

## FINDLAY CITY COUNCIL MEETING

REGULAR SESSION

DECEMBER 19, 2023

COUNCIL CHAMBERS

### ROLL CALL of 2022-2023 Councilmembers:

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

**ABSENT:** Wobser

President of Council Harrington notified Council that Councilman Wobser informed him that he would not be in attendance tonight. Councilman Russel moved to excuse Councilman Wobser, seconded by Councilman Greeno. 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 December 5, 2023 Public Hearing to rezone 1700 Fostoria Avenue via Ordinance No. 2023-119, seconded by Councilman Niemeyer. All were in favor. Filed.
- Councilman Slough moved to accept the December 5, 2023 Public Hearing to rezone 1600 East Melrose Avenue via Ordinance No. 2023-118, seconded by Councilman Niemeyer. All were in favor. Filed.
- Councilman Slough moved to accept the December 5, 2023 Regular Session City Council meeting minutes, seconded by Councilman Niemeyer. All were in favor. Filed.

### ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

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

#### ADD-ONS:

1. APPROPRIATIONS COMMITTEE agenda and committee report – Downtown Recreation Area environmental (**COMMITTEE REPORTS section**)
2. APPROPRIATIONS COMMITTEE agenda and committee report – Raise the Bar (**COMMITTEE REPORTS section**)

#### REPLACEMENTS:

*Request to move this up on the agenda after WRITTEN COMMUNICATIONS and before REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS (Hancock Regional Planning Commission Director Cordonnier is in attendance tonight to answer questions, but has an out-of-town engagement that he would like to be at and would to be on the road as soon as possible.*

1. Ordinance No. 2023-115, AS AMENDED – zoning code amendments (**LEGISLATION section**)
  - SECTION 1: That new Chapter ~~331.45~~ of the Codified Ordinances of the City of Findlay, Ohio be enacted which reads as **follows**:  
*changed to:*
  - SECTION 1: That new Chapter **1100 et seq** of the Codified Ordinances of the City of Findlay, Ohio be enacted which reads as **attached in Exhibit A**:

**PROCLAMATIONS:** none

**RECOGNITION/RETIREMENT RESOLUTIONS:** none

#### PETITIONS:

##### Status of TR 230/CR 212 (Hat Trick) aka Buchanan (Sheetz) annexation

On December 11, 2023, annexation documents for the TR 230/CR 212 (Hat Trick) aka Buchanan (Sheetz) annexation were received from the County Commissioners Office and will now be held in the office of the City Clerk the required 60 days ending February 11, 2024. Philip L. Rooney, Rooney & Ranzau, Ltd., is the agent for the petitioner and will be submitting a letter requesting what the property will be zoned as. This annexation will be referred to as the TR 230/CR 212 (Hat Trick) aka Buchanan (Sheetz) Annexation. Resolution No. 024-2023 for the services the City will provide if annexed into City limits were adopted during the November 8, 2023 City Council meeting. The City Planning Commission and the Planning and Zoning Committee will discuss the zoning request during their March 14, 2024 meetings with their recommendations provided to City Council during the March 19, 2024 Regular Session City Council meeting. If approved, legislation to accept and approve the annexation, as well as zone the parcel will be on the April 2, 2024 Regular Session City Council meeting agenda to receive its first reading after City Council accepts the March 14, 2024 PLANNING & ZONING COMMITTEE report during the March 19, 2024 Regular Session City Council meeting. Annexation documents will be on hold in the City Clerk's Office until February 11, 2024. Filed.

## **ORAL COMMUNICATIONS:**

### **Robin Welly – West Park moratorium on building**

Ms. Welly, President of West Park Block Watch Committee, came before City Council tonight stating that they are past the point of words spoken only to create the illusion of something is going to be done without ever a viable outcome. The City is pursuing interim and long-term solutions to the West Park problem. This is only good as the City's intention to tackle existing problems and make capital improvements. For West Park, sixty-five (65) years of building infrastructure and still having major thoroughfares without the luxury of municipal sanitary sewers is unacceptable. This matter needs to be addressed immediately. Their mission is the hope for change. Change for the better. They are looking for a plan of action. They have repeatedly expressed their needs of land preservation to maintain their natural drainage. Their neighborhood has suffered a major impact with the roundabout and all the new builds. It not only infringes on their green space, but is increasing their need for other means of drainage. Storm sewers are years away, if ever for their neighborhood. Minimizing the existing flooding is one of their main goals. The City needs to realize their expectations or their environmental needs. The length of time this moratorium is in effect depends solely on whether the City uses their time wisely to enact what West Park residents warrant and deserve. If the City is truly seeking a solution, adding a new subdivision is only exasperating the problems to current residents. This moratorium does not affect or include a rebuild, a remodel, a garage or a shed. This moratorium is on any new builds within the confines of West Park if new builds were to include the installation of new sanitary and/or storm sewers. This moratorium should last until all current residents have had the opportunity to tap into a municipal sewer. This moratorium is in effect until further consideration warrants lifting the suspensions, until the issues that brought them to this point have been resolved. The moratorium cannot expire without notifications to every household in West Park. An acceptable notification time would be one hundred eighty (180) days. If the City can afford to spend one million five hundred thousand dollars (\$1,500,000) just on plans on City Park #51, it can afford to finish putting sanitary sewers in West Park. If the City is now going to provide sanitary sewers to homes outside the City limits, it can afford to finish putting sanitary sewers in West Park. If the City can provide free sewage to a subdivision, it can finish putting sanitary sewers in West Park. Raw sewage and catch basins in an established neighborhood should be a priority on City spending versus the luxury of an unnecessary park. They have received word of a couple City Councilmembers discussing to purpose legislation and can only hope that they take their needs seriously and that this moratorium will be on the January 2024 City Council meeting agenda. This problem should be of foremost concern to each and every one of us.

#### **Discussion:**

Councilwoman Frische asked which Councilmembers are looking at legislation. She asked if this should be referred to committee if considering a moratorium that it is well thought out. Councilman Greeno replied that he has spoke with Ms. Welly about this, but has not said anything about legislation. He has discussed some questions she had and found out some information for her. Councilman Bauman added that he too has discussed this with Ms. Welly but has not committed to any legislation and said that it would be considered. Ms. Welly replied that no one has committed which is why she is asking what her next step is. Councilman Bauman has not helped them, so she went over his head and contacted Councilman Greeno since he is Council-At-Large and didn't know if that was the next step or not. She is unsure if she is talking to the wrong people, maybe nobody understands or maybe nobody cares, maybe she should be talking to the EPA, maybe she shouldn't even be standing before Council tonight, or maybe she should be looking for help on another solution.

Councilwoman Frische asked City Engineer Kalb that since the City will be having capital discussions soon, if he knows how many feet or miles of sewer and sanitary the City does not have there, how extreme or not extreme that numbers is. City Engineer Kalb replied he does not have the numbers of having or not having. When he attended one of their block watch meetings, a lot of this information was brought up. There is a design for Newell Street, but that he does not know why it was never put in place years ago at that time. The City is investigating to find all the locations within that area that does not have a public sanitary and has a septic system. He is aware of a couple on Lima Avenue that are needing addressed. He does not want to start on this project only to find out that they missed a couple properties in that area and wants to make sure when they start on this project, it is a complete package. A lot of them could be in a failing state where the gray water that is going out may not be fully treated and do not want to impose any environmental issues. It is in the investigation phase to figure out where all of these are, looking at tap permits, verifying what is going through there, etc. Ms. Welly provided a couple addresses that the City is running a camera through them to verify them. A sanitary system of some sort for this project will be on the capital plan. Councilwoman Frische asked if that project will complete the entire area. City Engineer Kalb replied that he does not know how big it is or how much it is at this point and is what they are trying to figure out how and where they can run it, grades they have to work with, etc. There is a lot of information that has to be gathered before running any sanitary over there. Councilwoman Frische requested this be sent to the WATER & SEWER COMMITTEE to get the show on the road and to get a game plan going to find out what is going on. If it is not there yet, maybe their request for a moratorium would be doable and warranted. She requested this be referred to the WATER & SEWER COMMITTEE for the first of the year, seconded by Councilman Hellmann.

President of Council Harrington informed Council that the moratorium will not be discussed at a WATER & SEWER COMMITTEE meeting and would be an issue for PLANNING & ZONING and not the WATER & SEWER COMMITTEE. Councilwoman Frische would like this request to go to the WATER & SEWER COMMITTEE so that the infrastructure can be known and can look at the capital budget and planning of it. If a result cannot be found there, then it can be referred to PLANNING & ZONING COMMITTEE, but the first step is the WATER & SEWER COMMITTEE. President of Council Harrington asked that the WATER & SEWER COMMITTEE Chairman Councilman Russel to place this on the next meeting agenda once that meeting is scheduled.

Councilman Hellmann asked if this is something that the WATER & SEWER COMMITTEE can handle on their own with some input from the City Engineering Department or if an outside consultant will need to be brought in. He has heard about this issue for a number of years and is surprised that a solution has not been had. City Engineer Kalb replied that it should be able to be handled in-house. The biggest issue will be the extreme upstream of the City's sanitary. The farther up it goes, the more grade comes up to and may not have enough fall and would have to determine a new location or new route for it. At this point, the design can be handled in-house, but may have to get an outside survey done. How much surveying there will be has to be figured out and where it is which is where it is at right now (trying to get a design for it). Councilman Hellmann asked if the City Engineering staff is able to proceed until they possibly run into a glitch. City Engineer Kalb replied that is correct. He feels comfortable with their workload that they can handle this. If not, they will reach out to a design consultant to keep moving this forward.

Mayor Muryn added that the City has gone out and checked the catch basins and have not been able to find any raw sewage that is leaking, so she does not want there to be a perception that the City is allowing a health risk to be unaddressed. This situation has happened in other neighborhoods where they were on septic systems, and then once the City put in the sewers, the residents had a timeframe that they have to connect but was not necessarily well-received by all of those properties, so there is also the level of needing to communicate with those individual property owners. It is a process the City is working on and have Ms. Welly with how the City is addressing it and her other areas of concern that have been brought up. The City is working with the number of properties that have had sewer or water pressure issues that could not be identified on the City's end. The City is working through it and not ignoring it. There are a variety of layers to it.

Councilwoman Frische asked if all residents had tied into the project the City was doing a couple of years ago. Mayor Muryn replied that was a different neighborhood in the community that were forced to connect in. In this situation, because a sewer line is not available, they obviously do not have to connect in and are on their own septic system. If this moves forward of putting in a sewer line, then those residents will be forced to connect. The City will be communicating with those property owners as it is unknown if they are the ones that are requesting a sewer line be put in for their property. This is something the City has dealt with in the past and will have to talk to them about that. Councilwoman Frische asked if the City received answers on the previous project in West Park where the City went ahead and extended the sewer to get rid of septic systems and that property owners were supposed to tap in. She has been waiting on that answer for a while. Mayor Muryn replied that she is not talking about West Park. She is talking about Blue Bonnet. Councilwoman Frische replied that she is asking Mayor Muryn about West Park. Mayor Muryn replied that she does not know. Councilwoman Frische replied that the City still has not figured that out.

Ms. Welly argued that there is raw sewage. It comes right out of Chris Nagy's building on the corner of Newell and Lima Avenue. He came to their block watch meeting to address it. City Engineer Kalb and Service-Safety Director Martin were both there. There is sewage there. They took a sample themselves. All anyone has to do is get the water out of there. It is sewage. Mr. Nagy has asked to be tapped in to have the lines finished. His business on the other side is done. There is no sanitary sewers from Newell Street clear out to Lima Avenue. They have already started digging the front yard and flags are in the back yard for the house located at 1601 Lima Avenue that is for sale. She hopes that Mr. Scanlands wife outlives him or that the children take their house on Carlin Avenue, but if not, they will have the very first house with the pond right beside the County garage with the same situation as they have a septic tank there. This stuff is leaking and no one is doing anything about it. If someone were to look in there, they will not see feces or toilet paper because it continually flows. The reason their block watch group is going to address Oil Creek is because there is a topographical layout there. From that part on, that water there flows up to Oil Ditch up to the roundabout and to Oil Ditch. It is just like when the airplanes park there. That water runs to Oil Ditch. It goes out to Eagle Creek further south. This is why their neighborhood has agreed to petition to clean Oil Ditch because they know there is raw sewage going into Oil Ditch.

