

**FINDLAY CITY COUNCIL MEETING MINUTES
FEBRUARY 20, 2024**

REGULAR SESSION

COUNCIL CHAMBERS

ROLL CALL of 2024-2025 Councilmembers

PRESENT: Bauman, DeArment, Frische, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser

ABSENT: Greeno

President of Council Harrington notified Council that Councilman Greeno informed him that he would not be in attendance tonight. Councilman Bauman moved to excuse Councilman Greeno, seconded by Councilman Russel. 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 Wobser moved to accept the February 6, 2024 Regular Session City Council meeting minutes, seconded by Councilman Hellmann. All were in favor. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

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

ADD-ON:

1. Letter from Fire Chief Eberle – FEMA FY23 Assistance to Firefighters grant (*REPORTS OF MUNICIPAL OFFICER AND MUNICIPAL DEPARTMENTS section*)
2. Ordinance No. 2024-029 – FEMA FY23 Assistance to Firefighters grant (*LEGISLATION section*)

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 Town Road 230/County Road 212 (Hat Trick) aka Buchanan (Sheetz) annexation were received from the Hancock County Commissioner's Office and have been in the office of the City Clerk the required 60-days ending February 11, 2024. The zoning request will be on the March 14, 2024 the CITY PLANNING COMMISSION (CPC) and also the PLANNING & ZONING COMMITTEE (P&Z) for the zoning of 77.808 acres of land located on Township Road 230 and County Road 212 known as the Sheetz/Hat Trick/Buchanan annexation, being part of the east one-half (1/2) of the southwest one-quarter (1/4) of Section thirty-two (32), Allen Township, Ohio, owned by Stella Buchanan. Rooney & Ranzau, Ltd. Phil Rooney, Agent for the petitioner, is requesting this parcel be zoned I-1 Light Industrial (*see request letter under WRITTEN COMMUNICATIONS section below*). Upon the CITY PLANNING COMMISSION and the PLANNING & ZONING COMMITTEE's approval during their 3/14/24 meetings, legislation to accept and approve the annexation, and also to provide this parcel with the requested zoning classification will be available for its first reading during the 4/2/2024 Regular Session City Council meeting. Resolution No. 024-2023 for the services the City will provide if annexed into City limits was adopted during the 11/8/23 Regular Session City Council meeting. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

ORAL COMMUNICATIONS:

Angela Guthrie – grants and appropriations

Ms. Guthrie is before City Council to have a conversation about grants and to ask Council to de-appropriate one million five hundred thousand dollars (\$1,500,000) for the controversial park engineering design. The City does not own the property, are in discussions at the County, and that there are known environmental issues. It is for those reasons that she is asking Council today to consider their constituents. She asked Council if they are willing to do more than just have a conversation to ensure the right decisions are being made and if they are willing to make a decision that is fiscally responsible. It is known that there may be additional costs if the grants do not come in, but asked what the strings are that are attached to these grants in the first place. Nothing is free, including our freedom. She agrees with one of the Councilmembers who stated that there needs to be public engagement on this park issue to ensure a standard that is safe for families, which is the reason she is speaking here tonight. A Councilmember stated that this project should be continued at all costs regardless of the small perspectives. Another point of concern is the terms of the original agreement. She asked City Auditor Staschiak if he is willing to sign off on a contract which by his own admission contradicts itself and asked if he is the only one concerned with its contradiction or if someone else will be brave and bring a motion tonight. History shows us that when one voice is more powerful than we the people, there will always be tyranny. She asked which one of Council's voices are representing their constituents and which ones are going along with an agenda. There is no need to answer because for those paying attention, they already know.

Grants – the Mayor has wrapped her arms around many topics in the community: immigration, education, infrastructure, green spaces, healthcare, water supply, etc. On multiple occasions, she speaks for Council, speaks for visitors, and calls herself the head chef in the kitchen. While she understands that a Mayor has the responsibility to be aware of the many the issues she has mentioned tonight, however, she is here tonight to remind Council that they are a separate entity from the Mayor and that it is Council’s job to work alongside the Mayor, and not for her. She is here as a reminder that Council represents we the people. She asked if it is a conflict of interest for the Mayor to be a part of boards where she allocates grant funding dollars as evidence by an APPROPRIATIONS COMMITTEE meeting uploaded on YouTube on December 19, 2023. Over the past four (4) years, a million dollars (\$1,000,000) has been given to the organization Raise The Bar in which the Mayor was President and most recently moved to a board position. Ms. Guthrie is curious to know how that is not a conflict of interest and that it is just one example she has. She asked Council if they know what other boards the Mayor sits on that she is also partnered with the City to receive funding for. She asked Council if they want to know of if they already know and are choosing to look the other way. A well-oiled City government model considers a variety of perspectives, backgrounds, and interests. There is danger in only valuing one person’s perspective over the majority. It is for this reason we have a constitutional republic. As a citizen who stays well informed of events of the community regarding City Council, Health Department and Findlay City Schools, Ms. Guthrie is overly concerned about the amount of grants the City continues to accept and the obvious connections between the grant funding and the entities receiving the grants. We the people are also concerned about the obvious connections between shareholders, stakeholders and private partnerships, as well as married couples that sit in power among these groups. With every grant dollar Council accepts without question, most of the time while claiming an emergency, we the people feel the sovereignty is slipping away and look less like a grass roots constitutional republic while watching Council rubber stamp proposals, meeting after meeting with no question asked, and more and more grant dollars spent. It is not too late to chose to do the right thing. Grant dollars are not bringing money back to the community as has been stated, but is accepting money from the Federal Government which in turn makes us less sovereign. She would love to have a meeting with each Councilmember to prove that statement is true if they are willing. She is here to say stop spending money we do not have, say no to grants and say yes to we the people, refuse to sign the agreement and dis-appropriate the one million five hundred thousand dollars (\$1,500,000) tonight. Filed.

Haydee Sadler – republican values

Ms. Sadler is before City Council tonight to share some concerns of the community, concerns about the disregard of Mayor Muryn along with City Councilmembers, have for their constituents and the residents of the City of Findlay. Councilmembers and Mayor Muryn ran as republicans, so she felt that they may need to be reminded of what some of those republican values are. Republicans generally believe that government should not provide solutions to issues like health or financial struggles and argue that relying on the government can make people dependent and self-reliant. Instead, individuals should take responsibility for solving their own problems, yet here are republicans and local offering to provide healthcare, transportation and other assistance to illegal immigrants, and ushering in a socialist agenda. Republicans stand for freedom and independence, yet, we have an Administration that will encourage lockdowns, masking up, and promote vaccinations that do not represent freedom. Republicans stand for second amendment rights, yet, we have an Administration that follows the United States Conference of Mayors that promotes gun control and Police reform. Republicans stand for anti-communism, yet, we have an Administration that has fast tracked an agenda that supports surveillance of their citizens just like China. Republicans stand for limited government, yet, we have a local government that declares an emergency on nearly all ordinances and takes all power for themselves while removing the voices of the people they represent. Republican oppose illegal immigration, yet Mayor Muryn’s Administration is inviting illegal immigrants into our City. Republicans are for fiscal responsibility, yet Mayor Muryn’s Administration is spending tax dollars like it is just a pot of money, as has been stated, without asking how we the taxpayers want these dollars spent all the while the United States is thirty-four trillion dollars (\$34,000,000,000,000) in debt. While Mayor Muryn’s Administration does not stand for any Republican values, the Mayor has also lied noting that she is not building a 15-minute communist city while all the smart infrastructure proves otherwise. She refuses to hear the voices of the residents of Findlay by forcing the build of a legacy park that the City of Findlay does not want their tax dollars spent on. Her affiliations with the United States Conference of Mayors and the United States Global Leadership Coalition directly opposes Republican values. She has proven to be disastrous with Biden’s Build Back Better Agenda. Because of these deceptions misrepresentations and her social communist agenda, today, Ms. Sadler is asking for Mayor Muryn’s resignation. *President of Council Harrington interrupted striking the gavel* stating that as he has brought this up before, this is a City Council meeting and not a beat up on the Mayor . . . *Ms. Sadler interrupted* stating that she is talking about local government . . . *President of Council Harrington interrupted* asking Ms. Sadler to be quiet . . . *Ms. Sadler interrupted* stating that she is talking about local government . . . *President of Council Harrington interrupted* stating that she needs to be quiet or he will have her removed. He explained that this is a City Council meeting and not a beat up on the Mayor meeting . . . *Ms. Sadler interrupted* stating that it is the policies . . . *President of Council Harrington interrupted* stating that hellacious comments and accusations that you know, and the citizens of Findlay know that are not true are not permitted. He asked Ms. Sadler to either move on to questions for City Council or to sit down. He asked Ms. Sadler which she is going to do. Ms. Sadler replied that she was done reading, but that she was talking about the policies and that Council is pushing through Ordinances that declare emergencies. As has been stated in the entire agenda, all of the first readings are declaring an emergency. She asked President of Council Harrington if that is not what she was talking about. Legislation that is being passed by our City Council. President of Council Harrington replied that Ms. Sadler might want to take a civics class because it would be understood there the reason that is done . . . *Councilwoman Frische interrupted* stating she wants a point of order. She thinks Council is just getting into a back and forth . . . point of order . . . President of Council Harrington informed Councilwoman Frische that while he is speaking that she needs to be quiet. Councilwoman Frische replied that she wants a point of order. President of Council Harrington informed Councilwoman Frische that she will be quiet until he is done speaking. Councilwoman Frische replied that he is out of line with the citizens. President of Council Harrington replied no he is not. Councilwoman Frische replied yes he is. President of Council Harrington replied that he is just asking the speaker to direct her comments to City Council and not the Mayor. Ms. Sadler replied that she was not looking at the Mayor and that she was talking to City Council about ordinances. President of Council Harrington replied that he will allow her to continue if she quits making hellacious comments about the Mayor that are not true . . . *Ms. Sadler interrupted* stating that she was not making hellacious comments. President of Council Harrington replied that he will gavel her down if she continues the way she was . . . *Ms. Sadler interrupted* stating that she has one more sentence to read. If there is no resignation, she is asking for the support of the City of Findlay residents to begin the process to recall Mayor Christina Muryn. Filed.

