

**FINDLAY CITY COUNCIL MEETING MINUTES**

**REGULAR SESSION**

**APRIL 16, 2024**

**COUNCIL CHAMBERS**

**ROLL CALL of 2024-2025 Councilmembers**

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

**ABSENT:** none

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

**ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:**

Councilman Palmer moved to accept the April 2, 2024 Regular Session City Council meeting minutes, seconded by Councilman Greeno. All were in favor. Filed.

**ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:** none

**PROCLAMATIONS:** none

**RECOGNITION/RETIREMENT RESOLUTIONS:** none

**PETITIONS:** none

**ORAL COMMUNICATIONS:**

**Dwight Henley – previous board meeting comments**

Mr. Henley is before Council because apparently someone was called a Nazis during a meeting. He does not know the person and does not really care for politicians when it comes to left and right, but believe they have a good place as traction in the snow. He cannot stand politics as it goes. He does not agree with the term used as Nazi. It is used too much and cheapens the atrocities that the Nazis have done. He is probably one of the few in the area that has actually sat down with Nazis from the 30s and 40s to understand their mindset. It is a unique choice to be in, but when it comes to calling an elected official names, he does not have a problem with that because there is case history and a lot of law that says that name calling are not fighting words, and that it doesn't bode well when they restrict the speech of others. One of the greatest mistakes that has ever made is driving a lot of people underground because it is not seen what they are doing and cannot see their actions. When it is seen what people do by what they say, it brings to light those that they can oppose on not necessarily a moral ground, but a viewpoint that can be stated as distasteful in our body politic. If someone wants to call an elected official names, they simply need to grow a tougher skin. He spent twenty-six (26) years in the United States military, four (4) years with the United States Army and the rest with the Air Force. People called him names. He got used to it. If someone doesn't like it, they just have to deal with it. That is what they have to do. He knows Council wants to pass rules. He looked at a few court precedents on this. Recently, in Trumbull County, there was a Commissioner that was arrested for criticizing the Sheriff who called him a few things about the way the jail was managed. The U.S. District Court for the Northern District of Ohio said that here in America, we do not arrest our political opponents. This case tests that long-standing norm, as well as our constitutional robust, protections for free speech that allow individuals to criticize representatives and public officials. He hates to say it, but that it has gotten to the point that Nazis is now a criticism and not an actual fact of what somebody is. The Sixth Circuit has said that the freedom of individuals verbally to oppose or challenge official action without thereby risking an arrest is one of the principle characteristics by which a free nation is distinguished from a Police state. *Houston v Hill* was cited and that it was in *McCurdy v Montgomery County*. The Sixth Circuit also said that courts have found that the use of obscenities is not a sufficient disruption to permit an ejection from a public meeting. In *Leonard v Robinson* Sixth Circuit 2007, the Sixth Circuit found that it is unlawful to remove a speaker for using the words "god damn" in a public meeting. It is protected under the first amendment. The Sixth Circuit Court of Appeals in 2002, where they looked at *Chaplinsky*, stated that it had changed and needs to be updated, and that the fighting words doctrine is more narrowly described. President of Council Harrington informed Mr. Henley that his allotted four (4) minutes were up.

*discussion:*

Councilman Wobser moved to allow more time for Mr. Henley to speak, seconded by Councilman Greeno. All were in favor.

Mr. Henley continued stating that while he does not condone name calling, the risk of driving people underground is worse. If an elected official cannot stand name calling, they cannot represent everyone in the community. Somebody is going to hate you. He lives by the motto: great. He loves it. He has another person to hate him, so he is in good shape. On the Nazis comments and the disparaging comments, a fool is known by their words. A greater fool is known by those that restrict those words. It has to be understood that who played who the fool by saying someone cannot disparage someone. Let them do it. It brings out their thoughts. As he has traveled across this world, he has seen many people of many different cultures from Asia to Europe, Africans, Muslim, Christian, to Jews and has learned that if you cannot respect each other and cannot debate honestly and with integrity, that means you have no argument. So as someone calls names, that means they have no argument to give. Allow them to do it because it allows you to better understand what goes on.