Councilwoman Frische would like to clarify that Mr. Nagy's septic is not leaking into that sewer and that sewage is coming downwind, and that property was already documented several years ago when she chaired the WATER & SEWER COMMITTEE and started that project that she is trying to get that information on. She does not think it is a leaking septic tank that it is getting into. Ms. Welly replied that Mr. Nagy would like it taken off his property. Filed.

#### **Haydee Sadler – downtown park and illegal immigrants**

##### downtown park:

Ms. Sadler is a very concerned citizen for the City of Findlay in regards to the forty million dollar (\$40,000,000) iconic legacy park. On June 28<sup>th</sup>, in a letter to the City Council, Mayor Muryn said she recognizes the challenges of this project, particularly among the fellow citizens that questioned the necessity and expense of this park. On December 4<sup>th</sup>, she forwards the same email and says that these are very important critical and time sensitive decisions that need to be made. Those notes are actually part of the Council notes. She asked if the City is really trying to declare an emergency on this downtown park. She asked what the big hurry is when the residents of Findlay continue to question the ridiculous expense of this park while other parks in the City need more investment. She believes that this needs to go to a public vote before spending an exorbitant amount of taxpayer dollars. She'd like to say that she speaks on behalf of thousands of residents in Findlay when she that they want to see the downtown green space beautified, but not at that expense. Before talking about grant funds that the Mayor refers to as a pot of money, she would like to remind Council that we do not live at the end of the rainbow, and that these are in fact taxpayer dollars.

##### Illegal immigrants:

On November 9<sup>th</sup>, Mayor Muryn wrote an article in the Courier saying she wanted to not let rumors create a narrative around these legal individuals, but then later in the article, it states that in the event the Police Department is unable to get the proper documentation, they will work on resolving it by helping them get papers. At the budget hearing this past week, Chief Mathias said that while some of the Haitian population have permits and that he doesn't understand why the Mexican immigrants do not (she does not believe he referred to them as immigrants and just said the Mexican population do not, which would classify them as illegal). She asked if the misinformation coming from the Administration saying they are legal or the Police Department saying some don't have papers because that is what makes them illegal. She asked if the City is aware that these illegal immigrants are being funded through non-profit organizations that are sending money to banks and other types of bosses called coyotes. She personally had that experience with family who asked her to take them to send money in the amount of one thousand nine hundred dollars (\$1,900) a month that they were sending to Mexico in which she got the pictures of the banks of everywhere the money is going to. She asked if Findlay is normalizing human trafficking. She asked if that is what is being talked about when illegal immigrants come here and send money somewhere else and are using their labor while they are sending money out and not using it in the community which we are building, but instead are taking non-profit funds to help them and will probably house them. She asked if the Habitat for Humanity build that they are trying to do in West Park is part of the plan to house the illegal immigrants. Filed.

### **Dan Kelly – travel of Mayor**

Mr. Kelly read with interest about the visits to Washington DC and to Columbus. He asked Mayor Muryn if she would, as a matter of transparency that the local website indicates, be able to provide an itinerary of the meetings, an agenda of the meetings, . . . President of Council Harrington interrupted Mr. Kelly informing him that this is a City Council meeting and that any questions he has, has to be directed to City Council and that it is not an Administrative meeting, so questions and comments directly to the Administration is not part of City Council meetings. If he has a question for Council, he will allow it, but a direct question like what Mr. Kelly has already asked is something that he will need to contact Mayor Muryn at her office unless the Mayor would like to comment this evening, but that is not what Council is here for tonight. Mr. Kelly replied that his interest is about the two (2) meetings and the travel.

#### **Discussion:**

Councilwoman Frische asked Mr. Kelly why he is asking for the Mayor's itinerary for going to Washington DC, if it out of curiosity of if there is something he is looking for. Mr. Kelly replied he would like to know if it was taxpayer funded. Councilwoman Frische asked if he wants to know how it was paid for. Mr. Kelly replied that is correct. Councilwoman Frische asked what his second question was. Mr. Kelly replied how it was approved. Who actually makes the decision. Councilwoman Frische replied that she will follow up on that since that discussion is not allowed. Mayor Muryn replied that she paid for the trip to Washington DC out of her personal pocket to attend the event. The travel and dues of the Ohio Mayor's Alliance Board is part of her budget annually. Mr. Kelly replied that he will be in contact. Filed.

### **Renee Leguire – downtown park, zoning**

All Councilmembers were elected as Republicans, however, most of them vote to spend tax money like Democrats. She reminded Council that grant money is taxpayer money, so she advises them tonight to vote against any appropriations for the design and plans of a forty million dollar (\$40,000,000) park. In the last few weeks, she has talked to many citizens and did not find any in favor of a forty million dollar (\$40,000,000) park. Many have said that the downtown park should be turned into a green space. They said that Findlay has plenty of parks in Findlay and Hancock County that are not being taken care of properly, and so why not take care of the parks that we already have. The citizens of Findlay are becoming a little bit agitated with the way they are not being heard.

She would like to request that all zoning ordinances go before the citizens of Findlay so that the citizens can vote on these zoning ordinances. As the City is planning on putting new rules on the books, the citizens of Findlay should have a voice. Most of Council are not representing their constituents. Filed.

#### **WRITTEN COMMUNICATIONS:**

**email from Zach Thomas – Findlay Downtown Recreational Area.** Filed.

**letter from Buckeye Broadband Vice President, Business & Legal Affairs Mathew Beredo – rate changes effective January 1, 2024.** Filed.

**email from Kari Holman – Water Treatment Facility.** Filed.

**email from Zach Thomas – support for Immigration Task Force.** Filed.

**President of Council Harrington reminded Council that Councilman Russel requested to address Ordinance No. 2023-115, AS AMENDED (zoning code) now instead of during the LEGISLATION section of tonight's meeting so that Hancock Regional Planning Commission Director Cordonnier (in the audience) could leave for his other obligation.** Councilman Russel moved to lift **Ordinance No. 2023-115, AS AMENDED** from being tabled and give it its third reading, second by Councilman Hellmann. Ayes: Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke. The Ordinance was lifted from the table and given its third reading. Councilman Slough moved to adopt the Ordinance, seconded by Councilman Russel.

#### **Discussion:**

Councilman Hellmann asked Hancock Regional Planning Commission Director Cordonnier if he would like to comment on this amendment. Hancock Regional Planning Commission Director Cordonnier replied that they have been working on this since mid-2022. They have had seven (7) public hearings and working meetings on this, have placed four (4) articles in the Courier, and he presented the information to the Findlay Rental Association, so there are no surprises in this document. It is to update the document as zoning codes are always changing trying to stay up with the times. He provided the five (5) significant changes:

- Increased the requirements for public notices to the PLANNING COMMISSION BOARD OF ZONING APPEALS and CITY COUNCIL in terms of rezoning for City Council. The PLANNING COMMISSION will be notifying properties within five hundred feet (500'), an increase from two hundred fifty feet (250'). It will more than double the number of people notified when an item is going to the CITY PLANNING COMMISSION.
- When there is a rezoning, a second sign will be placed at the property that notifies local residents that it will be at CITY COUNCIL that they can provide public input to CITY COUNCIL.
- Three (3) new districts were created: A1 Agricultural District, I3 Light Industrial District, and brought back Planned Unit Development (PUD). Removed two (2) districts: PUMD and PRD. Those were districts that were never utilized.
- Updated the sign code to make it much more difficult to install billboards or convert them to digital. Removed pylon signs (i.e. Menards sign) for commercial. Now have to install a ground mounted sign that is no taller than eight feet (8') tall.
- Made changes to the Conditional Use criteria by installing the recommendation by the Ohio Supreme Court seven (7) criteria for reviewing conditional uses.

Those are a large overview of the changes. There is a 2-hour meeting available on YouTube where he went over every change.

Discussion:

Councilwoman Frische pointed out that she serves on the PLANNING & ZONING COMMITTEE that hasn't had much discussion on this. One meeting had some discussion, but didn't have any resolutions. She was not able to attend the COMMITTEE OF THE WHOLE meeting when this was taken to committee to get a full understanding, so she watched the video. It was clear that when Council asked some questions during that meeting, Councilman Russel said to the COMMITTEE OF THE WHOLE that this was information to share, but not to make any suggestions or tweaks. If that were to be done, then it would be at risk of not getting passed. It has to be done in one of the last meetings of November if wanting to get the process moving forward. There clearly is a press of importance to get this done which is concerning to her. At the end of the day, Council needs to understand everything being added and removed to the zoning code, and so does the public. Some of the things that are important to her that she does not necessarily agree with was the Industrial II Zone because that is near her ward and that it is already at Ward 1 coming toward the Tall Timbers direction in which they have already experienced some of the wind turbines and things like that, and that the industrial things going on over there that have impacted some people's peace. She is not in agreement of the signage situation in our community of wanting to remove signage because businesses need and deserve to have their signage. Just because the City wants to have a sunset clause of not allowing a pylon sign or large sign to not be able to put it back up if it receives damage, and instead have to comply to the profile or no sign rule. She would still like to see the McDonald's golden arches to give directions on where to go. Signage is important. She does not agree with the rule that motorists cannot be park their trailers on business properties with permission unless their trailer is titled to that property. The City is putting restrictions on small businesses that is completely inappropriate. The City states that they support the trucking industry as being a main industry in the community, but are applying some regulations that is making it harder for those coming in and park their RV on a commercial . . . HRPC Director Cordonnier interrupted stating that is already in the code. . . . Councilwoman Frische continued stating but that there are setbacks and additional rules of how far they can be from the road and how close they have to be to a building. Additional things have been added in that haven't been discussed. For example, she recently read about electric car charging stations, but does not ever remember talking about that. There is a lot of talk about zoning code changes that people do not speak up on because they do not feel that they are going to be heard. The zoning code is not HANCOCK REGIONAL PLANNING COMMISSION's baby. It is the City of Findlay, so if the City wants to make a change to its zoning code, it should be one item at a time. For instance, farm animals was the big thing and are going to retouch on that in 2024, but was not the HANCOCK REGIONAL PLANNING COMMISSION's responsibility or privilege to be able to just once over the entire thing. Nobody on that committee or even the COMMITTEE OF THE WHOLE for Council read that entire document and understood what was going on. She still keeps reviewing it and find new things that she hasn't seen or heard about. For that reason, Council should not pass this zoning code change. As citizen Renee Leguire mentioned earlier tonight, she thinks it would be a good idea to put it on a ballot for the citizens to understand because these are big changes that folks don't always realize how it is going to impact them until later. There was valid questions that were dismissed by Councilman Russel at those committee meetings. If this goes to a vote today, she will vote no and hopes some other Councilmembers do as well.

Councilman Russel asked for a point of clarification of a COMMITTEE OF THE WHOLE meeting is informational sharing and cannot make decisions at it. He complimented Mr. Cordonnier and his team for the work that they put into this zoning rewrite. Since 2013, this is the third major rewrite of the zoning code that he has been a part of. This one also involved an extraordinary effort to make the code, the actual physical document the code is in, manageable so that it could be easier to maintain that was done at a great individual effort on behalf of the HANCOCK REGIONAL PLANNING COMMISSION and the attorneys that they work with on this code. It was a direct result of the West McPherson apartment building and the input received from those neighbors concerning that, that led them to increase the radius of the notification areas for zoning code changes, the BOARD OF ZONING APPEALS, and direct result of public input adding the requirements for signage for the HANCOCK REGIONAL PLANNING COMMISSION zoning changes in the BOARD OF ZONING APPEALS. The committee does hear public input on this. The zoning philosophy on this did not change. It is a big tweak and is more than a complete overhaul. He appreciates the work that was done on it, especially after it went through the COMMITTEE OF THE WHOLE providing all the changes to Council. He recommends approval and will be voting for it.