Robin Welly – West Park update on sewers and builds

Ms. Welly is President of the West Park Block Watch and noted that Council has not heard from them in a while, but that they are still here and are not going away. Mayor Muryn asked at their Block Watch meeting if they would petition Oil Ditch, so Ms. Welly and her husband did some research and Kim Meador stepped up to volunteer to head the fight and knocked it out of the park with literally leg work and multiple visits to the County Engineer’s Office. They think it is finally going to get done with little or no money from the property owners in West Park being assessed since one hundred seventy thousand dollars (\$170,000) was set aside by the City in 2017. On February 8, 2024, there was drilling going on at the sugar beet property to check out the composition of the soil in which there could only be three (3) reasons for that: test for contamination, selling the property and that the buyer wants to know what they are getting, or are going to do a build. She asked for any information anyone has on why they are drilling. She thanked Councilman Russel for scheduling a WATER AND SEWER COMMITTEE meeting for tomorrow, Wednesday, February 21, 2024 in that they are trying to be optimistic about it. City Engineer Kalb explained to them that the uncompleted 2015 sewer project in West Park will finally be completed. It will benefit three (3) properties, but there are still a dozen plus (12+) other properties unaddressed. There is a half (1/2) mile stretch on Lima Avenue of sanitary sewers that are all hit and miss. For example, there is a homeowner that has a failing septic system who has to have it replaced when the weather breaks at the cost of twenty thousand dollars plus (\$20,000+) which comes out of his pocket, but will still not have a municipal sewer that everyone deserves. The neighbor to the west of adjoining ground has a municipal sewer as well as the property a stone throw away across the street. The Block Watch group is hoping something can be worked out so that a municipal sewer is available before the homeowner has to go into debt over a normal necessity that everyone deserves as taxpayers. On April 4, 2024, a brand new build is going in at 1408 Logan Avenue where an outsider will walk into a brand new home with the luxury of a municipal sanitary sewer, water, and even a storm sewer. The tap fees are free to them. So much for being a generational property owner in West Park. The City does not care enough to give everyone the same access to utilities as new residents coming into the neighborhood. They have paid their dues and have provided documentation from sixty-five (65) years ago when their parents and grandparents asked for the same sanitary sewers they still do not have. The City cannot use the excuse of money any longer. The cost of installation on bedrock is more, but at the one and only AD-HOC COMMITTEE meeting for their anti-build, the Mayor announced that she wanted to be the Carlin Avenue Subdivision developer. With the backyard of that property being the stone quarry with I-75 separating the two, the bedrock there is more substantial than it is on Lima Avenue and the other sporadic properties in need. The cost of installing sewers on Carlin would be more expensive than completing the rest of West Park. Spring Lake is now in front of us. To this day, they are still receiving free service and some, are not even City residences. This has to contribute to their water cost rates. She asked why they are not built to at least the minimum cost of service. She asked how fair that is. They are hoping that after the WATER AND SEWER COMMITTEE meeting that someone will step up and take a lead, and will support West Park and provide the moratorium that they have asked for. She announced that their next block watch meeting is Tuesday, February 27, 2024 at the church on Lima Avenue that everyone is invited to. Filed.

Patty Klein – downtown park

Ms. Klein hopes that her first amendment right to freedom of speech will exist in this room tonight even though she doesn’t always agree with some of the policies of the Administration. The last time Ms. Klein was before City Council, she spoke about the fancy downtown park and asked why such a fancy park was being planned. She asked why build a BMW instead of a Chevy and not do some great maintenance on some of the local neighborhood parks instead. There are now some flying cars out there that look pretty cool and asked if she should put a down payment on one not knowing if it is safe, road-worthy or air-worthy. She asked if the infrastructure is ready for flying cars. She asked when manufacturing will start. She asked if she should tie up her money in something with so many unknowns. It would be irresponsible and frivolous for her family budget. She asked why the rush for this expensive monstrosity. There has been so much incorrect information from the Administration about the status of ownership of the property and toxicity the City of the soil. Then, someone bought a section of property in the middle of the toxic park area. She asked why the Mayor is still pushing to spend this money at the COMMITTEE OF THE WHOLE meeting last week to start designing a park that has so many red flags in its concept. It seems as though Findlay already has a design for this park that has been on the City’s website for months. It is good enough for now. At this point, the current park area should become a well-kept green space. It is time to put it off for another time. When asked if she is in favor of de-appropriating one million five hundred thousand dollars (\$1,500,000) design money, she always replies by loosely quoting Councilman Bauman’s saying “heck yeah”. Now is not the time. Filed.

Renee Leguire – downtown recreational area

Ms. Leguire echoed what has been said tonight. She thinks that Council needs to dis-appropriate the one million five hundred thousand dollars (\$1,500,000) for the downtown recreational area and also stop applying for grants. While she does not think that any Councilmember is stupid, she thinks there is a lot of ignorance going on in the City. She asked where the money comes from, but answered by stating that it comes from the Federal Government with strings attached (always). They are not giving out money and do not have any money to give. It is strapping the next generations with an enormous debt that they will not be able to pay. It is time to put the skids on and start rethinking how to do things and stop spending like drunken sailors because it is not there. Federal and State grants that are being applied for are money that is coming out of thin air. It would be printing more money with nothing to back it. She would like Council to stop and re-evaluate the project and get back to common sense. Filed.

WRITTEN COMMUNICATIONS:

TR 23/CR 212 (Hat Trick) aka Buchanan (Sheetz) annexation – zoning request

Philip Rooney, Rooney & Ranzau, Ltd., agent for the petitioner for the Buchanan annexation to the City of Findlay, Ohio is requesting the property in question upon annexation to the City of Findlay as a I-1 Light Industrial zoned area. Referred to the 3/14/24 CITY PLANNING COMMISSION and the PLANNING & ZONING COMMITTEE. Filed.

AEP Ohio WSP, representing AEP Ohio Outreach Stephanie Eisenberg – Fostoria – East Lima Transmission Line Rebuild Project

AEP Ohio mailed a letter to President of Council Harrington to update City Council about a component of a proposed electric transmission project in the area and because the City owns property or lives in the area where AEP Ohio representatives plan to upgrade the local power grid. This update is on the Fostoria-East Lima Transmission Line Rebuild Project. AEP Ohio representatives announced plans in spring 2023 to rebuild approximately forty-two (42) miles of one hundred thirty-eight (138) kilovolt (kV) transmission line between west end Fostoria and East Lima substations. The nearly one hundred (100) year old transmission line has shown significant deterioration and has exceeded the expected lifespan. The project involves replacing deteriorating towers with modern steel poles to improve reliability and resiliency of the local electric system. If approved, company representatives expect construction to begin spring 2024 and conclude late 2026.