*discussion:*

Councilman Wobser thanked Mr. Henley for his service to our Country, training troops and making them great. Obviously, Mr. Henley did a good job of it. Mr. Henley replied that he did a lot of crying. He got stuck with the Army a lot as an Air Force guy. Councilman Wobser appreciates Mr. Henley's perspective on this. It is an interesting topic. He asked Mr. Henley if he had to take his six (6) minutes of his talk and put it into one sentence, what he would surmise that to be. Mr. Henley replied that as he had said, a fool is known by their words. A greater fool is known by those that do not allow them to speak. Councilman Wobser replied by asking Mr. Henley if his point is to just simply let people get up, have their four (4) minutes, and let it go. He asked to accurately summarize Mr. Henley's comments tonight. Mr. Henley replied to a point. If someone is coming up and threatening, as had just happened in San Francisco where the young protestor said she wanted to meet them at home and kill them, that would be a line too far, but that name calling is reasonable under the idea that they all got called names in school on the schoolyard. He was a redhead. He grew up close to a reservation. There were a lot of things said about redheads near a reservation. He has gone to Vietnam. Blonde hair blue eyes individuals are called the devil because in one of the Buddhist sects, blonde hair blue eyes is what the devil was. He asked at what point do we shut them down so much. Remember, the Nazis took over piece by piece by shutting down political speech. They started with the brown shirts heckling people in a meeting, then they took over the meetings and stopped people from criticizing them. When he worked in the military, if he screwed up, he would have young troops that would come up and tell him that was stupid. When you take a step back and look at what the criticism was and if it was valid or not, that is how to move forward. If it were something that was stupid and agree that a mistake was made, if it was something that was based on information they did not have, then he could talk to that troop and provide them the information they do not have and is the information he does have, and move out together.

Councilwoman Frische asked Mr. Henley what he would like to see the AD-HOC COMMITTEE recommend. She asked if things should be changed or leave them as is. Mr. Henley replied that he would make a clear standing that threats of violence do not stand. He is okay with a little bit of name calling. It happens. If it is one of those things where someone comes in just to disrupt and just start calling several individuals a dumb ass, doing those things is disruptive, but name calling based on an argument of what is being done reminds them of the communist or the socialist or the Nazis. Let it go. If it is just to disrupt, then he has an issue.

Councilman Russel read a paragraph from the current City Council Rules of Procedure under the title other prohibited remarks and then asked Mr. Henley for his thoughts on that current rule: any person who causes actual disruption by making personal attacks, slanderous remarks or other disruptive conduct while addressing the Council, shall be barred from further participation in the meeting by the presiding officer unless permission to continue is granted by a majority vote of Councilmembers present. Mr. Henley replied that he would look at that as what the Sixth Circuit says about the Clark County case where the guy had an "F" the Police shirt on which set a standard. First you have the fighting words doctrine which had limited Chaplinsky, in which the original idea in 1942 was very broad, but has been narrowed as the course of discussion has changed. It is just like on television.

In 1975, even after 11:00pm, if a woman in a bikini was shown, a television station could get in trouble. Now, Baywatch is on at 4:00 in the afternoon to watch. What happened in Clark County has to be taken into consideration. The Officers there were called thugs, F-ing thugs, things like that. While he does not agree with using that kind of profanity, it is what makes our body of politics so toxic now because it is that we do not respect each other, but look at the Sixth Circuit Court because it is one of the most forceful on free speech. When he looked at the Ninth Circuit, Eighth Circuit, First and Second Circuit out on the East Coast, it shocked him how much the Sixth Circuit protects the ability to call a public official names. One of the negative side effects of limiting it too much and escort someone out for calling someone stupid, Nazis or whatever, it puts every taxpayer in the room in a position where they are culpable for Council's actions of removing them because they are going to take a lawsuit which can increase City taxes. Since it was put in writing that a claim can be done that it is a pattern in practice and take it to a Federal Court under a 1982 or 1983 complaint for civil rights under Title 42, and if they win on a Title 42 complaint, it can go to GSA or Office of Federal Procurement Policy and get a debarment on the City until that case is either done or is paid. You have to think beyond just someone insulting an elected official and what the larger field here is. His background is Government Acquisition in the military and Defense Supply Center. His involvement was with contracting an acquisition in Government. When he was in the military, his job was to buy landmines, which means all the furniture and everything on a base (he bought everything for the Army, Navy, Air Force, Marines, Coast Guard). His job was to buy landmines and then make sure no one stood on them which meant that not having what they did, their acquisition would blow up in their face.

President of Council Harrington thanked Mr. Henley for his remarks. Mr. Henley replied that he does not want anyone thinking he is calling anyone in the Council Chambers tonight a Nazi or dumbass as he does not believe in that kind of thing. President of Council Harrington replied that he has never heard the word Nazi in front of Council, but has heard the word fascist. Filed.