Councilwoman Frische noted that Councilman Russel gave a good example when he stated that the HANCOCK REGIONAL PLANNING COMMISSION attorneys are handling this, but again, it is the City's zoning code to handle. She would be in favor of passing one simple ordinance like what has been done in the past for the notification process that came out of some of this discussion out of South Main Street of increasing notification from the community input, but that this was not community input. It was a department no different than WATER & SEWER COMMITTEE or Street Department that Council would not let them overhaul things. She appreciates everything that Director Cordonnier does, especially when she has questions, but thinks this is being way too aggressive too quick and is not what the City needs.

**motion to adopt:**

Ayes: Bauman, Greeno, Hellmann, Palmer, Russel, Slough, Warnecke. Nays: Frische, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-115 and is hereby made a part of the record. Filed.

**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:**

**City Planning Commission minutes** – November 9, 2023; **staff report** – December 14, 2023. Filed.

**Service-Safety Director Martin - annual Community Park Improvement Program grant**

The City of Findlay has received grant monies in the amount of twenty-two thousand dollars (\$22,000.00) from the annual Community Park Improvement Program Grant the Hancock Park District. The grant funds will be used for restoration of the main restroom and main electrical building at Riverside Park. The restoration will include removing loose and defective mortar joints, power washing the building, and tuck and point work on all defective mortar joints, then sealing the building. The work will be performed by a local contractor. Legislation to appropriate funds is requested. Ordinance No. 2023-138 was created.

FROM: HPD Grant \$ 22,000.00  
TO: HPD Grant 2024 #31934700-other \$ 22,000.00

Filed.

**Mayor Muryn – appointments to Shade Tree Commission**

Mayor Muryn is reappointing Jane Ebersole, Tom Mills, and Rick Watson to serve on the Shade Tree Commission. Their appointments will be effective through December 31, 2026. These appointments do not require Council's confirmation. Filed.

**Mayor Muryn – appointment to Civil Service Commission**

Mayor Muryn is reappointing Tom Kemp to serve on the Civil Service Commission. His appointment will be effective through December 31, 2029. This appointment does not require Council's confirmation. Filed.

**Mayor Muryn – appointment to City Planning Commission**

Mayor Muryn is appointing Kerry Trombley to serve on the City Planning Commission. Mr. Trombley has served on the Board of Zoning Appeals for the past several years and has expressed a desire and willingness to continue to serve the community now as a member of the City Planning Commission. He brings a vast background of representing business entities in front of Planning Commissions and understands the importance of supporting property owners while applying reasonable regulations to promote beneficial development. His service on the Board of Zoning Appeals will end December 31, 2023. His appointment as a member of the City Planning Commission will be effective January 1, 2024, through December 31, 2029. This appointment does not require Council's confirmation. Filed.

**Mayor Muryn – appointment to Hancock Regional Planning Commission Board**

Mayor Muryn is appointing Dan Seman to serve on the Hancock Regional Planning Commission Board. His appointment will be effective through December 31, 2025. This appointment requires Council's confirmation.

Discussion

Councilman Russel moved to approve this appointment, seconded by Councilman Bauman. All were in favor. Filed.

**Treasurer's Reconciliation Report – November 30, 2023.** Filed.

**A set of summary financial reports for November 30, 2023:**

- Summary of Year-To-Date Information as of November 30, 2023
- Open Projects Report as of November 30, 2023
- Cash & Investments as of November 30, 2023

Filed.

**Findlay Police Department Activities Report – November 2023.** Filed.

**Findlay Municipal Court Activities Report – November 2023.** Filed.

**Mayor Muryn – Ohio Urban Forestry grant**

Mayor Muryn is requesting a resolution at the December 19, 2023 Regular Session City Council meeting to update the Findlay Shade Tree Commission City Planting and Management Plan (aka Shade Tree Ordinance). The Findlay Shade Tree Commission has been working diligently to update this plan (aka Shade Tree Ordinance) and are looking for opportunities to further their impact and efforts to enhance the City of Findlay tree canopy. One opportunity that has been identified is the Ohio Urban Forestry Grant Program. It is being offered through the Ohio Department of Natural Resources Division of Forestry and has the goals of working with local governments to promote large stature trees and species diversity, enhancing the quality of life in cities, reduce stormwater runoff, strength existing tree care and planting programs, and much more. The Shade Tree Commission would like to submit a grant application to this program with no match requirements, however, as part of the application, a resolution of support is required. The Shade Tree Commission plans to apply for approximately three hundred thousand dollars (\$300,000) of funds to support additional planting, a contractor to help assess, prune, and remove (when needed), the current City right-of-way trees. Funds can also reimburse the City for City employees' time spent on qualifying activities. The funds would support planting and maintenance of new trees. Resolution No. 031-2023 was created. Filed.

**Police Chief Mathias – Findlay-Hancock County Community Foundation President's Discretionary Grant #24266**

The Findlay-Hancock County Community Foundation authorized a President's Discretionary Grant to the City of Findlay Police Department for an awarded amount of five thousand dollars (\$5,000). This grant is to support community engagement activities between the Police Department and residents of Findlay, Ohio. There is not required match for the grant. Attached is details about the grant, its terms and conditions. The City of Findlay Police Department has worked with the Findlay-Hancock County Community Foundation on various projects and programs over the years and has a great standing relationship. Legislation to accept this grant funding to assist with this program implementation between the City of Findlay Police Department and the citizens of Findlay is requested. The City of Findlay Police Department will be exploring all potential ideas of new community engagement activities for final sections in January 2024. Ordinance No. 2023-140 was created. Filed.

**City Auditor Jim Staschiak – year-end items to transfer/appropriate**

The following accounts require an appropriation or a transfer for this budget year so that the City may remain in compliance with ORC and audit. It is important that the rules be suspended and the legislation for these transfers be passed at the December 19, 2023 City Council meeting in order to remain in compliance.

**Transfer Resolution:**

FROM:	Service-Safety Director #21020000-other	\$ 5,000.00	
TO:	Service-Safety Director #21020000-personal services		\$ 5,000.00
FROM:	Cemetery #21046000-personal services	\$ 5,000.00	
TO:	Cemetery #21046000-other		\$ 5,000.00
FROM:	Electronic Imaging #22084000-other	\$ 2,000.00	
TO:	Electronic Imaging #22084000-personal services		\$ 2,000.00
FROM:	Utility Billing #25072000-personal services	\$ 55,000.00	
TO:	Utility Billing #25072000-other		\$ 55,000.00
FROM:	Parking #25075000-other	\$ 3,000.00	
TO:	Parking #25075000-personal services		\$ 3,000.00

REASON: the transfers deal with moving already appropriated funds between the respective department’s personal services (wages and related benefits) and other (operational expenses) accounts to be able to finish the rest of the year.

Emergency legislation for the above listed items is requested to be adopted on an emergency basis during the December 19, 2023 meeting. Resolution No. 032-2023 was created.

**Appropriation Ordinance:**

FROM:	General Fund	\$ 30,000.00	
TO:	Mayor #21002000-personal services		\$ 30,000.00
FROM:	General Fund	\$ 20,000.00	
TO:	Law Director #21005000-other		\$ 20,000.00
FROM:	General Fund	\$ 300.00	
TO:	Planning & Zoning #21008000-other		\$ 300.00

REASON: There is a need to appropriate additional funds in order for the department to be able to finish out the rest of the year based upon what has already occurred or projected to occur by year end by the respective departments.

FROM:	CR 236 TIF Fund	\$ 53,834.08	
TO:	CR 236 Widening Debt Service #23060310-other		\$ 53,834.08
FROM:	CR 236 Widening Debt Service #23060310-other	\$ 53,834.08	
TO:	CIT – Capital Improvement Restricted Account		\$ 53,834.08

REASON: the CR 236 debt payments were appropriated and paid initially by CIT Fund-Capital Improvements money for 2023. \$53,834.08 in 2023 of TIF revenue to offset a portion of the 2023 debt payment. These appropriations allow the TIF Fund money to be used for the debt and reimburse the Capital Improvements Restricted Account.

FROM:	County Permissive Fund	\$ 208,005.00	
TO:	CR 236 Widening Debt Service #23060310-other		\$ 208,005.00
FROM:	CR 236 Widening Debt Service #23060310-other	\$ 208,005.00	
TO:	CIT – Capital Improvements Restricted Account		\$ 208,005.00

REASON: the CR 236 Debt payments were appropriated and paid initially by the Capital Improvements money for 2023. We were able to draw \$208,005.00 of County Permissive Fund money to offset a portion of the 2023 debt payments as an allowable use of the money. These appropriations allow the County Permissive money to be used for the debt and reimburse the Capital Improvements Restricted Account. Unlike in years past, there was not enough County Permissive Funds available to cover all of the remaining debt after TIF collections in 2023; County Permissive Funds was short by \$135,186.42.

FROM:	Energy Bonds Series B #23056100	\$ 5,108.04	
TO:	CIT Fund – Capital Improvements Restricted Account		\$ 5,108.04

REASON: The City had to appropriate the entire amount of the interest payment for the Energy Bonds for the 2023 debt payments. However, the Series B bonds are federally subsidized and we did receive a portion of our subsidy payment. Due to the federal mandated sequester, we did not receive the entire subsidy. There is a federally established process with the IRS to request the payments that we must follow twice a year, but the IRS has not yet sent the City the second half of the 2023 subsidy. This transaction takes care of the return of the fronted appropriation to CIT Fund – Capital Improvements restricted account.

FROM:	Police Pension Fund	\$ 80,669.85	
TO:	Police Pension #27078000-761400		\$ 80,669.85
FROM:	Fire Pension Fund	\$ 80,669.85	
TO:	Fire Pension #27079000-761400		\$ 80,669.85

REASON: A portion of the amount received from the assorted property taxes from the County tax settlements is deposited into Police and Fire Pension Funds by law. The cash balance is then transferred to the General Fund at the end of the year. Although the revenue budgets for 2023 were estimated very closely, the transfers out of these funds were budgeted low. The County revises their revenue estimates after adoption of our annual appropriation ordinance, and in order to avoid potentially over-budgeting the fund on the certificate filing, the transfer out is budgeted lower than expected.

FROM: Cemetery Trust Fund \$ 68,120.18  
TO: Cemetery Trust #27086000-other \$ 68,120.18

REASON: The amount of interest earned on the Cemetery Trust investment has come in much higher than the original budgeted estimate due to the increasing interest rates. This appropriation allows for the total amount of interest earned to be transferred to the General Fund to support the current operations of the cemetery as intended.

FROM: Special Assessments Storm Sewer #28030000 \$ 41.08  
TO: General Fund \$ 41.08

REASON: in 2022, the City made the final debt payment on the Hunter's Creek Drainage Assessment debt. However, there was several property owners that have not paid the assessment or not paid the assessment timely incurring penalty and interest charges through the County real estate process. The City had to cover the costs of the debt payments with General Fund money and was to be reimbursed when the property owners finally made payment. The \$41.08 represents the amount of money that was received in 2023 for some of these parcels. This money should now be returned to the General Fund. There is still a few outstanding assessments to be collected from these projects.

FROM: General Fund \$ 1,000,000.00  
TO: Severance Payout Reserve Fund \$ 1,000,000.00

REASON: With the latest analysis of employees that we are aware are eligible to retire in the next two (2) years, the Severance Payout Reserve Fund will be short by a minimum of \$1,000,000.00. Legislation for the above listed items is requested to be adopted on an emergency basis during the December 19, 2023 meeting. City Auditor Staschiak requests that the first paragraph of this letter be read. Ordinance No. 2023-141 was created.

Discussion:

Councilman Russel moved to read the first paragraph of this letter be read, seconded by Councilman Palmer. All were in favor. Filed.