AEP has filed two (2) Letters of Notification with the Ohio Power Siting Board (OPSB) for this project:

1. Fostoria – East Lima 138 kV Transmission Line Rebuild Project (East Lima – North Woodcock and New Liberty-west end Fostoria), Public Utilities Commission of Ohio Case No. **24-0076-EL-BLN**.

This Letter of Notification awaits OPSB review for rebuilding 27 miles of 138-kV transmission line between East Lima and North Woodcock substations and New Liberty and west end Fostoria substations.

2. Fostoria – East Lima 138 kV Transmission Line Rebuild Project (North Woodcock-New Liberty), Public Utilities Commission of Ohio Case No. **24-0077-EL-BLN**.

This Letter of Notification awaits OPSB review for rebuilding 15 miles of 138-kV transmission line between North Woodcock and New Liberty substations.

Please see the attached Letters of Notification that they must submit to the OPSB when they make certain changes to their transmission facilities. The submission complies with Rule 4906-6-01, et. seq. of the Ohio Administrative Code. The Letters of Notification to construct, operate and maintain these facilities await OPSB review. AEP asks that President of Council Harrington make this Letter of Notification available to the public and that they are also communicating with landowners in the project area. Contact Ms. Eisenberg 614-259-8201 of Outreach@AEPOhioTransmission.com for an electronic copy of the Letter of Notification and/or any questions about this project. Filed.

email from Roberta (Bobbi) Balsler – Mayor Muryn’s support of assisting migrants.

Discussion:

Councilwoman Frische informed Council that she received an email from Ms. Balsler asking that this be read into the minutes. Councilwoman Frische moved to read the letter in its entirety, seconded by Councilman Niemeyer. All were in favor. The Council Clerk read the email in its entirety. Filed.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Ohio Springs Inc. dba Sheetz located on North Main Street and County Road, Findlay, Ohio for a C1 liquor permit. This requires a vote of Council.

James H. Mathias, Chief of Police is unable to provide background check(s) for the criminal record(s) for those that applied for this liquor permit due to no applicant name(s) or social security number(s) were provided by the Division of Liquor Control stating that this is a master file, therefore, Division of Liquor Control does not provide name(s) or social security number(s) for master files.

Discussion:

Councilman Niemeyer moved to table the request, seconded by Councilwoman Frische. Ayes: Bauman, Frische, Niemeyer, Wobser. Nays: DeArment, Hellmann, Palmer, Russel, Warnecke. Motion to table the request is denied.

Mayor Muryn noted that this is standard with large corporations similar to what happened with Kroger. There are not individuals whose background checks can be completed.

Councilwoman Frische pointed out that the only reason she voted nay for this was because Scramblers was treated differently and that Council was told by the Law Director that there really is no bearing by Council tabling it in that it does not negatively impact the applicant. Law Director Rasmussen replied that could be true, but normally it does not.

Councilman Wobser noted that the address is incomplete, but can figure out what they are talking about – County Road 99 and North Main Street. They could have listed the complete address.

Councilman Hellmann noted that this has happened before, but that Council never seems to get to the bottom of it. He asked when Council should just turn them down and if they did, if it would mean anything. He asked why the Liquor Control even comes to Council for these. President of Council Harrington replied that after they come to Council, they then go to the State Liquor Board who can weigh it any way that they decide.

Councilman Russel moved that no objection be filed, seconded by Councilman Bauman. Ayes: Palmer, Russel, Warnecke, Wobser, Bauman, DeArment. Nays: Frische, Hellmann, Niemeyer. Motion passes. Filed.

Treasurer’s Reconciliation Report – January 31, 2024. Filed.

City Planning Commission minutes – December 14, 2023; **staff report** – February 8, 2024; **agenda** – February 8, 2024. Filed.

A set of summary financial reports for January 31, 2024:

- Summary of Year-To-Date Information as of January 31, 2024
- Open Projects Report as of January 31, 2024
- Cash & Investments as of January 31, 2024

Filed.

Findlay Municipal Court Activities Report – January 2024. Filed.

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

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

The City of Findlay has received an additional payment for the repair of a vehicle from an accident from the City’s insurance company in the amount of one thousand twenty-seven dollars and thirty-three cents (\$1,027.33) that has been deposited into the General Fund. Legislation to appropriate funds is requested. Ordinance No. 2024-022 was created.

FROM:	General Fund	\$ 1,027.33
TO:	Police Department #21012000-other	\$ 1,027.33

Filed.

Mayor Muryn – appointment to Hancock Regional Planning Commission Board

Mayor Muryn is appointing Dave Murphy 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 DeArment moved to accept this appointment, seconded by Councilman Russel. Filed.

City Auditor Staschiak – Rockwell Avenue Improvement Special Assessment debt

In 2011, the City of Findlay made the final debt payment on the Rockwell Avenue Improvement Special Assessment debt, however, there were several property owners that had been granted deferrals on payment of the assessment due to personal reasons, and that the City of Findlay would not receive payment until such time that the property changed hands and/or sold. The City of Findlay had to cover the costs of the debt payments with General Fund money and was to be reimbursed when the assessments were finally made. The one thousand seven hundred twelve dollars and two cents (\$1,712.02) requested amount represents the amount of money that was received for the final deferred parcel from this project. This money should now be returned to the General Fund. Legislation to move the funds is requested. Ordinance No. 2024-023 was created.

FROM:	Special Assessment Payments (28010000)	\$ 1,712.02
TO:	General Fund	\$ 1,712.02

Filed.

Service-Safety Director Martin - granting employees administrative leave for the total solar eclipse

The City of Findlay will experience a total solar eclipse on April 8, 2024. Findlay is located within the path of totality and is located roughly twenty (20) miles from the epicenter. Due to this, Hancock County and the City of Findlay are anticipating a large influx of visitors to Findlay and the region for a number of days surrounding this event. City of Findlay leadership, along with Hancock County and State agencies, have been diligently preparing for this event for over two (2) years and believe the City is in a strong position to handle what may come. While considering all the variables of managing such an event, the City recognizes the challenge of travel during these days to and from work, therefore, City departments who have non-essential roles in City functions pertaining to the eclipse will be closed on April 8, 2024. Due to the different responsibilities or the City’s work force, many employees will be required to work that day. In an attempt to be fair and equitable, a decision has been made to provide every employee eight (8) hours of administrative leave regardless of their responsibilities or work schedule on April 8, 2024. Individuals who are directed to stay home that day will utilize the eight hours of administrative leave. Individuals who are required to work will be credited eight (8) hours to use on a future date at their discretion. These eight (8) hours may be combined with accrued vacation time, comp time, or holiday time to match an employee’s schedule and must be used by 12/7/2024 which is the last paid day that will be included in a 2024 paid period. The Administration worked with the Deputy Auditor Sampson to discuss the conceptual aspect of this to assure payroll practices were maintained and a standardized process would be followed. Legislation to create an Administrative Leave – solar eclipse bucket – to be used for tracking the use of eight (8) hours of administrative leave for each City of Findlay employee to be used by 12/7/24 is created to ensure a clean audit process. Ordinance No. 2024-024 was created. Filed.

