIAL" TO "M-2 MULTI-FAMILY, HIGH DENSITY".

First reading of the Ordinance.

ORDINANCE NO. 2023-127 (income tax refund) requires three (3) readings

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Discussion:

Councilman Wobser noted that this is to move money around from the City Income Tax Department Fund to the City Income Tax Department for refunds. We owe this money and need to get going on it.

Councilman Wobser moved to suspend statutory rules and give the Ordinance its second and third readings, seconded by Councilman Russel. Ayes: Hellman, Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Frische, Greeno. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Palmer Ayes: Niemeyer, Palmer, Russel, Slough, Warnecke, Wobser, Frische, Greeno, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-127 and is hereby made a part of the record.

ORDINANCE NO. 2023-128 (Hometown Hero Banner Program) requires three (3) readings AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Discussion:

Councilman Palmer noted that the money that was raised for these banners was made from private sources and is just being moved to cover the cost.

Councilman Palmer moved to suspend statutory rules and give the Ordinance its second and third readings, seconded by Councilwoman Warnecke. Ayes: Palmer, Russel, Slough, Warnecke, Wobser, Frische, Greeno, Hellmann, Niemeyer. The Ordinance received its second and third readings. Councilman Palmer moved to adopt the Ordinance, seconded by Councilman Hellmann Ayes: Russel, Slough, Warnecke, Wobser, Frische, Greeno, Hellmann, Niemeyer, Palmer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-128 and is hereby made a part of the record.

ORDINANCE NO. 2023-129 (self-insurance fund) requires three (3) readings	first reading
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.	
First reading of the Ordinance.	
ORDINANCE NO. 2023-130 (AIP-35 North Apron Rehab Alternates) requires three (3) readings AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.	first reading
First reading of the Ordinance.	
ORDINANCE NO. 2023-131 (Taxiway 7-25 Rehabilitation, Project No. 35225200 FAA AIP-34 grant funds) requires three (3) readings	first reading
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.	Jirst reduing
First reading of the Ordinance.	
ORDINANCE NO. 2023-132 (Broad Avenue Bike Path, Project No. 31934600) requires three (3) readings	first reading
AN ORDINANCE ALITHORIZING THE MAYOR SERVICE-SAFETY DIRECTOR AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO	TO ADVERTISE

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS, WHERE REQUIRED, AND ENTER INTO CONTRACTS TO IMPROVE A STONE BIKE PATH ALONG THE BLANCHARD RIVER, PROJECT NO. 31934600, APPROPRIATING FUNDS FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES THROUGH THE RECREATIONAL TRAILS PROGRAM, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

second reading

first reading

first reading

first reading - adopted

first reading - adopted

ORDINANCE NO. 2023-133 (elected officials salary) requires three (3) readings

AN ORDINANCE ESTABLISHING THE SALARIES FOR THE MAYOR, AUDITOR, AND DIRECTOR OF LAW OF THE CITY OF FINDLAY, OHIO, BEGINNING JANUARY 1, 2024 AND ENDING DECEMBER 31, 2027 AND REPEALING ALL OTHER ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT WHERETO, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2023-134 (Sewer Rules amendment) requires three (3) readings

AN ORDINANCE ADDING NEW SECTION V.6.A-C AND V.7. TO THE CURRENT RULES AND REGULATIONS OF THE CITY OF FINDLAY WATER AND WASTEWATER DEPARTMENTS OF CHAPTER 6109 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, UNDER OHIO REVISED CODE, SECTON 743.01 THROUGH 743.04, CHAPTER 6109 SAFE DRINKING WATER, CHAPTER 6111 WATER POLLUTION, AND 3745-95 OF THE OHIO ADMINISTRATIVE CODE, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

UNFINISHED BUSINESS:

OLD BUSINESS:

President of Council Harrington informed Council that it is important that all Councilmembers attend the December 2023 Regular Session City Council meetings so that all legislation and the business of City Council for 2023 can conclude on those two (2) meetings. He asked Councilmembers to let him or Council Clerk DeVore know if they will not be in attendance.

NEW BUSINESS:

Councilman Russel: **AD-HOC COMMITTEE** meeting on Monday, November 27, 2023 at 4:00pm in the third floor conference room beside the Mayor's Office (CR1). The meeting will be livestreamed.

agenda: Ordinance No. 2023-133 (elected officials salaries)

Councilman Russel: WATER AND SEWER COMMITTEE meeting on Tuesday, December 5, 2023 at 5:00pm in the first floor conference room beside the Mayor's Office (CR1).

agenda: Ordinance No. 2023-134 (sewer rules amendment)

Mayor Muryn noted that the Administration will be working to put a summary together on the marijuana legislation due to it passing at the State level and what the local impacts are. The only change that takes effect on December 7, 2023 is the decimalization of possession. The full language states that smoking in public is not permitted and a couple of new items. The City will continue to enforce the laws as appropriate locally. The State has until September 2024 to determine the process in licensing, so dispensaries are not going to be popping up all of the sudden. There is a process that has to be established, so the City is working closely with the State to hear what regulations they implement. The main areas of concern she is keeping an eye on are advertising restrictions so that Findlay does not turn into Michigan with all of their crazy billboards, some of those types of items, possession and how Findlay handles it locally. If there is any specific testing that has to be done on what support the State can provide to get those systems to do that, as well as the dispensaries that the Administration will have conversations on with the Zoning Office and with City Council to determine what regulations the City of Findlay wants to implement. The City of Findlay is in a holding pattern waiting on the State, but will continue to monitor it. She does not anticipate dispensaries to pop up on every corner in the next couple of months which is why the City of Findlay is holding tight until information from the State is received.

Service-Safety Director Martin thanked the City of Findlay Public Works Department for the donated Christmas tree in Dorney Plaza that is over forty feet (40') tall. The lighting ceremony is Friday, November 24, 2023 at 6:00pm. He invited everyone to attend. President of Council Harrington added that there is a sign in front of the tree that indicates the donors.

President of Council Harrington commended tonight's audience. Some of the issues talked about during City Council meetings can be passionate, but that he appreciates their patience, understanding, and cooperation. Council does want to hear from the public which is why they are allowed to come to City Council meetings and speak. He encouraged the public to come to any and all as long as they want.

Councilman Wobser moved to adjourn City Council at 7:40pm, seconded by Councilman Hellmann. All were in favor. Filed.

first readina

first reading

CLERK OF COUNCIL

COUNCIL PRESIDENT