#### **Service-Safety Director Martin – City of Findlay electric aggregation program**

Service-Safety Director Martin received notice from the City's electric aggregation consultants, Independent Energy Consultants (IEC) on December 7, 2023 that Findlay's three (3) year electric supply agreement with Constellation will expire on March 2024. IEC invited all eligible electric suppliers to submit proposals to support a seamless continuation of the City's electric program. The City of Findlay received various price offers for various terms from suppliers. Electricity prices have risen since the start of the current term, however, the program will continue to provide price protection and the ability to budget by providing a stable fixed rate that is attractive against comparable market alternatives. Following a detailed review of bids and market conditions with IEC, it was the collective recommendation to sign a supply agreement with Energy Harbor:

- They provided the most attractive pricing beyond 12 months.
- 24-month rate from Energy Harbor would provide attractive pricing over a moderate term length.
- Their indicative 24-month fixed rate of \$0.0653/kwh fairs well against comparable alternatives.

Supplier proposals are honored for thirty (30) days, so a decision is requested by December 29, 2023. Energy Harbor will prepare a Master Service Agreement for the City's approval. There are a number of time consuming action items that have to be completed by the supplier, utility and the City's consultant, in order to support a seamless continuation of the program in March. IEC will prepare a news release, FAQs, website material, etc. for the City's use before any letters are sent. Letters will go to residents and small businesses informing them of the new offer in late January/early February. Those not wishing to participate will have twenty-one (21) days to opt-out and another seven (7) day rescission period, prior to enrollment. The City's program was voter approved in November 2011. This is simply another option for residents in their attempts to manage their electricity costs. As before, the program will have not early termination fee. Participation in Findlay's program is completely voluntary, and residents can leave the program at any time for any reason, free of charge. Legislation authorizing the City Administration to enter into a twenty-four (24) month fixed rate supply agreement with Energy Harbor is requested. Ordinance No. 2023-142 was created.

#### **COMMITTEE REPORTS:**

THE **WATER AND SEWER COMMITTEE** met on December 5, 2023 to discuss sewer rules amendments via Ordinance No. 2023-134.

We recommend further clarification to the language and drafting of an amended ordinance No. 2023-134. Ordinance no. 2023-134 received its first reading during the November 21, 2023 City Council meeting, its second reading during the December 5, 2023 City Council meeting. The amended Ordinance No. 2023-134 is up for its third reading during the December 19, 2023 City Council meeting.

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



An **AD HOC COMMITTEE** met on December 11, 2023 to discuss 2024-2025 Council Rules of Procedure.

*We recommend modifications to SECTION 11, PARAGRAPH E.*

*Attendance:*

- majority vote of Councilmembers present to excuse an absence
- majority vote of Council to adopt health guidelines
- SECTION 11, PARAGRAPH M-5 voting abstentions change "shall" to "may"

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

*Discussion:*

Councilwoman Frische asked what the reasoning is of changing "shall" to "may". Councilman Russel replied that it states that a Councilmember who is looking to abstain shall have conference with the Law Director which means it is a requirement. Changing it to "may" means that they have the option to discuss with the Law Director if they should abstain. The committee thought it was more appropriate to change the verb to may from shall. All were in favor. Filed.

An **AD HOC COMMITTEE** met on December 11, 2023 to discuss 2024-2025 Council committee assignments.

*We recommend continued discussion with 2024-2025 Councilmembers on assignments.*

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

An **AD HOC COMMITTEE** met on December 11, 2023 to discuss compensation for elected officials.

*We recommend Ordinance No. 2017-119 be amended with new clarifying language similar to PARAGRAPH B in Ordinance No. 2023-133 AS AMENDED. Ordinance No. 2023-139 for Councilmembers, President of Council, and City Treasurer was created.*

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

The **APPROPRIATIONS COMMITTEE** to whom was referred a request to discuss Raise the Bar.

*We recommend that funding for Raise The Bar for \$30,000 in 2024 be included in the 2024 budget.*

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

The **APPROPRIATIONS COMMITTEE** to whom was referred a request to discuss and the Downtown Recreational Area environmental.

*We recommend:*

1. *The Administration apply for Brownfield grants to assist in the cost of environmental remediation on the downtown benching project.*
2. *Approve an appropriation to hire an Environmental Consultant to act as a Fiduciary for the City in the downtown benching project.*

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

*Discussion:*

Councilwoman Frische pointed out that the Brownfield grants are being ran through the County and asked if the City or County is going to be handling this. Mayor Muryn replied the County. Councilwoman Frische asked if should state that the City Administration is supporting the County in applying for Brownfield grants. Mayor Muryn replied that is what was discussed at the meetings. The City will coordinate with them which is what the City was planning to do and was just not written down that way when it was translated from motion one to motion two. All were in favor. Filed.

#### **LEGISLATION:**

#### **RESOLUTIONS:**

**RESOLUTION NO. 030-2023** (*Ordinance No. 2023-071*) **requires three (3) readings**

**second reading - adopted**

A RESOLUTION AUTHORIZING THE USE OF A PORTION OF THE PROCEEDS OF BONDS OR BOND ANTICIPATION NOTES OF THE CITY, IN THE ESTIMATED PRINCIPAL AMOUNT OF NOT TO EXCEED \$40,000,000, TO BE ISSUED FOR THE PURPOSE OF DESIGNING, ENGINEERING, CONSTRUCTING AND IMPROVING A DOWNTOWN RECREATION AREA, AND AUTHORIZING AND APPROVING RELATED MATTERS, AND DECLARING AN EMERGENCY.

*Discussion:*

Councilman Palmer noted that he is going to make a motion to suspend the statutory rules of Council so that this can be voted on by this current Council.

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

*Discussion:*

Mayor Muryn pointed out that this is something that the Auditor has requested to have in place in the event that in the future that a bond issuance for Capital Improvements is needed. It is not her intention that it would be necessary. The discussion price point for the park is not forty million dollars (\$40,000,000) and is not the intent of this Administration, nor the intent of Council based off our prior communication. It is just paperwork to give flexibility in the future.

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

**RESOLUTION NO. 031-2023** (*Ohio Urban Forestry Grant*) **requires one (1) reading**

**first reading – adopted**

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO APPLY FOR OHIO URBAN FORESTRY GRANT PROGRAM FUNDS THROUGH THE OHIO DEPARTMENT OF NATURAL RESOURCES DIVISION OF FORESTRY AND ENTER INTO AN AGREEMENT TO UPDATE THE CITY OF FINDLAY, OHIO CITY PLANTING AND MANAGEMENT PLAN, ~~ALSO REFERRED TO AS THE SHADE TREE ORDINANCE~~, TO FURTHER ENHANCE THE CITY OF FINDLAY TREE CANOPY.

Councilman Slough moved to adopt the Resolution, seconded by Councilman Bauman. Ayes: Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Bauman, Frische, Greeno. The Resolution was declared adopted and is recorded in Resolution Volume XXXV, and is hereby made a part of the record. **Note: “ALSO REFERRED TO AS THE SHADE TREE ORDINANCE,” was later removed and should not have been part of the Resolution.**

**RESOLUTION NO. 032-2023** (*year end transfers*) **requires one (1) reading**

**first reading - adopted**

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

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

**Councilman Russel requested to address Ordinance Nos. 2023-102** (*CR 99 annexation – accept & approve*) **and 2023-103** (*CR 99 annexation zoning*) **that are tabled now so that the two (2) representatives for this annexation that have made their second visit to Findlay tonight for consideration could catch their air flights back home. These two (2) ordinances would normally be considered during OLD BUSINESS, after the rest of the agenda has been gone through, but would like to address them now since the two (2) representatives are traveling here for the second time because of errors on the City’s part. He asked that these two (2) ordinances be lifted from being tabled and be given consideration at this point in the agenda.** Councilman Russel moved to lift **Ordinance No. 2023-102** from being tabled and give it its third reading, second by Councilman Hellmann. Ayes: Palmer, Russel, Slough, Warnecke, Bauman, Frische, Greeno, Hellmann, Niemeyer. The Ordinance was lifted from the table and given its third reading. Councilman Slough moved to adopt the Ordinance, seconded by Councilman Bauman.

**Discussion:**

Councilwoman Frische asked Mr. Sexton (annexation representative) how it would impact them if the RaceTrac annexation was not annexed into the City. Mr. Sexton replied that they would pay a higher utility rate for water and sewer, and that also the extension of Speedway Drive would not be part of the City’s inventory as well as all of the other extensions that come with it.

Ayes: Russel, Slough, Warnecke, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-102 and is hereby made a part of the record.

Councilman Russel move to lift **Ordinance No. 2023-103** (*CR 99 annexation zoning*) from being tabled and given its third reading, seconded by Councilman Slough. Ayes: Slough, Warnecke, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel. The Ordinance was lifted from the table and given its third reading. Councilman Slough moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Warnecke, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-103 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 – adopted  
removed from being tabled and adopted during OLD BUSINESS**

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** **requires three (3) readings**

(*Downtown Recreation Area – design & engineering*)

**tabled after third reading on 8/15/23 – adopted  
removed from being tabled and adopted during OLD BUSINESS**

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. 2023-102** **requires three (3) readings**

(*CR 99 annexation – accept & approve*)

**third reading – tabled until 12/19/23 public hearing - adopted  
removed from being tabled and adopted at the beginning of all ordinances**

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).

**ORDINANCE NO. 2023-103** (*CR 99 annexation zoning*) **requires three (3) readings** **third reading – tabled until 12/19/23 public hearing – adopted**  
**removed from being tabled and adopted at the beginning of all ordinances**

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).

**RDINANCE NO. 2023-105** (*315 Walnut St rezone*) **requires three (3) readings** **third reading – tabled until 12/19/23 public hearing – adopted**  
**removed from being tabled and adopted during OLD BUSINESS**

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”.

**ORDINANCE NO. 2023-115, AS AMENDED** (*zoning code*) **requires three (3) readings** **third reading – tabled until 12/19/23 public hearing - adopted**  
**removed from being tabled and adopted just before REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS**

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.

**ORDINANCE NO. 2023-125** **requires three (3) readings** **third reading - adopted**

(*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.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Bauman. Ayes: Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-125 and is hereby made a part of the record.

**ORDINANCE NO. 2023-126** (*0 Keith Pkwy rezone*) **requires three (3) readings** **third reading - adopted**

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”.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Bauman. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-126 and is hereby made a part of the record.

**ORDINANCE NO. 2023-129** (*self-insurance fund*) **requires three (3) readings** **third reading - adopted**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Slough moved to amend the Ordinance its third reading, seconded by Councilman

Discussion:

Councilman Russel noted that at the last meeting, there were some discussions about this ordinance and asked if a report from the consultant or third party contractor that was examining this has been received and if so, if it was distributed as he has not seen it. City Auditor Staschiak replied that Hal Forester is the individual that the City works with. There was a meeting that included himself, Service-Safety Director Martin and Law Director Rasmussen. Mr. Forester reviews the City’s regular insurance to make sure the liability is in sharp shape and that the City is getting what it is paying for. Mr. Forester was not only involved with what he was reviewing recently, but the prior year prior to City Auditor Staschiak making the recommendation in 2022 to do this. Mr. Forester had said that if the City has the money, it is prudent to move money into this plan, and because of his role and lack of knowledge of the City’s health plan, that it would not be his purvey to make an exact suggestion as to what dollar amount should be moved. Mr. Forester has always been forthcoming and a great advocate for the City going back to the days when Janet Wobser was the City Auditor, so there is a lot of respect for him. He had mentioned to Mr. Forester that the City was going to ask for significantly more after talking to him last year, but was not where he went with this and felt that the two million dollars (\$2,000,000) is reasonable. It is very important that Council understands that it is funding it to two million dollars (\$2,000,000) but that it will be spent down, and as he talked about in the budget meetings, if there was any concern on his part in regard to his understanding, knowledge and actuarial capabilities to tell him because he would be happy to talk more. At that point in time, the discussion and the invite went out and was discussed in a meeting that should the Service-Safety Director, the Director of Law, and Councilman Wobser want to have a discussion to reduce this amount, they should have that discussion before tonight’s meeting to clarify that. That discussion did not happen because based on what happened, Mr. Forester was comfortable on the surface and would he shocked if he wasn’t or if had he said anything else because he includes him on everything that he includes the Administration on.