Mayor Muryn – administer Village of McComb income tax collection services

In late 2023, the Income Tax Administrator for the Village of McComb abruptly quit, so the village subsequently reached out to the City of Findlay Income Tax Department and Income Tax Board to evaluate if the City of Findlay would provide income tax collection services for McComb. The Income Tax Board voted to approve putting forward legislation to city Council authorizing the Mayor to enter into a Collection Services Agreement with the Village of McComb. The McComb Village Council passed Ordinance No. 2024-02 on February 12, 2024. Currently, the City of Findlay provides income tax collection services to Arlington, Mount Cory, Vanlue, Carey, Mount Blanchard, and Jenera. These services are provided based on the following calculation:

$$\begin{aligned} & \text{Entity Fee} \\ & = \\ & \text{City of Findlay Income Tax Department} \\ & \text{Operational Costs for previous calendar year} \\ & \quad \times \\ & \text{(# Entity Accounts } \div \text{ Total \# Accounts)} \end{aligned}$$

For example, for services in calendar year 2022, the City of Findlay Received approximately eighty-five thousand dollars (\$85,000) for collection services, helping offset City of Findlay Income Tax Department costs. It is the recommendation of the City of Findlay Income Tax Administrator that he approximately eight hundred (800) accounts can be easily absorbed into the City of Findlay’s regular workflow. The City of Findlay currently processes approximately thirty-four thousand (34,000) accounts. Additionally, the Village of McComb understands that they will pay for any costs associated with getting their accounts loaded into the City of Findlay’s new software system. It is the Mayor’s and Administrator Price’s intention to evaluate the fee structure associated with all of the City of Findlay’s existing Collection Services Agreements this year for potential change in calendar year 2025. All agreements are annual agreements with a 6-month out clause. This request of the Village of McComb is an easy opportunity for the City of Findlay to be a good neighbor, offset some of the City of Findlay’s operational costs, and create a more efficient process for taxpayers who may be filing with both the City of Findlay and other local villages. Legislation authorizing the entering into a Collection Services Agreement with the Village of McComb is requested (*see attached February 8, 2024 Income Tax Board minutes for discussion on this matter*). Ordinance No. 2024-025 was created.

Discussion:

Councilman DeArment asked if this includes all of the indirect costs. Mayor Muryn replied that is correct. It covers all costs except for those that were specifically related to providing service to an individual entity. For example, if Jenera had something specific related to them, it would then be billed directly to them. Otherwise, this is all-encompassing of the operational costs.

City Auditor Staschiak added that he appreciated Councilman DeArment’s question because it lead to a bigger question that some on the Income Tax Board had. He did not support this, nor did he support the last couple because he thinks the City is sticking their nose where it doesn’t belong. One of the concerns of the Income Tax Administrator is that the City is going to court on behalf of these entities. He does not think the City should be doing that. The argument is that the City would be paying staff this much anyway, however, data has not been seen showing what the staffing size would be and what the cost of that staffing would be if the City was not collecting for these other entities. McComb did not check with Regional Income Tax Authority (RITA), did not get a quote from them, and asked who will be charged if this is considered by the board. RITA is in the business of doing, the City is not. RITA is the City’s benchmark for particular costs for this department. The City will continue to benchmark against what RITA charges. It is his understanding that Findlay would receive a total collection costs of between one point five to one point seven percent (1.5-1.7%) of total income tax collections. There were portions of this discussion that were not had, so as a general stance, until this is justified and the City’s house is in order, he will have a hard time supporting this, although the Income Tax Board as a whole did.

Councilman Bauman asked if this will add any additional burden to Findlay’s Tax Department and if that they will be able to operate as they have for all the other entities in Hancock County. Mayor Muryn replied that is correct. As noted in the letter, there is approximately eight hundred (800) accounts. Most of the McComb residents are already filing in Findlay and some Findlay residents are filing in McComb of the City’s thirty-four thousand (34,000) accounts. It is a small amount. To City Auditor Staschiak’s points regarding costs, McComb since has followed up and confirmed. One of the reasons they have not reached out to RITA is because they had spoken with some other villages who did not recommend RITA because of some bad experiences. Typically, the cost of RITA is two percent (2%) or more of collections. As part of the conversation that was noted at the Income Tax Board, it is her plan, as well as Income Tax Administrator Price’s plan, that a full analysis would be done this year and present to the Income Tax Board on re-evaluating if this is still the proper structure. She is unsure if there is an administrative fee along with it, but that it is worth noting that the City’s overall staff has decreased over the last couple of years. With the implementation of the software, it will easily be absorbed.

City Auditor Staschiak asked if RITA costs more, why the City doesn’t charge more. If the City is going to charge more, the increase in charge needs done before this is approved. He recommended sending it back to the Income Tax Board with that information so that they can make that evaluation prior to this legislation being passed. That is his recommendation as an Income Tax Board member and the City’s Fiscal Officer.

Councilman DeArment does not know why the City takes on risk without a reward. Doing it at cost is not in his vocabulary. It is ridiculous. There should be an administrative fee. If the City is taking on a risk (i.e. representing in court), then the City should be rewarded for this. There should be an administrative cost.

Mayor Muryn noted that it is an annual renewal contract for the ability to provide them services this year and then easily train for next year. This is a quick turnaround request in that their Income Tax Administrator quit unexpectedly the end of last year. Additionally, the City is offsetting the existing costs and now have an opportunity to look if there is an additional benefit that the City should be receiving for the service.

Councilwoman Frische asked how many villages run through the City of Findlay Income Tax Department. Mayor Muryn replied either five (5) or six (6). Councilwoman Frische asked how long it has been at the same fee schedule. Mayor Muryn replied it has been a portion of the overall cost that has been in place for seven (7) or eight (8) years. Councilwoman Frische asked if the City were to move forward for 2024 with the situation McComb is in, and then re-evaluate how the agreements are set up with all the villages and the fee schedules, and if new proposals or contracts have to be done before the last quarter of the year of what the City is expecting and if that doesn't work for them, to look at other angles. She asked if that would be something the Income Tax Board would be willing to do in order to help out McComb for the year with the goal of having new agreements in by the end of the year to ensure that it is beneficial to the City. It appears that contracts are the same for all villages and that no one has anything different. Mayor Muryn replied that is correct. It makes more sense to have all contracts with all villages be the same and then change them all at the same time. Income Tax Administrator Price has already started evaluating different structures and is putting together some options and will notify villages in March or April that the City plans to change fee structure and are currently evaluating this, and to let this serve as notice that changes will be made to their contract, and that in the event that they are not going to accept the new contract, they will need to find new services. Per the contracts, the City is to give them six (6) month's notice, so she would like to do that in March or April to let them know the City is evaluating it and then probably in April or May when the City team is not quite as busy, to work with the Income Tax Board to evaluate the new contract structures. Councilwoman Frische replied that would be a fair plan, but that it should also go to the APPROPRIATIONS COMMITTEE so that they agree on those numbers and benefits that comes out of the City Income Tax Department. City Auditor Staschiak replied that is an interesting idea that he did not know it would be proposed, but that it makes a lot of sense because the Income Tax Board is mostly administrative. If the City is doing it properly, our fee should be as much as RITA if not more. The City has not done it wrong until we have lost them all. If you lose one, maybe it is close to the fee that should be charged. While he appreciates being neighborly for those in a pickle, someone else's poor planning does not constitute an emergency on the City's part. The City needs to take it one step at a time in order to do things right. He agrees that it is an appropriate suggestion for the APPROPRIATIONS COMMITTEE or some committee of Council to discuss this allowing for Council's vote.

Councilman Hellmann noted that he does not think it was poor planning on McComb's part. He noted that City Auditor Staschiak stated that the City has been sued by some of the entities that the City has been administering their taxes for. He asked for more information on those lawsuits. City Auditor Staschiak corrected Councilman Hellmann stating that it is not that the City has been sued by the entities that we have been collecting for, but that the City is doing the lawsuits for them. When someone does not pay their income tax for the City of Findlay, the City takes them to court. He asked why the City is taking them to court for Arlington, Arcadia, etc. His opinion is that it is foolish. As the City's elected official, fiscal officer and an Income Tax Board member, he is advising Council to stop doing this. He asked why the City is doing this regardless if it is one case, fifty (50) cases, or one hundred (100) cases. It makes no sense. Law Director Rasmussen replied that the City has been doing this for a long time and does bring money into the coffers. It is the process that the City has been using for a number of years. It can be looked into.

President of Council Harrington reminded Council that Councilwoman Frische had made a request to send this to the APPROPRIATIONS COMMITTEE. The Chair for that committee is Councilman Wobser. Councilwoman Frische replied that is not what she asked for. She asked for this to go to the APPROPRIATIONS COMMITTEE when it goes forward with discussion about the contracts that are currently in place and did not ask for this to go to the APPROPRIATIONS COMMITTEE now.

Mayor Muryn added that McComb had been anticipating their employee retiring in two to three (2-3) years, but then gave their two (2) weeks notice which is not necessarily lack of planning. The City files no more than ten (10) court cases on behalf of all of the other villages on a monthly basis which is not extensive. Most of them are easily rectified.