One of the major concerns he has is that this plan is tied to the City's health plan and is also tied the City's liability coverage. It was not tied to either of those two things when it was created back in the 1980s. Back when it was created in the 1980s, the one million dollars (\$1,000,000) that was funded is the equivalent to almost three million dollars (\$3,000,000) or approximately two million eight hundred thousand dollars (\$2,800,000) today. The City has only been funding it to a million dollars (\$1,000,000) that is being spent down regularly even though individual claims are not large, the amount spent out of this fund is significant. An actuarial number that the City's insurance broker provided was of a twenty-nine percent (29%) chance that the City will have a claim in its health plan of over a million dollars (\$1,000,000) and a fourteen percent (14%) chance there will be a claim exceeding two million dollars (\$2,000,000) in the world that we are in. That risk has significantly increased the risk the City has to that plan that ties to the self-insurance fund that was put in place by the now State Treasurer Robert Sprague when he was City Auditor which was intended to create a source of funding to allow the City to administratively work through a decimating year in our health plan so that we continue to provide those services to our employees without massively changing the plan in a single year, so it buys us a crossover. Council is aware of other things that are tied to that plan and what is spent, but most importantly, that the spending is significant, the liability is significant, and it is not a fixed floor. It is to fund it two million dollars (\$2,000,000) while the City has the money and will be spent down over time, so if any more money is to be added at that point in time, it will come to Council just as this is coming to Council. Councilman Russel asked if Mr. Forester is an Actuary. City Auditor Staschiak replied that is his understanding. Councilman Russel asked if Mr. Forester is looking at this from the healthcare side of things. City Auditor Staschiak replied no, he can't and won't. He does not have access because of HIPAA rules to those types of records. City Auditor Staschiak is the HIPAA Officer for the City because the administration of the health plan for the City is through the City Auditor's Office. He has shared what he can share with Mr. Forester without providing anything that would compromise the HIPAA rules. He has provided some of the insights on the costs when bidding the plan and administering it. The risk of the high level claims with a broker are real. The costs are significant with the health plan, especially with specialty drugs that concerns him. Every time someone advertises a drug on television, people want it, and are not cheap. There are less than one thousand (1,000) individuals on the City's plan which statistically makes the City an anomaly which means costs are random from any given year because there are not enough people statistically to get a good standard deviation across the plan. Every five (5) years on trend, the City has experienced a very bad year, but have been able to weather that. As Council knows through the budget, that health costs back in 2012 were almost six million dollars (\$6,000,000). This year, they are projected to be between seven million dollars and eight million dollars (\$7,000,000-\$8,000,000) which is minimal growth. We benchmark health costs which are very good compared to our peers and as published by the SERB report, however, that does not take the risk away. Between the liability, the environmental concerns, and different lawsuits the City has had, all the things self-insurance touches, it is exactly what it sounds like. It is insurance meant to protect the City and to pay those premiums out of that. When someone hits a pothole and has damage to their tire, if the City knew about the pothole and didn't get a chance to fix it, if it is determined that the City has liability, the City has to pay, which is one of those areas where that money comes out of. It is well spent. It is not something that is going to go away. It is not something that obligates the City to keep it that high forever. It is good insurance for the City to be able to administer management of costs. Councilman Russel replied that it is a positive that it is not lifting the minimum. He asked if the City has stop-loss insurance for health and if so, when the stop-loss kicks in. City Auditor Staschiak replied that there are a couple of levels of stop-loss. When he first came in, the City was stop-losing at the individual level at one hundred thousand dollars (\$100,000). Because of the administration of the plan and the statistical reviews that are done every year in working with the broker and in the City's health actuary, that stop-loss has gone from one hundred thousand dollars (\$100,000) to one hundred twenty-five thousand dollars (\$125,000), to now being self-insured to the first one hundred fifty thousand dollars (\$150,000) of all of the nine hundred individuals that the City is insuring. The City's cost of stop-loss deductible has gone up significantly, and then on top of the plan, beyond the stop-loss, there is an aggregate. That aggregate is six million seven hundred thousand dollars (\$6,700,000). It is being bid out to be in place as we speak so that the City is covered. What is odd is that if ever it was thought that the City would hit it, it would have been during COVID, but did not, so there is some question of what is the right number for that and are very comfortable with where it is at. He is working with the broker on the actuary and the TPA that are helping manage the plan. There are two (2) levels of protection. Councilman Russel thanked City Auditor Staschiak for the information on these questions that he has come up with because his wife worked through this with the School Board. He asked what Health Actuary City Auditor Staschiak works with and what kind of input they give to the City's level and if it is a report that can be shared. City Auditor Staschiak replied it is a report that can be shared and it is shared. It is regularly requested by the unions. It is provided to the Administration. It is used every year when the rate is set. It started as part of the union negotiations but is not a contract requirement any more. Because of the amount of individuals on the plan and because of the risks of specialty drugs, and now genetic health approaches that the medical world is taking and the cost of those, as well as specific risks that the City has, the recommendation is to reserve as high as three million dollars (\$3,000,000) on the City's health plan. In order to do that, it would be a significant premium increase. The health plan was budgeted in 2024 for a two million dollar (\$2,000,000) reserve. It is calculated by adding up what the starting amount of cash is, what the amount of expenses projected, and the premiums that are being collected from employees as well as the City's side, and should end the year with two million one hundred thousand dollars to two million three hundred thousand dollars (\$2,100,000-\$2,300,000) if it is an expected year. There is a gap in that reserve. That reserve was built from when he started administering and managing this plan in 2011 and 2012 from nothing to a million dollars to one million two hundred thousand dollars (\$1,000,000-\$1,200,000), and then got up to about one million five hundred thousand dollars (\$1,500,000) that has taken a major jump over the last two to three (2-3) years from one million five hundred thousand dollars (\$1,500,000) to the recommendation of three million dollars (\$3,000,000) and is not expected to capture that all at once and instead will be building it up. This is another reason that added protection of the self-insurance side is a benefit for the City should there be a bad year. Councilman Russel asked if the balance of that fund right at the end of November was eight hundred forty-nine thousand dollars (\$849,0000). City Auditor Staschiak replied that sounds about right. Councilman Russel asked if the City is looking to put an additional one million one hundred thousand dollars (\$1,100,000) in it and asked if there is anything that prevents the City from doing this next year through an APPROPRIATIONS COMMITTEE meeting to vet this out in detail versus doing it at this point in time. He would like to see the Self-Insurance Fund analyzed by the APPROPRIATIONS COMMITTEE and the Administration for the right amount. He would like to see the City Auditor continue on with the analysis that he is currently doing and then present the full picture to Council.

He asked if that could be done in the first quarter of 2024. City Auditor Staschiak replied that the full presentation was given to Council last year and is in the Council record. It was done in a COMMITTEE OF THE WHOLE at the same time that it was presented in which Council decided to move forward with raising the minimum reserve to three (3) months. Any numbers that contributed to that would only increase the amount. Council can put off doing this as long as they want as it is insurance to protect themselves when the City is in a strong cash position. If Council does not do it, it puts the City in a position where rather than solving problems administratively, they are solved in this room (Council Chambers) because it doesn't give a funding source for those problems when they happen. It is his hopes they don't happen, but most of the time, money is appropriated and spent and stuff happens. As the City's Fiscal Officer, he would ideally like to see more there. Realistically, a fair amount is to fund this up to two million dollars (\$2,000,000). This is not doing that because the City has spent another two hundred thousand dollars (\$200,000) of that fund and will spend another two hundred thousand dollars (\$200,000) out of that fund next year. He encouraged Council to do it while they can and before they find another use for that money because it protects the City not only today, but protects long into the future. On the environmental side of things, there is no coverage available that the City can afford in which Mr. Forester was clear about. Coverage for environmental insurance is ridiculously expensive. The premiums for one area of coverage would be far more than anything else. The multiple parks the City owns are unlined dumps. There are two (2) areas: one at Cooper Field and one at Hancock Field where there is active seepage into the watershed that the City is protected against. The only thing protecting the City against major expenditures on those seepages are agreements that were put in place years ago where the City has certain obligations that it is required to do and certain functions that the City is required to do. It is often referred to as the diaper that was put on the actual creek because of oil seeping into that water. The environmental liability is just as big, just as important, and just as risky as health insurance. The City can put it off as long as they want, but would be doing no harm and a world of good if Council were to pass this amount tonight. The City Auditor's Office will move the money or not move the money depending on what Council decides tonight. Councilman Russel pointed out that the City is currently in the one million dollar (\$1,000,000) level which is below the recommended amount of two million dollars (\$2,000,000) and asked if this will be in the first ordinance next year to move the money to bring it up to the one million dollar (\$1,000,000) mark. He asked if it is currently at eight hundred fifty thousand dollars (\$850,000,) and if the City spends it down to zero or if it is brought back up to the million dollar (\$1,000,000) mark. City Auditor Staschiak replied the City will spend it down to one hundred seventy-four thousand dollars (\$174,000) per the meeting the other day. The first ordinance will drop it down to roughly six hundred thousand dollars (\$600,000) at the first meeting. Councilman Russel asked if it is the common practice to bring it up to a million dollars (\$1,000,000) at the last meeting of the year or when it is brought up to that amount. He asked what the timing of it is.

Councilwoman Frische called the question as there has been a lot of discussion on this and the City Auditor is the expert on it. Council needs to take the vote on this and move on. If Councilman Russel has questions, he can ask them later. Councilman Niemeyer seconded the motion to call the question.

**Motion to call the question:**

Ayes: Frische, Niemeyer. Nays: Bauman, Greeno, Hellmann, Palmer, Russel, Slough, Warnecke. The motion was defeated.

**Discussion:**

Councilman Russel asked what the mechanics are for bringing that up to the one million dollars (\$1,000,000). City Auditor Staschiak replied whenever the numbers indicate it is reasonable, prudent and sometimes even necessary is when he brings things to Council. This is the second time he has brought this to Council because it is the second time it is not only reasonable, but prudent to do. This particular piece of legislation was requested by Chairman Wobser and supported initially by the Mayor who has since questioned it. Those that are involved have looked at it and think it is a good idea. As far as the timing of it, it can be anytime Council wants. It is prudent and reasonable at the moment.

**Motion to adopt:**

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Greeno, Hellmann, Niemeyer, Palmer, Slough, Frische. Nays: Russel, Warnecke, Bauman. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-129 and is hereby made a part of the record.

**ORDINANCE NO. 2023-130 (AIP-35 North Apron Rehab Alternates) 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 Hellmann. Ayes: Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Bauman, Frische, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-130 and is hereby made a part of the record.

**ORDINANCE NO. 2023-131, AS AMENDED requires three (3) reading**

***third reading - adopted***

*(Taxiway 7-25 Rehabilitation, Project No. 35225200 FAA AIP-34 grant funds)*

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

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

**Discussion:**

City Engineer Kalb pointed out that official "FROM" appropriation in this Ordinance is "FAA AIP Grant (3-39-034-034-2023)" and the "TO" is "Runway 725".

Councilman Russel moved to amend the Ordinance per the City Engineer's corrections, seconded by Councilman Bauman. Ayes: Niemeyer, Palmer, Russel, Slough, Warnecke, Bauman, Frische, Greeno, Hellmann. Councilman Slough moved to adopt the Ordinance as amended, seconded by Councilman Palmer. Ayes: Niemeyer, Palmer, Russel, Slough, Warnecke, Bauman, Frische, Greeno, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-131 and is hereby made a part of the record.

**ORDINANCE NO. 2023-132** (*Broad Avenue Bike Path, Project No. 31934600*) **requires three (3) readings**

***third reading - adopted***

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO, TO 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.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Bauman, Frische, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-132 and is hereby made a part of the record.

**ORDINANCE NO. 2023-133, AS AMENDED** **requires three (3) readings**

***third reading - adopted***

(*elected official salary – Mayor, City Auditor, Law Director*)

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 THERETO, AND DECLARING AN EMERGENCY.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Niemeyer, Palmer, Russel, Slough, Warnecke, Bauman, Greeno, Hellmann. Nays: Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-133 and is hereby made a part of the record.

**ORDINANCE NO. 2023-134, AS AMENDED** (*Sewer Rules amendment*) **requires three (3) readings**

***third reading - adopted***

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, SECTION 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.

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

Discussion:

Councilwoman Frische asked if these are standard updates from the State. City Engineer Kalb replied that the Sewer Rules portion is for the Utility Billing process to change some standard language per the recommendations from several committee meetings. Councilwoman Frische asked if this changes the water fee schedule. City Engineer Kalb replied no it is not changing the water fee schedule. It is how water meter rates are to be handled. In working with the City Auditor's Office, they wanted to make sure that everything was spelled out correctly. It was just working on language. Councilman Russel added that this simply clarified two (2) things: how they did the billing adjustments as part of the water transmitter project when they resynced, and also detailed how payment plans are being done when working with customers who are behind on their bills. The City Auditor asked that the water and sewer rules be updated. Councilwoman Frische asked if the application process was completed. She was under the impression that the committee was still getting answers per the committee report from December 5<sup>th</sup>. Councilman Russel replied that at the last committee meeting, he provided some clarifying information which is what is highlighted and was provided to Service-Safety Director Martin asking him to have the amended ordinance reflect those highlighted changes in which he sent a draft that was agreeable to the committee. The committee gave Councilman Russel permission to work with Service-Safety Director Martin on it with clear instructions on what the committee wanted which is reflected in this Ordinance. City Engineer Kalb clarified that after the December 5<sup>th</sup> WATER AND SEWER COMMITTEE meeting, there wasn't any language change and just moved language around to be in the order it appears in this Ordinance, different wording, etc. There were no policy changes. Service-Safety Director Martin worked with Councilman Russel to move language around within the Ordinance to make it flow better. Councilwoman Frische noted that the December 5<sup>th</sup> committee report's recommendation is for further clarification to the Ordinance language. She asked if Councilman Russel did the changes on his own and approved everything or if it came back to committee after December 5<sup>th</sup>. Councilman Russel replied that he worked with Service-Safety Director Martin to have the Ordinance amended as it is in tonight's packet. He and Service-Safety Director Martin worked on it and then after that, he sent it to the committee via email as an FYI informing them of what was going to be in the packet. If any of the other members of the committee do not believe what is in the Ordinance is what they agreed to in the committee meeting, then they may speak their mind and let it be known what is not correct.

Ayes: Palmer, Russel, Slough, Warnecke, Bauman, Greeno, Hellmann, Niemeyer. Nays: Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-134 and is hereby made a part of the record.

**ORDINANCE NO. 2023-138** (*HPD Community Park Improvement Program grant*) **requires three (3) readings**

***first reading - adopted***

AN ORDINANCE APPROPRIATING FUNDS, AND DECLARING AN EMERGENCY.

Councilman Slough moved to suspend statutory rules and give the Ordinance its second and third readings, seconded by Councilman Greeno. Ayes: Russel, Slough, Warnecke, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer. The Ordinance received its second and third readings. Councilman Slough moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Slough, Warnecke, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-138 and is hereby made a part of the record.



**ORDINANCE NO. 2023-139 requires three (3) readings**

***first reading – adopted***

*(elected officials salaries (Councilmembers, President of Council, Treasurer)*

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 2017-119 ESTABLISHING THE SALARIES FOR CITY COUNCILMEMBERS, PRESIDENT OF COUNCIL, AND TREASURER OF THE CITY OF FINDLAY, OHIO, AND REPEALING ALL OTHER ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

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

Discussion:

Councilman Russel pointed out that the reason this Ordinance is in front of Council is to add the language to clarify how raises are calculated. If this Ordinance is not passed tonight, Councilmembers and the President of Council will be given a six percent (6%) salary increase for next year versus a three percent (3%) salary increase as is per this Ordinance. The language is not going to take effect for the Treasurer because that position is currently in its term, and Ohio Revised Code states that a salary cannot be changed during a term. He is troubled by how the Treasurer's salary is calculated. The language that controls the salary of the Treasurer, which is similar to Councilmembers and the President of Council prior to this amendment, in that the Treasurer should receive a salary increase along the same lines as that received by non-union employees, yet somehow, the calculation states that a non-union employee is to receive one thousand sixty dollars (\$1,060) worth of pay in 2023, and will receive one thousand ninety-one dollars and eighty cents (\$1,091.80) in 2024 which is a three percent (3%) raise, but somehow it was interpreted for the Treasurer, and would have been for everyone else except for this amendment, to be paid one thousand one hundred twenty-three dollars and sixty cents (\$1,123.60) which is a six percent (6%) raise. A couple of years ago, Councilman Hellmann led an Ad-Hoc Committee that put together raises of what Council wanted. The Law Director wrote the ordinances that are being amended now to capture and do what Councilman Hellmann's Ad-Hoc Committee and what Council had approved. The interpretation of the ordinances do not line up with the intention of what Council did a couple of years ago. In this situation, it is fixing two (2) of the three (3) elected official parties and are not fixing it for the Treasurer. He thinks it is wrong, but will vote for it because two (2) out of three (3) is better than zero (0) out of three (3).

Councilwoman Frische voted against the previous ordinance and will vote against this one mainly because there was a discussion about the salary ordinance many years ago for elected officials in which Council was told that any changes made to an elected official's salary would have to be done before a primary election which may or may not entice someone else to want to run, but is now past that window, that is why she is voting no on both Ordinances this evening.

Councilman Russel clarified that if Ordinance No. 2023-133 AS AMENDED would not have passed tonight, the City would have been unable to pay the Mayor, Law Director, and City Auditor for the next four (4) years because their salaries would not have been set by legislation prior to the commencement of their term. In this case, if this Ordinance does not pass, Council would be giving themselves an additional three percent (3%) raise over what the non-union employees of the City of Findlay get. If this does not pass, Council would be giving themselves a larger raise than non-union employees. If this Ordinance does not pass, he will give the additional money to a charity because he will not take it as a salary. Councilwoman Frische replied that she fully understood about the Mayor, City Auditor, and Law Director's salary ordinance and would have supported renewing the same since that was not reviewed before the primary election, and that she is just following the ordinances that were put in place by Councilman Hellmann's Ad-Hoc Committee and could have addressed them at a later time.

Ayes: Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke. Nays: Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-139 and is hereby made a part of the record.

**ORDINANCE NO. 2023-140 requires three (3) readings**

***first reading - adopted***

*(Findlay-Hancock County Community Foundation President's Discretionary Grant)*

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ACCEPT AND ENTER INTO A GRANT AGREEMENT WITH THE FINDLAY-HANCOCK COUNTY COMMUNITY FOUNDATION IN ORDER TO RECEIVE FUNDS FROM THEIR PRESIDENT'S DISCRETIONARY GRANT #24266 PROGRAM, TO BE UTILIZED FOR COMMUNITY ENGAGEMENT ACTIVITIES BETWEEN THE CITY OF FINDLAY POLICE DEPARTMENT AND THE RESIDENTS OF THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

Councilman Slough moved to suspend statutory rules and give the Ordinance its second and third readings, seconded by Councilman Hellmann. Ayes: Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Bauman. The Ordinance received its second and third readings. Councilman Slough moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke, Bauman, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-140 and is hereby made a part of the record.

**ORDINANCE NO. 2023-141 (year-end appropriations) requires three (3) readings**

***first reading - adopted***

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

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

Discussion:

Councilman Russel pointed out that the last item in this Ordinance is a transfer of one million dollars (\$1,000,000) to the Severance Payout Reserve Fund because of anticipated retirements over the next two (2) years. In years past, it was only for a year versus this time it is for two (2) years. He asked what the level of retirements are to cause this to be one million dollars (\$1,000,000). City Auditor Staschiak replied it is only going out to 2024. Two (2) years would have probably been because the Deputy Auditor drafted it during 2023. It covers 2023 and 2024. It is their practice to only cover one future year, the current budget year which would be 2024. That is a misunderstanding of the semantics of the paragraph and have been very intentional about that. Councilman Russel asked if it really is one million dollars (\$1,000,000). City Auditor Staschiak replied it likely is a lot larger because they have no knowledge of service time. For example, Police Officers and Firefighters have in their own services which are cumulative, so it is likely a lot larger.

Mayor Muryn added that she has a similar question when looking back at the financial snapshot report that City Auditor Staschiak provides monthly with the financials. She didn't see it in this month, but that in the last report she received, the shortfall estimation throughout the year was estimated at three hundred thirty-five thousand dollars (\$335,000), so she was surprised to suddenly see the million dollars (\$1,000,000). She asked for an explanation why it went from three hundred thirty-five thousand dollars (\$335,000) to one million dollars (\$1,000,000). City Auditor Staschiak replied that in order to make up the shortfall the time the snapshot was done, which was a budgetary number earlier in the year, the shortfall was three hundred thirty-three thousand dollars (\$333,000). Then, as they become more aware of more information and complete a calendar year, more employees become eligible, so they then project and update the projections for 2024, with the Deputy Auditor doing calculations to come up with a slightly conservative number and puts it forward. In another words, not budgeting more, but budgeting within or rounding down to make sure not to overbudget for that next calendar year. He has not regularly provided names because a lot of times, retiring employees do not want their name provided, but that he can provide Council with some numbers and if then there is a concern, a de-appropriation can be done. He would be happy to initiate that if there are any concerns, but that he is very confident in this number. The City Auditor's Office has a superb Deputy Auditor who takes this role very seriously, and this number very seriously, and that she is in this number this year as retiring. Mayor Muryn appreciates City Auditor Staschiak's comments and has just been misreading the report. It would be helpful if starting next year, it would estimate where the year-end is where all the other numbers are. It would be beneficial to project what the difference or shortfall at the end of the year is going to need to be in order to keep an eye on what the estimated liability is, which is how she had already read this, but sounds like it was the prior year's start, rather than the projected year end. City Auditor Staschiak replied that apparently Mayor Muryn has misread it. The snapshot is a budgetary figure. The State requires the City Auditor's Office to do budgets based on cash, appropriated numbers and known information. When it is to the point of the end of the year and are doing modified accrual when reporting the books, that would be something different. So, Mayor Muryn is asking for two (2) different things. He is happy to provide both later this year, but as far as this budget goes and as far as the report she has been looking at, that is a cash report, hence why the deficit projected in the budget doesn't change until the following year when budget numbers are updated with the new budget. It is projected once, then add the appropriations in throughout the year, and then departments turned back in a couple million dollars. Ultimately between that and extra revenue (this year there was the extra five million dollars \$5,000,000) in income tax, it rounded those numbers up and made the budget whole, which is nice to see the green bar above the red, which has happened every year. It is a good thing. Council should not be disturbed by it. The number the City Auditor's Office is providing Council is well calculated.