Councilwoman Frische thinks it would be prudent to hire outside legal counsel since there are conflicts of interest in the Law Director's Office employees since they are also Village Administrators. To eliminate that conflict, there should be outside legal representative on it. McComb came to the Income Tax Board meeting a couple of months ago where all sides of this discussion did come up. It is dicey. She sees the Auditor's side and also sees how to help out a village. Filed.

City Auditor Staschiak – City Income Tax Administration Fund

One of the primary roles of the City Auditor is to monitor receipts and appropriations throughout the year to ensure the City complies with State Budgetary Law. Last year, income tax receipts came in slightly higher than the final projection. This increase in revenue necessitates an appropriation of money within the City Income Tax Administration Fund to the General Fund. This appropriation will have the effect of increasing the transfer thereby increasing the projected General Fund year-end balance by the amount below. It has no impact on CIT operations or the CIT-Capital Improvements Fund Restricted Account.

This process happens annually as part of the budget process. Legislation to appropriate funds to include the emergency clause is requested. Ordinance No. 2024-026 was created.

FROM:	City Income Tax Administration Fund	\$ 872,793.27
TO:	City Income Tax Administration #27047000-other	\$ 872,793.27

Filed.

Mayor Muryn – renewal of City's insurance policies

The City's insurance policies expire in July of this year. The City desires to rebid these policies for the renewal period of July 2024 through July 2028. Legislation to bid and enter into a contract(s) to renew various insurance policies to be adopted on an emergency basis so that ample time is given for advertisement of this bid opening is requested. Ordinance No. 2024-027 was created. Filed.

City Engineer Kalb – replace 2010 sanitary vactor

As part of Ordinance No. 2023-034, money was appropriated to the Water Pollution Control (WPC) for the purchase of a new sanitary vactor. At the time of that appropriation, there was not a vactor available for purchase and WPC was unable to obtain a vactor in 2023. In the past couple of months, WPC has been working with a vendor to obtain a vactor in 2024. A vactor is available for purchase, so in order to ensure the purchase of that vactor in time, it is request to appropriate the funds to WPC so that a purchase order can be granted. Legislation authorizing the Mayor, Service-Safety Director, and/or City Engineer to advertise for bids and enter into contracts, as well as appropriate funds is requested. Ordinance No. 2024-028 was created.

FROM: Sewer Fund \$ 600,000.00
TO: Water Pollution Control #25061000-other, Replace 2010 Sanitary Vactor \$ 600,000.00

Filed.

Fire Chief Eberle – FEMA FY23 Assistance to Firefighters grant

The application period for the FEMA FY 2023 Assistance to Firefighters grant is open until March 8, 2024. This is a competitive grant program which the Findlay Fire Department has utilized in the past for vital equipment and training. If an applicant is successful, Federal funds provide for reimbursement of ninety percent (90%) of the grant award with ten percent (10%) required from the applicant. For the current grant cycle, Fire Chief Eberle would like to apply for a Firefighter Safety & Survival training course for all Findlay Fire Department suppression personnel, most likely to be completed in the 2025 calendar year, Allowable costs to be included in the grant application are course tuition and overtime costs for personnel to attend the course. Fire Chief Eberle has worked with the City Auditor’s Office to estimate the 2024 overtime required and has received a course quote from the Bowling Green State University Fire School. The estimated overtime costs for sixty (60) fire personnel to attend the 4-day course is one hundred five thousand ninety-five dollars (\$105,095) and course tuition cost being forty-seven thousand four hundred eighty dollars (\$47,480). The total grant application amount is approximately one hundred fifty-two thousand five hundred seventy-five dollars (\$152,575). The City of Findlay would be reimbursed approximately one hundred thirty-seven thousand three hundred seventeen dollars and fifty cents (\$137,317.50) if this grant is approved. The Firefighter Safety & Survival Course is an intensive hands-on training course that meets or exceeds the NFPA 1407 Standard (Training Fire Service Rapid Intervention Crews). It is essentially a “save our own” training course. It awarded, this course will be conducted in Findlay at the STRICT Center and will include some “train the trainer” aspects. This will potentially allow some Findlay Fire personnel to instruct portions of this class to other fire departments in the future. Legislation to apply for this grant for the purpose and approximate amounts aforementioned is requested. Notification of approval or denial of the application is anticipated to be known in the fall of 2024, so no appropriation of funds is necessary at this time. Ordinance No. 2024-029 was created.

Discussion:

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

Councilman Hellmann noted that this is probably Federal grant dollars, so when talking about Federal grants, there are good things that come out of those. Filed.

COMMITTEE REPORTS:

The **WATER AND SEWER COMMITTEE** met on February 5, 2024 to determine policies and procedures for instituting utility billing rate changes. *We recommend continued discussions.*

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

Discussion:

Councilwoman Frische feels like this committee meeting was an illegal meeting because the items discussed were not specific and were more broad. The discussion was more about water, sewer, and storm. She was under the impression, and believes the public was as well, that discussion was to be about determining an ordinance of who was going to have authority to raise water rates inside the City limits. None of that was overly addressed and it was more overly addressed about doing a study and spending one million dollars (\$1,000,000). Councilman Bauman directed Councilwoman Frische to the first page of the committee minutes about two-thirds (2/3) of the way down the page where it states “Russel sees the issues broken down in three general questions: 1. Who should have the authority to adjust utility rates in the future?” So, that was covered and he does not see what the problem is. Councilwoman Frische replied she is glad that Councilman Bauman pointed that out and did not disagree the last time either, however, those points were not addressed. It was addressed spending a million dollars (\$1,000,000) to do a study for someone to tell the City when to raise water rates or not. It is not to that point. It has to be determined who has the authority which was not discussed. Councilman Bauman replied that is why the “we recommend continued discussions” is on the committee report.

Ayes: Bauman, DeArment, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser. Nays: Frische. Filed.

The **STRATEGIC PLANNING COMMITTEE** met on February 6, 2024 to review Strategic Planning action items.

We recommend that Council amend Council’s Rules to form the STRATEGIC PLANNING COMMITTEE as follows:

The committee will be made up of the selected chairperson, a representative of each of the other standing committees, and the Mayor as voting members. The City Auditor and a Hancock Regional Planning Commission (HRPC) representative will be advisory, non-voting members.

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

Discussion:

City Auditor Staschiak felt this meeting was not appropriate in accordance with the open meetings laws. He expressed that to the members up front as they were in discussions, and now seeing the committee report, the agenda of the meeting certainly did not reflect the topic of discussion. He would have attended the WATER AND SEWER COMMITTEE meeting if it had been what it appears to have been.

All were in favor. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Rockwell Invested Group, LLC to vacate a fifteen foot (15') unimproved right-of-way on the west side of Strong Avenue. This right-of-way is located between Lots 10, 11, 12 and 13 of the Whiteley M C Addition Block 17.

We recommend to approve the request as presented to the committee.

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Rockwell Invested Group, LLC to vacate a sixty foot (60') unimproved right-of-way on the west side of Strong Avenue north of Blanchard Avenue. This right-of-way is located between Lots 11, 12, and 13 of the Whiteley M C Addition Block 17, and Lot 1 of the Whiteley M C Addition, Block 18.

We recommend to approve the request as presented to the committee.

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

A **COMMITTEE OF THE WHOLE** meeting was held on Monday, February 12, 2024 to discuss flood mitigation funding.

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

Discussion:

Councilwoman Frische felt this meeting was called because she had reached out to the Auditor who then reached out to Councilman Wobser and Mayor Muryn. Tuesday, the City applied for FEMA dollars for flood mitigation. Wednesday morning, the head of flood mitigation was doing a zoom meeting letting the public know that flood mitigation was being paused for two (2) years in all three (3) areas. She did not tune in that the night that the City was applying for FEMA dollars, which brought up the question of de-appropriating one million five hundred thousand dollars (\$1,500,000), which is one-third (1/3) of the cost for the design for the downtown park. A day or two later, Mayor Muryn had a meeting with the County Commissioners on the transferring of properties. The Commissioners in that meeting stated that they wanted to do some property transfers of a parking lot in exchange for the parcels that are on the park that the City wants to build on (not park properties yet). That meeting did not seem to go very well. During the following meeting, the Commissioners sent over their signed agreement wanting those transferred. If they are still holding their ground, the City does not have the properties to do the design work if the Mayor is also holding her ground on not coming to an agreement on transferring anything. For those two (2) reasons, the COMMITTEE OF THE WHOLE happened because of the first situation. She does not feel that Council gave any direction to the Auditor with the new information being provided of what the City should do. She appreciated Councilman Greeno in that meeting stating that he agrees that flood mitigation should be the City's first focus, in which she agrees. She would like to make a motion to de-appropriate the one million five hundred thousand dollars (\$1,500,000). President of Council Harrington replied that motion can be requested during NEW BUSINESS. Filed.

The **APPROPRIATIONS COMMITTEE** to whom was referred a request to discuss the sale of 515 Prospect Avenue (parcel no. 570000921770).

We recommend that the Administration move forward with the sale of the property with the following stipulations:

1. \$25,000 minimum reserve bid
2. Sealed bid auction
3. Deed restricted to residential
4. Environmental disclosure

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

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 007-2024 (CDBG Findlay Hope House - for The Homeless Inc) **requires three (3) readings**

third reading - adopted

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, HANCOCK COUNTY, STATE OF OHIO TO EXECUTE AN AGREEMENT WITH FINDLAY HOPE HOUSE FOR THE HOMELESS, INC. TO PROVIDE FAIR HOUSING SERVICES FOR RESIDENTS OF THE CITY OF FINDLAY RETROACTIVE TO JANUARY 1, 2024.

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

RESOLUTION NO. 008 010-2024 (no PO) requires one (1) reading

first reading - adopted

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

Councilman Wobser moved to adopt the Resolution, seconded by Councilman Bauman.

Discussion:

Councilwoman Frische asked for clarification of what this is for. Service-Safety Director Martin replied that Campbells provides mechanical services for the City's HVAC of this building. It is an annual maintenance agreement/calendar year contract with the goal of being done before the end of the year, but due to governmental accounting practices, it has to wait until after the first of the year causing the invoice to arrive before a purchase order is in place.

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

ORDINANCES:

ORDINANCE NO. 2024-011 (Downtown Recreation Area Environmental next steps) requires three (3) readings

third reading - adopted

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO AN AGREEMENT WITH CIVIL & ENVIRONMENTAL CONSULTANTS, INC. FOR ADDITIONAL WORK FOR ENVIRONMENTAL REVIEW OF THE DOWNTOWN RECREATION AREA, APPROPRIATING FUNDS THERETO, AND DECLARING AN EMERGENCY.

Councilman Palmer moved to adopt the Ordinance, seconded by Councilman DeArment. Ayes: Frische, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-011 and is hereby made a part of the record.

ORDINANCE NO. 2024-012 (CDBG administration) requires three (3) readings

third reading - adopted

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO AN AGREEMENT WITH THE HANCOCK REGIONAL PLANNING COMMISSION (HEREINAFTER REFERRED TO AS HRPC) FOR THE FACILITATION AND PREPARATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM YEARS 2024 AND 2025 RETROACTIVE TO JANUARY 1, 2024, AND DECLARING AN EMERGENCY.

Councilman Bauman moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-012 and is hereby made a part of the record.

ORDINANCE NO. 2024-013 (Technology Drive name change) requires three (3) readings

third reading - adopted

AN ORDINANCE CHANGING THE NAME OF TECHNOLOGY DRIVE, IN THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

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

Discussion:

Councilwoman Frische asked if changing a street name will impact any emergency services. Service-Safety Director Martin replied that it is simply a key stroke in the CAD system.

Ayes: Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment, Frische, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-013 and is hereby made a part of the record.

correction: a clerical error was found at a later date correcting "Wellness Park" to Wellness Way"

ORDINANCE NO. 2024-014 (seized drug investigation funds) requires three (3) readings

second reading - adopted

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

Discussion:

Councilman Russel pointed out that this is a relatively standard transfer of money from General Fund to the Police Department from seized drug investigations.

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

Discussion:

Councilwoman Frische asked if this was the six thousand plus dollars (\$6,000+) request for disposing of prescription drugs instead of having to drive them up to Michigan and if this will be shared with other communities on the process. Service-Safety Director Martin replied yes. It is a portable EPA approved incinerator. He has determined a location for it that will be safe. It will not be located in the City's residential areas. He has talked with other communities that have used this device. He has obtained a standard process with PPE and has talked with the City's insurance company.

Ayes: Russel, Warnecke, Wobser, Bauman, DeArment, Frische, Hellmann, Niemeyer, Palmer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-014 and is hereby made a part of the record.

ORDINANCE NO. 2024-016 (ODOT FY24 HAN-Bigelow Avenue) **requires three (3) readings** **second reading - adopted**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Palmer asked how important it is to keep this moving in order to stay on track. City Engineer Kalb replied that he needs a fully executed copy of the contract to ODOT by the 25th. It is desired to have this passed tonight.

Councilman Palmer moved to suspend rules and give the Ordinance its third reading, seconded by Councilman Bauman. Ayes: Warnecke, Wobser, Bauman, DeArment, Frische, Hellmann, Niemeyer, Palmer, Russel. The Ordinance received its third reading. Councilman Palmer moved to adopt the Ordinance, seconded by Councilman Bauman. Ayes: Wobser, Bauman, DeArment, Frische, Hellmann, Niemeyer, Palmer, Russel, Warnecke. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-016 and is hereby made a part of the record.

ORDINANCE NO. 2024-017 (HAN-Greenway Trail Phase II) **requires three (3) readings** **second reading**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2024-020 (Blanchard Street waterline, Phase II- OPWC) **requires three (3) readings** **second reading**
AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS WHERE REQUIRED AND ENTER INTO CONTRACTS FOR THE CONSTRUCTION OF THE BLANCHARD STREET WATERLINE, PHASE II-OPWC, PROJECT NO. 35740500, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2024-021 (sale of 515 Prospect St parcel no. 570000921770) **requires three (3) readings** **second reading**
AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO SELL CITY-OWNED PROPERTY LOCATED AT 515 PROSPECT STREET (PARCEL NO. 570000921770) BY PUBLIC AUCTION, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2024-022 (insurance payment for repairs of a vehicle from an accident) **requires three (3) readings** **first reading - adopted**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel pointed out that this is a standard movement of insurance payment funds that Council regularly suspends rules on.

Councilman Russel moved to suspend rules and give the Ordinance its second and third readings, seconded by Councilman Palmer. Ayes: Bauman, DeArment, Frische, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: DeArment, Frische, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-022 and is hereby made a part of the record.

ORDINANCE NO. 2024-023 (Rockwell Avenue Improvement Special Assessment debt) **requires three (3) readings** **first reading – adopted**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel noted that this is a standard movement of money. In order to put the Rockwell Avenue special improvements assessment debt out of its misery since 2011, he is going to move to suspend Council's rules and give this ordinance its second and third readings.

Councilman Russel moved to suspend rules and give the Ordinance its second and third readings, seconded by Councilman Bauman. Ayes: Frische, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment. The Ordinance received its second and third readings. Councilman Russel moved to adopt the Ordinance, seconded by Councilman DeArment. Ayes: Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-023 and is hereby made a part of the record.

ORDINANCE NO. 2024-024 (administrative leave for City employees – total solar eclipse) **requires three (3) readings** **first reading**
AN ORDINANCE TO AUTHORIZE THE CITY AUDITOR OF THE CITY OF FINDLAY, OHIO TO CREATE A BANK OF EIGHT (8) HOURS FOR EACH FULL-TIME EMPLOYEE OF THE CITY OF FINDLAY, OHIO FOR THE TOTAL SOLAR ECLIPSE EVENT ON APRIL 8, 2024, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2024-025 (administer Village of McComb income tax collection services) **requires three (3) readings** **first reading**
AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A COLLECTION SERVICES AGREEMENT WITH THE VILLAGE OF McCOMB TO ADMINISTER, ENFORCE, AND COLLECT TAXES LEVIED BY McCOMB ON CERTAIN INCOMES AND NET PROFITS OF RESIDENTS, NON-RESIDENTS, AND BUSINESS ENTITIES OPERATING OR CONDUCTING BUSINESS IN McCOMB, OHIO IN ACCORDANCE WITH SAID VILLAGE INCOME TAX ORDINANCE, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2024-026 (*City Income Tax Administration Fund*) **requires three (3) readings**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

first reading - adopted

Discussion:

Councilman Russel noted that he and City Auditor Staschiak had a conversation about this before City Council tonight. He asked City Auditor Staschiak to summarize what he had told him because it is the standard process of how to handle it. City Auditor Staschiak replied that he came up with a process a couple of years ago to keep the books cleaner. At the end of 2023, the City received more money than anticipated in income tax receipts. When that happens, the first thing he does is move capital improvements money to the capital improvements restricted account with the City Income Tax Fund, but that it leaves a shortfall in the appropriations side for the money that goes into the General Fund. When he closes the books each January, he knows exactly what the dollar amount is. The last couple of years, he has come to Council suggesting a separate appropriation of that money into the fund so that it is clean and clear that it was from the year before. That has been working very well.