Councilman Russel pointed out that in looking at page 23 of the November 21, 2023 packet under the financial policy amounts states that the Severance Payout Reserve Fund and Potential Retirements through 2022 (assuming that is a typo and should be 2023) states that the Year End Projected balance is one million seven hundred twenty thousand one hundred forty-five dollars (\$1,720,145) and another number of two hundred fifty million fifty-five thousand six hundred two dollars (\$2,055,602) with a minimum Reserve Balance General Fund over/short of negative three hundred thirty-five thousand four hundred fifty-seven dollars (-\$335,457). He asked if that Year End Projected number of one million seven hundred thousand dollars (\$1,700,000) is accurate. It is in the graph and in the table. City Auditor Staschiak replied it is the budget. There is nothing to be confused about. Councilman Russel asked if the City Auditor is expecting to have one million seven hundred thousand dollars (\$1,700,000) in that fund at the end of year. He understands these numbers are through the end of October and doesn't have the numbers through the end of November because it wasn't in this packet. City Auditor Staschiak replied no. The budget numbers are updated. The revenues are updated and the reports are updated. He does not know what Councilman Russel is asking him, but can tell him that in order to properly fund the Severance Payout Reserve through 2024, based on the known potential retirements (the City's liability) for employees who could retire today and in 2024, should they choose to, in order to fund that liability, which is a real liability, this one million dollars (\$1,000,000) in this Ordinance needs to be added to the Severance Payout Reserve Fund. If Council does not want to fund that liability anymore, which has become a common practice of this Council for the last several years, they do not have to but will be underfunded by whatever number is not passed tonight. Councilman Russel asked for a raw number of individuals who meet this criteria. City Auditor Staschiak replied that he does not know and would have to look at the report. He can provide that in the update should Council want to do a de-appropriation after the first of the year if this is passed. If it is not passed, the City will be underfunded. He was instructed not only by this Council in prior years, but also by the APPROPRIATIONS COMMITTEE chair to include this number in this piece of legislation. Councilman Russel pointed out that this caught him by surprise which is why he is asking about it. In 2022, ten thousand dollars (\$10,000) was appropriated to this fund at the end of the year. In 2021, nothing was appropriated, and in 2020, three hundred sixty-nine thousand dollars (\$369,000) and nothing in 2019, so one million dollars (\$1,000,000) is really unique. If there is this big of a jump in retirements, then the City will have a big talent loss happening and would think the Mayor would be unsettled that she has so many employees leaving. City Auditor Staschiak replied that he is disappointed that Councilman Russel has entirely ignored the expense side of that equation. Not only is it to project and pay out revenue to employees that qualify to retire, but pay things out throughout the year. The number is correct. It is up to Council to fund or not fund it.



He will continue to keep Council informed as he always does, but that this is a standard business standard practice and that the number is calculated by reports generated by the Payroll Accountant who provides those numbers based on review and works with the Deputy Auditor to make sure they have not missed anything. The Deputy Auditor then takes a look at the fund to determine what the projected balance is after interest and everything else, and then based on that, they calculate a number that is provided to the Deputy Auditor who is the one that drafted this Ordinance. This is Council's obligation who can chose to fund it or not. Whether Council funds it or not, it is a liability to the City in 2024.

Councilwoman Frische noted that Mayor Muryn and Councilman Russel seem to have some frustration on million dollar (\$1,000,000) numbers tonight and asked if the City Auditor and the Mayor know what employees are getting close to retirement. She asked if that is discussed between them. There shouldn't be a shocker on it. She recalls a few years ago there was talk about a lot of retirements coming up on Police and Fire. Mayor Muryn replied that from a management of her department standpoint, department heads do a great job of knowing what is coming down the pike and managing that. This dollar amount was surprising to her because over the years, a couple hundred thousand dollars are typically requested at the end of the year to meet that target. Thinking it would be in that range again, a million was surprising because there were no discussions on it. In the future, it would be beneficial to have an APPROPRIATIONS COMMITTEE meeting prior to the end of the year to go into these in more detail. These come up every year at the end of the year, but she is not getting a lot of background which is important context.

Councilman Hellmann asked if this could be postponed until the first of the year. City Auditor Staschiak replied that it is imperative that this Ordinance passes tonight. Councilman Hellmann asked what makes it imperative. President of Council Harrington pointed out that this can be amended.

Councilwoman Frische noted that Council is spending a lot of time on a million dollars (\$1,000,000). She wants to make sure that those employees retiring are covered with no surprises. More time is being spent on this than the fifty percent (50%) water rate increase. Council needs to get this done and then can be discussed in 2024 if Council wants to. Council needs to make sure the City is covered.

Councilman Russel clarified that Council sees this Ordinance every year. It helps balance a lot of funds and needs to be done per Ohio Revised Code. The Severance Payout Reserve Fund is what caught his eye. The fact that the City Auditor mentioned that Council can de-allocate next year gives him enough comfort to pass as is with further discussions on the level of funding in the Severance Payout Reserve Fund in the new year. This absolutely has to pass this year.

Ayes: Niemeyer, Palmer, Russel, Slough, Warnecke, Bauman, Frische, Greeno, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-141 and is hereby made a part of the record.

**ORDINANCE NO. 2023-142** (*electric aggregation program renewal - Constellation*) **requires three (3) readings** ***first reading - adopted***  
AN EMERGENCY ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL ELECTRIC AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE (THE "AGGREGATION PROGRAM") DIRECTING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT WITH ENERGY HARBOR LLC., AND DECLARING AN EMERGENCY.

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

Discussion:

Councilwoman Frische asked what the rate is that is expiring and if it was twelve (12) or twenty-four (24) months last time. Mayor Muryn replied that it is typically for twenty-four (24) months because it allows the City to manage the market better. The current twenty-four (24) month fixed rate that the City would be entering into is .0653/kwh, however, once the City lets them know that it has been approved to lock it in, it will be looked at for a couple of days and then will be locked in. If Council approves this tonight, they will be able to provide a slightly better rate of .0644/kwh. Councilwoman Frische asked what rate it is expiring at. She asked how much of a fluctuation there is. Mayor Muryn replied she does not recall.

Ayes: Russel, Slough, Warnecke, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-142 and is hereby made a part of the record.

#### **UNFINISHED BUSINESS:**

##### **OLD BUSINESS:**

Councilwoman Frische pointed out that during the budget meeting, there was some discussion on the Law Director's budget of the leased equipment and leased office space to which Law Director Rasmussen stated he has no ties over the Hackenberg, Feighner, Bishop & Werth LLC practice and asked if that is still correct. Law Director Rasmussen replied that is still correct. Councilwoman Frische asked how long that has been. Law Director Rasmussen replied for the last twelve (12) years now when he was elected for this position (Law Director). Councilwoman Frische went onto the transparency site and looked at the lease payments for both equipment and for office that stated it is an employee reimbursement, so she called the City Auditor's Office and was told that the checks are being made personally to Law Director Rasmussen, so she is confused about what is going on. She is trying to understand in case Council needs to readdress the Law Director budget before the first of the year. Law Director Rasmussen replied that is not true. Councilwoman Frische asked Law Director Rasmussen if he receives checks every month. Law Director Rasmussen replied no, he does not have anything to do with the firm. The position of Law Director is his job. Councilwoman Frische asked City Auditor Staschiak to research for her because she was on the transparency site, so if that is wrong, it needs to be fixed. She would also like to see a copy of the lease agreements that are in place for these reimbursements and would like to know more information before the first of the year budget to see if they are not going directly to the Law Director, where payments are going.

City Auditor Staschiak noted that Mayor Muryn made a comment at the last meeting in his review of the purchase order and some of the discussion around water. She mentioned that there was an expert attorney who is involved and is going to do some defining for us. As part of that, it caused him to take a look to make sure what was being paid was what he thought was being paid, and through that process, he came up with an email conversation that was provided through a public records request between the Mayor and the Director of Findlay-Hancock County Economic Development Dan Shafer talking about the subject of regionalization of water in which the Mayor had mentioned at that time, she was not very interested in establishing a water district, and that it would establish a separate entity and board to operate the district. She did not think it was the right move for the community at the time, however, Mr. Shafer's response to that, which is relevant because of them calling a meeting in January, was "I believe a regional approach of both water and sewer with the City of Findlay as the hub should be explored and validated. To that end, I have engaged Rex Huffman of Spittler Huffman LLP to advise Findlay-Hancock County Economic Development, and also help facilitate a broader conversation that encompasses water and sewer beyond a municipality. My office is engaged in all of Hancock County, including the townships and villages. My plan to pursue stakeholder engagement process to get all variables on the table." City Auditor Staschiak's concern is that there seems to be a complete misunderstanding on the history of what has been done. The City does not have surplus water. The City has reserve water which is clearly defined in how it was set up and what the City has done. There are reservoirs in reserve. It concerns him very much that Economic Development is out there, but he will let Council come to their own conclusion on what they are doing and what the email he just read means. He wanted this to be on the record as a full clarification of the comments from an expert attorneys that is involved.

President of Council Harrington reminded Council that there are still some tabled ordinances on the agenda and asked Council if they wish to take any action on them this evening.

Councilman Palmer moved to lift Ordinance No. 2023-071 (*Downtown Recreation Area – design & engineering*) from being tabled, seconded by Councilwoman Warnecke. Ayes: Slough, Warnecke, Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel. Nays: Frische. The Ordinance is lifted from the table. Councilman Palmer moved to adopt the Ordinance, seconded by Councilman Bauman.

Discussion:

Councilwoman Frische informed Council that she was not able to attend the APPROPRIATIONS COMMITTEE meeting and is a little shocked that Councilman Palmer made a motion to untable and pass this when there are environmental issues. The committee talked about the one hundred thousand dollars (\$100,000) that was appropriated to look at other sites, however, the RaNik property is redder than red-hot candy and have already gone through one Brownfield grant on it. It is chromium that the City is dealing with there and not lead which has a high potential of causing cancer. So before moving forward with the one million five hundred thousand dollars (\$1,500,000), the City needs to hold the fort down and wait until we figure out what is going on. On last night's eleven o'clock (11:00pm) news, there was a quote from the Mayor that she went ahead and applied for some of the seven hundred fifty million dollars (\$750,000,000) that she has never asked Council for permission for, but was quoted as saying that she had requested it, but that no action was taken by Council, and asked for fifteen million dollars (\$15,000,000). If Mayor Muryn wants to recalculate and lower that appropriation based off the Auditor's notes in the last Council meeting, that could be a discussion. She asked Mayor Muryn how she could think that one million five hundred thousand (\$1,500,000) is justified to move when the Mayor is applying for fifteen million dollars (\$15,000,000) in grant funding which is lowering the forty million dollars (\$40,000,000) total listing a ten percent (10%) for engineering design work. She asked if the engineering design work is typically ten percent (10%). If the City is lowering by fifteen million dollars (\$15,000,000) already, maybe the moving of dollars should not be done and are would not be doing its due diligence as City Council to make sure that the site is fully safe. The RaNik property is the biggest concern to her. Mayor Muryn replied that Councilwoman Frische was not able to attend the meeting where a lot of this was already addressed. The RaNik property has to be remediated. The County is already addressing it and cannot hand it over to the City until it is clean and safe to be able to be used to the standards of a park environment. It is not yet the City's problem, but is being addressed. When looking at the overall footprint, they identified some areas that need to be cleaned up. Nothing that is overly concerning and will be addressed as part of the dirt movement. As discussed at the APPROPRIATIONS COMMITTEE meeting today, some checkpoints were put in to make sure that the City's interests are protected and is clean to the level the City expects. She did submit the 2-page grant request form stating that the City has this project in mind and would like State support, and here is how we might get some additional funding. She submitted that yesterday because per our codes, she can submit grant applications without Council's authorization and does not state that a resolution is needed, nor is it requiring the City to have any match. She was able to submit that because it would have missed the deadline if she had waited for Council today, assuming if things do not move forward, then she could go back to them and have them remove it. It has always been a conversation how funds would be layered, so she expects that the City is going to contribute no more than ten million dollars (\$10,000,000) and will hopefully be much less than that, but will not know until it has gone through this engineering process. She will never apologize for bringing in outside grant dollars because they are tax dollars that our community and our citizens have paid that went to the State and Federal Government. If Council wants to discuss decreasing taxes at the Federal and State level and decrease those pools of money, then that conversation can be had, but if our money is going up there, we might as well bring it back home which is something she thinks is advantageous for the City to pursue. She clarified that as she has said from day one, it is not her expectation to be a forty million dollar (\$40,000,000) park. Everyone has said that something needs to be done in that area. It is part of our downtown. It is greenspace and has limited uses beyond that. No matter what we do, we have to have a design and engineering to do those elements. As she has stated multiple times, the contract that is in place is for work performed and will be billed after that. If the City decides to not move forward at any point in time, we can get out of the contract. The one million five hundred thousand dollars (\$1,500,000) request was because we said we should appropriate funds that are going to cover the entire contract amount and that the contract is written to perform all work for up to the thirty percent (30%) of design which is the main bulk of the work.