Councilman Russel moved to suspend rules and give the Ordinance its second and third readings, seconded by Councilman Bauman. Ayes: Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment, Frische, Hellmann. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Bauman. Ayes: Palmer, Russel, Warnecke, Wobser, Bauman, DeArment, Frische, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-026 and is hereby made a part of the record.

ORDINANCE NO. 2024-027 (*extend current contracts for City insurance policies*) **requires three (3) readings**

first reading

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO TAKE BIDS AND ENTER INTO CONTRACTS FOR INSURANCE COVERAGE FOR AIRPORT LIABILITY, AUTOMOBILE, BOILER MACHINERY, CONTRACTOR'S EQUIPMENT, CRIME INSURANCE, POLICE PROFESSIONAL LIABILITY, PUBLIC OFFICIAL'S ERRORS AND OMISSION LIABILITY, REAL AND PERSONAL PROPERTY, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2024-028 (*replace 2010 sanitary vactor*) **requires three (3) readings**

first reading

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 FOR THE PURCHASE OF A REPLACEMENT SANITARY VACTOR, APPROPRIATING FUNDS THERETO, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2024-029 (*FEMA FY23 Assistance to Firefighters grant*) **requires three (3) readings**

first reading

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO FILE AN APPLICATION WITH THE DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY ASSISTANCE TO FIREFIGHTERS GRANT (AFG) FOR FIREFIGHTER TRAINING, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

UNFINISHED BUSINESS:

OLD BUSINESS:

Councilwoman Frische reminded Council that she had made a recommendation earlier in tonight's meeting during the committee report section to have legislation de-appropriate one million five hundred thousand dollars (\$1,500,000) for the design work of the park because she feels it is the most fiscally responsible thing to do because there are too many unknowns in regards to flooding and will not know anything about the FEMA dollars until the first phase in June or July. There is also a State grant of ten million dollars (\$10,000,000) that the Mayor recently applied for. There is also the environmental cleanups and sounds like the City might be applying for more brownfield dollars that are unknown. There are a lot of irons in the fire. Flood comes first for her before getting to the park part. She made a motion to de-appropriate the one million five hundred thousand dollars (\$1,500,000) for this with Councilman Niemeyer seconding it.

Councilman Wobser asked if the agreement for this has been signed. Mayor Muryn replied yes it has been signed and executed. It is the only item that is outstanding with the Auditor's certification that the funds are available. City Auditor Staschiak added that Councilwoman Frische's question is perfectly timed. Per the COMMITTEE OF THE WHOLE meeting, the Mayor had stated that the amounts would not be spent in its entirety and can stop the contract at any time, however, there is a single line in the contract that states there shall be a lump sum payment of one million two hundred fifty thousand dollars (\$1,250,000) made on this contract. He asked that it be made clear in this discussion what direction will be done tonight. If Council is agreeable to a lump sum of one million two hundred fifty thousand dollars (\$1,250,000) being paid, which is contradictory to the discussion, there needs to be a motion stating Council is agreeable and pass it, or if Council is not agreeable to the lump sum, to state that, and if a few words needs to added to the contract, to state that. He believes it needs to be stated that the one million two hundred fifty thousand dollars (\$1,250,000) is not to exceed the agreed upon expenditures by the Administration in increments. That way, it does not conflict with later statements in the agreement and conforms with the Mayor's statement and conforms with the rules that he has to follow as the City's Fiscal Officer. At that point, he can execute his portion of the agreement. Mayor Muryn added that the format for the contract and the language is consistent with numerous other contracts that the City has entered into and have handled in the same manner that was proposed.

As she stated at the COMMITTEE OF THE WHOLE meeting, the Administration will get a letter from Strand that further clarifies the language within their contract that multiple attorneys have reviewed stating it has stayed consistent. She agrees that it is a little confusing because it states “lump sum” in one area, and the remainder of the agreement states “based off of services performed” will be paid upon invoice and agreement by the parties that are engaged, but that Strand is willing to provide a statement that further reclarifies their contract that their attorneys have clarified.

Councilman Bauman asked if the City’s Law Director has signed off on this so that the City Auditor can do his job and sign this contract. Law Director Rasmussen replied that he is comfortable with the contract after the signing. It has been reviewed several times and falls in line with the contracts that the City has signed before.

City Auditor Staschiak pointed out that his question is not to the legality of the agreement, but that it is about the intent of the money. 733.13 states that he has to make sure the funds are spent in the manner Council intends. He is not looking for a letter, but is looking for that line to be changed in the agreement. The agreement is the agreement. If Council wants him to sign the agreement, either one of two things needs to happen if Council is going to move forward with it: Council is going to say they are fine to go ahead with the lump sum of one million two hundred fifty thousand dollars (\$1,250,000) or if it is to be broken up. If broken up, he would like a few words added to that line in the contract stating that there shall be a lump sum payment. He appreciates the acknowledgment by the Mayor that language is in there. This is Strand’s agreement. The City did not create it. They did. The City is the customer. The Fiscal Officer for decades has had opportunities to make suggested changes where they have a financial impact. This has a financial impact that he does not how he is to pay the bill. He does not want to be sitting in court trying to explain himself. He has already explained himself to the State Auditor who asked him what he did to justify the one million two hundred fifty thousand dollars (\$1,250,000) payment to which he responded that there was a committee meeting where they looked at the video of the committee meeting in that the Mayor was there stating that it is going to be paid in increments. The City has to clarify one line in the contract from a fiscal perspective. He is not saying it is illegal, but to make sure it is clear in the contract.

Mayor Muryn noted that the City Auditor had the opportunity to review the contract months ago and that everyone reviewed it and put it in a short form contract that was sent to Auditor Staschiak. She asked Council to do a voice vote of Council to amend the contract and give her authorization to sign the contract with the changed language that will further clarify the contract.

Councilman Wobser moved to amend the contract per City Auditor Staschiak’s comments adding in the couple of words that he needs in the contract so that it can move forward in the manner that Council expects to have done, seconded . . .

Councilman Bauman asked if a motion is already on the floor. President of Council Harrington replied that only two (2) members of Council are needed to propose legislation which has been done. Councilwoman Frische and Councilman Niemeyer asked for it to be done, so that will be done. Councilman Bauman replied that in that case, he will second Councilman Wobser’s motion.

Mayor Muryn asked that the motion be made stating that Council would like to have the contracts changed to identify not to exceed the amount of the current contracts. By changing that one line, it will be in line with what City Auditor Staschiak is requesting. City Auditor Staschiak clarified that it is not to exceed the agreed upon amount of each individual expenditure. The way it was stated is that they will bill in incremental expenditures and that the payments shall not exceed the incremental expenditure. The total not to be exceeded is the one million two hundred fifty thousand dollars (\$1,250,000).

Councilwoman Frische asked if the City Auditor is okay with paying a lump sum. City Auditor Staschiak replied that he does not have an opinion on it. He will do as Council instructs. The way it is written now, it is unclear what Council’s intent was because it appears the intent was for it to be multiple payments and that the “shall” language states that he shall make a single lump sum payment of one million two hundred fifty thousand dollars (\$1,250,000). He just wants Council to either tell him to pay it or if they want a de-appropriation. Once the City enters into that contract, the de-appropriation is irrelevant. He cannot hold this up if it is done legally and follows the intent. He needs that clarification. He would not feel right holding something up, so he wants to make sure that Council is aware that there are two (2) things in play that are contradictory.

Councilman Wobser clarified that his motion is to amend per the City Auditor’s comments on what Council’s intent was which lines up with where the Mayor also is. He asked if both City Auditor Staschiak and Mayor Muryn are in agreement. City Auditor Staschiak and Mayor Muryn nodded in agreement.

Councilman DeArment does not think it is a “not to exceed” comment and is an “up to one million two hundred fifty thousand dollars (\$1,250,000)”. City Auditor Staschiak pointed out that the ambiguity is in what each payment will be. He asked if it will be a one-time payment of one million two hundred fifty thousand dollars (\$1,250,000) or if it will be multiple payments. It is not to exceed each amount that they agreed to as a billable multi-period rather than one period payment. If Council goes with the lump sum option, he is not paying it until it is completely done in which he does not think Strand would appreciate that.

President of Council Harrington clarified that there is a motion from Councilman Wobser. He asked Councilman Wobser if he wants to clarify that motion further. Councilman Wobser replied he does not think it needs clarified further except to state that this is to amend the contract so that it satisfies the City Auditor’s requirement. President of Council Harrington noted that Councilman Bauman seconded that motion.

Councilwoman Frische asked if this amends the ordinance that was passed at the end of the year and asked if legislation is needed to amend anything. President of Council Harrington replied no. Mayor Muryn added that the legislation covers it authorizing to enter into a contract. The legislation that was already adopted that authorized her to enter into a contract, so she will work with them to make the change in the contract to the City Auditor’s requested language change.

City Auditor Staschiak noted that if Council passes this motion to adjust the language and comes back to his desk, he will have everything he needs to execute it and nothing to not execute it. If Council requests legislation to de-appropriate funds, that request for legislation becomes irrelevant which is what Council should be talking about now as the legislative authority. He asked Council if they want him to go ahead and sign it. Council has adjusted it and he wants to know if Council wants him to sign it.

Councilman Bauman called the question. President of Council Harrington replied that he will allow Councilwoman Frische to make one last comment before moving on.

Councilwoman Frische asked if Strand has been paid anything for their original design (i.e. pictures on the website, the concept). Mayor Muryn replied yes that has been paid. It is the same format as this agreement in that the City did not pay them the full amount and instead paid from the invoices that they provided. Councilwoman Frische replied that she cannot find that and asked Mayor Muryn if she has a bill that shows that. She went onto the open checkbook and found that the City was doing stuff with Strand on multiple projects, but that nothing for the downtown park and asked if anything has been paid to them for the park. She asked that if nothing has been paid for the park, if the one million two hundred fifty thousand dollars (\$1,250,000) is going to be payment for the concept. Mayor Muryn replied the City paid them for the design work up of to one hundred twenty-five thousand dollars (\$125,000) that was complete. She can provide those invoices. Councilwoman Frische replied that no where on her printout does she see anything for the CSO/LCT plan. Councilman DeArment replied that they are going to send the invoice. Councilwoman Frische replied that the Mayor stated that the City already paid it. She asked the Administration and Council if they are okay with paying one million two hundred fifty thousand dollars (\$1,250,000) because she does not see that anything has been paid for the concept. Council has a financial responsibility to the public with so many unknowns going on, and to be moving forward with this is foolish.

President of Council Harrington reminded Council that the question has been called twice. Motion to call the question: Ayes: Russel, Warnecke, Wobser, Bauman, DeArment, Hellmann, Palmer. Nays: Frische, Niemeyer. Motion is adopted. Filed.

Councilwoman Frische informed Council that she has received several emails from Ken Silver regarding trash in river, maintenance, etc. who told her that he gets the run around on whose responsibility the river is (County, not City's, etc.). She asked if the City and County are working together to figure out how to maintain trash, people sleeping, drug paraphrenia, etc. along the river. She asked if there is a plan to remedy any issues. She asked if the Street Dept has a plan or if the City is working with the County to team up to keep things clean. Service-Safety Director Martin replied that he has been in contact with Mr. Silvers via multiple emails addressing his situations and has a sit down with him scheduled next week with also Water and Soil, and the City's Street Department to talk this through. It is fluid situation that the City is constantly addressing. Certain people have certain jurisdictions, but are collaborating with the different parties to get this addressed. It is not a black and white, yes or no answer. The City is addressing it and are going to come up with a plan. Councilwoman Frische asked if she could get with Service-Safety Director Martin afterwards and join that meeting when it takes place. Service-Safety Director Martin replied that they can talk. Filed.

City Auditor Staschiak became aware that there is an issue with the cost of the gas aggregation program as compared to the provided pricing by Columbia Gas. He encouraged the community to contact Columbia Gas if they are in the aggregation program and verify that they are getting the intended billing that they want. Service-Safety Director Martin replied that Columbia Gas's prices are currently lower than what the aggregate is, but that the duration of what the aggregate is year over year and the duration that the City has been involved in, the prices are consistently lower and more competitive than what Columbia Gas can provide. Two (2) years ago, the City was in a situation where the projectory was extremely aggressive and were in a situation where the City had to lock in and made that decision based on what the current market was. It was a four (4) year deal, but only bought two (2) years of gas at the time. The City will be in a position this summer to be able to buy the second two (2) years of that four (4) year contracts of gas where the prices will be much more competitive and will be in line with what is seen in the free markets. The Auditor is correct that the rates are higher right now. He is constantly in conversation with the City's third party consultant on this, but were in a situation where the City locked in and will be in a situation this summer where the aggregate is going to be very competitive. Councilman Palmer asked if that is a difference between their current month to month market rate or their current two to four (2-4) year plan compared to the City's aggregate rate. Service-Safety Director Martin replied it is his understanding that it is their current monthly market rate

Councilman Russel: **WATER AND SEWER COMMITTEE** meeting on Wednesday, February 21, 2024 at 4:30pm in the first floor council chambers (CC). This meeting will be livestreamed.

- agenda: 1. Hancock County Commissioners request concerning Eastgate (Hickory Lane) Subdivision sanitary sewers (4:30pm)
2. West Park capital projects review and update on specific addresses identified by West Park Block Watch (5:00pm)

NEW BUSINESS:

Mayor Muryn addressed Council with a couple of things. Over the last couple of years since taking over as Mayor, she has been honored and has enjoyed the position, and continues to enjoy the position, and will not be resigning tonight because she knows that she is where she is supposed to be. At times, some do not understand issues and how she approaches them, and may not appreciate her involvement at the State or Federal level, but that she can assure everyone that every single day when she shows up to those meetings, that she is advocating for the community and the beliefs that we hold. When looking at her record, for example with the U.S. Conference of Mayors, anyone can see all the resolutions that they have passed and how frequently she is the only person not voting in support of that. She is totally fine with anyone coming here and saying ridiculous and crazy insulting things because she knows that she is doing what is right for this community.

She thinks of a conversation in 2019 when she was standing in her kitchen with a friend, at that point in time, that friend told her that she is in this position because God had put her here and will be a phoenix rising when God gives her opportunities to represent the community. Little did she know that that same person was going to be the person that was going to try and set her on fire and send her emails with ludicrous things and not believe her when she says that is not what she is doing or attacking her and asking her to resign instead of encouraging her in trying to understand the situation. When looking back at the last five (5) years, it has been challenging, but what gets her through every single day is that she knows that she is here for a reason and that she loves this community and this country, and that God has given her the opportunity to walk into a lot of rooms with a lot of different people and talk about the community and talk about why she is a good public servant. Anyone can come and have their four (4) minutes at City Council, but to remember those that listen to them, to know that they do not have any accountability to speak the truth or to get facts or share the facts that they ask for. While she has no issue with anyone disagreeing with her on policy things, she is not building a fifteen (15) minute city. She is not a puppet of anybody. She is not affiliated with George Soros. She is not surveilling residents. She does not control utilities. She advocates for Findlay citizens every day to try to make the community better. If anyone wants to try to recall her, if they feel that is the right thing to do, she can assure them that every night when she goes to sleep, she sleeps well because she is serving this community. Councilman Hellmann replied that he for one believes her and thinks that she has done an excellent job regardless of what some might say here in public. He does not think she is a communist or a fascist or some of the other ridiculous things that have been brought up in these chambers. He thinks she has been doing an excellent job. He cares about her. Filed.

Councilman Russel moved to adjourn City Council at 7:41pm, seconded by Councilman Bauman. All were in favor. Filed.

CLERK OF COUNCIL

COUNCIL PRESIDENT