The rest is when you start working through all the details. The thirty percent (30%) is for the refining and to be able to go out into the community and have detailed conversations about the specific aspects they want to see, whether it makes sense for us to do it now or if it makes sense to phase it out over the years. Councilwoman Frische pointed out that a lot of that footprint is not even City property yet. She feels like the City is trying to willy-nilly the whole fact that there are some environmental issues going on. Whether or not they will get cleaned up and get remediated, it will be a long process. The design work could be done now or it might not happen for five (5) years and would be redoing it all over again. She asked why the City has to put the cart before the horse when there is absolutely no reason to and does not know why the City does not take the environmental situation seriously. Mayor Muryn replied that Councilwoman Frische was not at the meeting today where all of this was discussed. The environmental remediation will be addressed as part of benching which is set to go out for bid in April. Ordinance No. 2023-043 has been tabled since May 16<sup>th</sup> where the Commissioners have already authorized the transfer of the properties in the entire area to the City of Findlay as soon as the benching work is complete. That is the City's assurance that the properties in this area will be transferred to the City. That specifically came out of the APPROPRIATIONS COMMITTEE back in March or April when it was stated that the City wants a formal document which was passed at our request, but then sat on it for seven (7) months. Councilwoman Frische replied it was tabled because of the environmental issues. She was not at the APPROPRIATIONS COMMITTEE meeting that was scheduled at the last minute to pass this one million five hundred thousand dollar (\$1,500,000) unnecessarily. The focus for her is the RaNik property that is unknown of how much that could cost or how long it could take and have exhausted the first Brownfield grant. Even though the State is coming out with more Brownfield grants, the City has to come to a standard that is safe for kids to play in that area, but it is not there yet.

Councilman Palmer informed Council that the CEC came in today and discussed this today with them. They are taking care of the risks that are there. It is not that difficult to remove dirt. Then they will decide where the dirt can be sent based on State regulations. It is not a difficult process.

Mayor Muryn added that there has never been a conversation by anyone in this room that has not said that having a safe environment in this area is not top priority. It is understood that the City can move forward with the design, as well as address the environmental concerns to make sure it is a safe environment.

Councilwoman Frische agreed with Councilman Palmer that it is not hard to understand the process of removing dirt, but her question is why the City has to appropriate one million five hundred thousand dollars (\$1,500,000) today and not wait until we just pick up that dirt and move it to the right landfill. Councilman Palmer is referring to the sixty-seven (67) drills that we just did which is just one piece of the pie. RaNik is not part of that. RaNik is a much bigger situation.

Councilman Bauman moved to call the question, seconded by Councilman Palmer. Nay: Russel.

Adoption of the Ordinance:

Ayes: Slough, Warnecke, Bauman, Greeno, Hellmann, Palmer, Russel. Nays: Frische, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-071 and is hereby made a part of the record.

Councilman Russel moved to lift Ordinance No. 2023-043 *Phase 2 benching project* from being tabled, seconded by Councilman Palmer. Ayes: Warnecke, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough. The Ordinance is lifted from the table.

Discussion:

City Auditor Staschiak asked Council if they pass this Ordinance tonight if it jeopardizes the strength and ability of having two (2) distinct governmental entities involved in applying for the grants for cleaning up these properties. He has talked with the County Commissioners and others involved that we have a report today, where it is very clear that it is a stronger position for the two (2) entities to be separately approaching the grant needs until there is a clear definition of other monies that are needed for not only RaNik, but also the other properties involved in this of what we are looking to do and the hiring of the consultant. It was discussed tonight with Council agreeing and adopting a committee report that states the City is going to work with an environmental consultant to project the City's interest. He asked why Council would adopt this Ordinance right now before consulting with the environmental consultant that the City is about to hire whose job is to protect the City's interest putting the City in the best position they can be in. It is worth considering before Council passes this because it goes directly to the issues that has been discussed, and if it is true, there is no harm in waiting. As it states under SECTION 1, following completion of phase 2 hydraulic improvements. In another words, the City will not be taking on these properties until this project is done. Council should not jeopardize their ability to acquire funds and to protect their interests, whether it be implied contractual or otherwise until it is known and until the City's consultant is comfortable that the City is doing the right thing. This is his advice as the City's Fiscal Officer and because the consultant is not here and has left.

Councilman Bauman feels both of those items could be done simultaneously. There is a memorandum of understanding from the County Commissioners for them to carry out the mitigation because they administer the Brownfield grant, regardless if the City takes ownership or not. Mayor Muryn replied yes on all accounts, but clarified that the flood mitigation efforts is one topic and there is a MOU to complete that. It does not matter who applies for the Brownfield funds, but that the County is the overarching entity that received it and has submitted the form that on behalf of our County, they are the entity that would oversee the applications. This does not harm the City's chances of getting State funds and actually shows collaboration between the two (2) governments and a vested interest by both, because the County is who is responsible for the benching project, and the City with long-term ownership.

Councilman Russel asked when the transfer of property would be executed. He asked if it would be after the benching project is done. Mayor Muryn replied that is correct. It states post-benching three (3) or four (4) times in the document which was very intentional when she negotiated it with them. Councilman Russel part of today's discussion was that part of the benching project process is going to be doing the environmental work in getting the property to a commercial high child exposure standard which is two feet (2') of clean fill dirt. Tonight's meeting was fantastic and answered a ton of his questions. This is not executed until after that project is done and the City is satisfied with the condition that land is suitable for the City going forward. Mayor Muryn replied that is correct.

City Auditor Staschiak noted that he is unsure if this is true or not, but that one of the three County Commissioners told him that this resolution was rescinded. He asked if anyone checked the status of this resolution prior to discussing lifting it off the table. Mayor Muryn replied that she has not been notified by the County Commissioners that any such action was taken nor has it been any of their reports. If City Auditor Staschiak has any information to that end, it is her hope that he would have shared that with Council prior to tonight's meeting. City Auditor Staschiak replied that he would hope that Council would have enough dialog with the Commissioners that is proper and right that Council would know. He does not share with anybody in this room his regular conversations with everyone that he talks to as an elected official because he would have thought that Council would have been informed. This is moot. This piece of legislation is a moot piece of legislation until the benching is done and until Council knows how they are going to do it. He would have thought that Council would have done their due diligence and determined if the resolution is still in place, whether it is prudent to do, and whether the City's consultant, despite Councilman Bauman's expertise, would advise the City to do it prior to applying for the funds they are going to get. He is not Council. He is not the Mayor. He is just the City's Auditor and Fiscal Officer.

Adoption of the Ordinance:

Ayes: Warnecke, Bauman, Hellmann, Palmer, Russel, Slough. Nays: Frische, Greeno, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-043 and is hereby made a part of the record.

Councilman Russel moved to lift Ordinance No. 2023-105 (*315 Walnut St rezone*) from being tabled and give it its third reading, seconded by Councilman Greeno. Ayes: Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke. The Ordinance is lifted from the table and given its third reading. Councilman Slough moved to adopt the Ordinance, seconded by Councilman Bauman. Ayes: Bauman, Frische, Greeno, Hellmann, Niemeyer, Hellmann, Niemeyer, Palmer, Russel, Slough, Warnecke. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-105 and is hereby made a part of the record.

**NEW BUSINESS:**

Councilwoman Frische noted that Council is tying up the end of the year and that there are a couple West Park residents in attendance tonight. It has been brought to her attention and is important that it is on the record to have Law Director Rasmussen hash it out, that a few years ago when she was on Council, as well Anne Spence who had been working for the Courts, where was not allowable to be an employee and also be on Council, so she had to choose her position. Councilman Bauman seems to be in that same situation when he is serving on Council while he is also serving for Congressman Bob Latta's Office. Some of the public has been questioning this. Out of responsibility, she is bringing that out publicly to get a legal opinion if he should be serving legally as a Council Representative when he is a Federal employee similar to Anne Spence's situation. She asked Law Director Rasmussen for a legal opinion for the first of the year so that it can get back to those in West Park that are questioning it. Councilman Bauman replied that he can serve both. He got the clearance from the House Committee on Ethics prior to his running for Council in 2021. Councilwoman Frische replied that she asked for a legal opinion from the Law Director because a different member of Council who had to make a choice in order to stay on Council as an elected official as a City employee. There have also been other candidates for Council that have worked for the State that were not able to. She asked for any legal information on that matter be provided to Law Director Rasmussen so that he can provide that as a public document. Councilman Bauman replied that there is no need. Councilwoman Frische asked Councilman Bauman if he is the Law Director. Councilman Bauman replied that he has approval. Councilwoman Frische replied that her question is the Law Director, so it would be in Councilman Bauman's best interest to just sit there, and any information he has to be sent on over.

President of Council Harrington informed Council that Bob Zellers passed away. He was a Councilman years ago who served the community with distinction and was a Korean veteran. He was known for his service to our community, our state and our nation.

Mayor Muryn received an email from Todd Bickley. She recited his email: *my name is Todd Bickley and I work for Life Connection of Ohio. We help recover and facilitate organ donation in northwest and west central Ohio. Yesterday, we had an organ recovery case at Blanchard Valley Hospital in which we had two (2) small jet planes coming to Findlay after hours, one with a heart transplant team from another state, and the other to transport a liver back to a transplant center in another state. This was my first ever dealings with your airport. I called and discovered the airport had closed at 6:00pm, but listened to the call tree and learned that I could be patched through for after hour service, so I did so. Amanda answered the phone and I introduced myself, stated who I represented and what my needs were. Amanda did not say sure we can help you out. She said we would be honored to help you. Her choice of words completely warmed by heart. It takes an absolute village to make organ transplantation happen.*

*It involves those of us that do it every day, and it involves those that never even expected that would be involved in helping facilitate giving the gift of life. Sometimes when in the course of my work, I reach out to those people in need of something from them. They almost seem put out or bothered by my requests. Not Amanda. She sensed the magnitude of what she was being asked of her and absolutely embraced it. In my last conversation with her yesterday, I told her how much her initial statement impacted me. Hearing her words recharged my batteries what was a crazy day and helped remind of how truly blessed I am to get to do the work every day. I could not let Amanda's comment great work go unnoticed. Kudos to the City of Findlay team, and certainly kudos to Amanda McGee for realizing that organ donation is so much bigger than any one of us. Without any hesitation, she wanted to help in way she could. Please give her my regards and thank her once again from me. Mayor Muryn shared this not to just give great kudos to Amanda, but to share that the City of Findlay team members do great work every single day that many times goes unnoticed. Whether it is a Police Officer working with someone helping turn a bad situation around or a Firefighter responding, or a distribution worker going out and helping someone find a leak and be able to fix it, or Amanda with the Airport, or the whole team. She thanked Mr. Bickley for sharing and that it was touching to her, but had no doubt that if he had any other situation with any of the City's department heads or team members, that he would have had a very similar experience. She gave a shout out to the City of Findlay team who puts up with a lot of things with frustration, bad press, etc. but are here to really serve their community doing it with a smile on their face because they are honored to do it.*

President of Council Harrington congratulated Councilman Slough on his last City Council meeting. There will be a resolution on him at the next City Council meeting on January 2, 2024. He thanked him for his service. City Auditor Staschiak noted that he has served with Councilman Slough more years than anybody in the room. He appreciates his friendship and loyalty to the community. He has found memories of a couple of lunches they had at Applebee's talking about different things and all the different things they have done. He wished him well. Councilman Slough replied that he has been on Council for close to forty (40) years. It has been an experience that he never thought he would experience. He still remembers to this day coming in his first day as a Fourth Ward Councilman and how excited and honored he was to have been elected to that position. When he was growing up, he thought Findlay was about as squarest place in the world you could live and ended up going to school in New York, but came back to Findlay. It has been a unique experience to not only have come back, but to have raised a family and see his grandchildren grow. It has been phenomenal. While he has not been to a lot of other council meetings in other cities, this group is one of the finest that he has had the privilege to work with starting from day one to today. Mayor Muryn runs a good ship here and has a good staff. What he likes most about her day is the fact that they work together as a team and not from the top down. He congratulated all under her tutelage and under the esteemed Mr. Rasmussen's direction, as things will go in the right direction. He thanked everyone for the honor and privilege of working here.

Councilman Slough moved to adjourn City Council at 8:40pm, seconded by Councilman Palmer. All were in favor. Filed.

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CLERK OF COUNCIL

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COUNCIL PRESIDENT