#### **Anne Cole – Council procedures at Ad-Hoc Committee**

Ms. Cole is in Ward 2B and lives on Hillstone Drive. She expressed her appreciation for the right to address this body and the individuals within it. Her dad always said that if you do not stand for something, you are going to fall for anything. There are a few things she wants to address. She wants to take Council back to the days before the current Councilmembers were a member of this Council. Perhaps they were uninterested and uninformed as most of the residents are, or perhaps they wanted a seat on Council because they themselves were frustrated and felt underserved by the local government and voiceless and powerless. It is a hopeless feeling that she wanted to remind Council of how that felt, and how it now feels to those that come to Council meetings and watch as the elected representatives in this body are gavelled into silence, and how we the people are gavelled into silence by another impatient and argumentative representative. Councilmembers asked their constituents for the honor and privilege to serve them, and they granted it. She stated again that Council serves their constituents and each other, and finally the City. She thanked Councilwoman Frische for taking the people of her ward and this City under her wing and representing her constituents just like she promised. Those who gavel Councilwoman Frische down need to show the same servant attitude that she does, exercise patience and engage in civil discussion like adults. Those who hold the gavel do so because they were given that honor by others and that they need to honor others in its use. It is "we the people" who Council asks to represent, not the City. She asks that Council continue to listen to the people in these proceedings and to put their voices ahead of their own. Humble yourselves. Make the time and have lively discussions as if they are not physically elevated above them. With that in mind, City business needs to remain public and transparent that is done out in full view of those they represent. To some, it appears that new rules regarding public comment are nearly complete, but she does not remember seeing any changes made in a public and transparent way. She asked if there were discussions over coffee or cocktails that the public wasn't invited to or if a member of this body unilaterally made changes so that the process could be shortened. She believes the public is entitled to see and hear every step of every process that may affect them, so she looks forward to hearing the explanation. She is also curious as to how many Councilmembers have undergone their required Sunshine Law training during their current term. Councilman Russel has because it was reported to City Auditor Staschiak. She asked if anyone else has.

She reminded the members of this body again that each of them sit before their constituents because they asked to and they granted it. Sitting on Council does not mean that they have all the answers and know all the things. She asks Council to approach uncomfortable topics and those with whom they disagree with humility, patience and a sense of curiosity. She believes that since a disagreement became contentious in public on April 2, 2024, that Councilman Hellmann owes City Auditor Staschiak an equally public apology in regard to his wealth of information comment. City Auditor Staschiak is the City fiscal officer that should be invited to meetings pertaining to finances instead of told when meetings are held as an afterthought. Elected Officials are here to serve the people and expect those that serve the public to do so with dignity, humility, and civility. Filed.

**WRITTEN COMMUNICATIONS:** none

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

**Findlay Police Department Activities Report – March 2024.** Filed.

**City Income Tax Monthly Collection Report – March 2024.**

*discussion:*

City Auditor Staschiak pointed out that he has mentioned to Council many other times that he is grateful to see the withholders number be a little higher, but has confirmed that the City will be looking for another windfall. The blessings of the City's windfalls have continued and expects that number to level out going through the year. He had a conversation with the City Income Tax Administrator who feels the same way that over time it will level out and are not expecting any more windfalls in that category, but are down in the individual and business categories. He believes this will be the year it normalizes on income tax receipts. Filed.

**Findlay Fire Department Activities Report – March 2024.** Filed.

**Police Captain Hendren – FFY2025 Impaired Driving Enforcement Program (IDEP)/Selective Traffic Enforcement Program (STEP) grant**

The Ohio Traffic Safety Office has selected the Findlay Police Department as an eligible agency to apply for the FFY2025 Impaired Driving Enforcement Program (IDEP)/Selective Traffic Enforcement Program (STEP) grant. The application deadline for this grant is Thursday, May 23, 2024. The purpose of this grant application is to secure funding for Officers to conduct High Visibility Enforcement (HVE) which is a universal traffic safety approach designed to create deterrence and change in unlawful traffic behaviors. HVE combines highly visible and proactive law enforcement targeting a specific traffic safety issues. This grant does not require any match and is designed to reimburse overtime expenditures up to seven hundred (700) hours for conducting HVE patrols related to impaired driving and prevention of fatal/serious injury crashes. Legislation authorizing the application of this grant at the April 16, 2024 City Council meeting. An appropriation request will follow at a future date if notice of award of this grant is received. Ordinance No. 2024-048 was created. Filed.

**Police Chief Mathias – Ohio Attorney General Law Enforcement Continuing Professional Training Grant**

The City of Findlay Police Department received fifty-three thousand nine hundred fourteen dollars and fifty-five cents (\$53,914.55) check from the State of Ohio that will be deposited to the ORC Police Department Required Training Project. These funds will be used to fund outside training for Police Officers. Legislation to be appropriated from the Ohio Attorney General Law Enforcement Continuing Professional Training Grant to the Findlay Police Department Training Program is requested. Ordinance No. 2024-049 was created.

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|-------|--|--------------|
| FROM: | Ohio Attorney General Law Enforcement Continuing Professional Training Grant | \$ 53,914.55 |
| TO:   | 2024 ORC Required PD Training  | \$ 53,914.55 |

Filed.

**City Engineer Kalb – small waterline upgrades, project no. 35723800**

As authorized by Ordinance No. 2023-093, a bid opening was held for this project on April 4, 2024. Bids were received from four (4) potential contractors with the bid amounts ranging from \$909,982.23 to \$1,146,777.50. The lowest and best bid was received from Hohenbrink Excavating, LLC of Findlay, Ohio. All of the received bids were under the Engineer’s estimate of \$1,069,630.00. \$505,000.00 was previously appropriated to the project to account for advertising and to appropriate the CDBG funds. An additional appropriation is now needed to cover the City’s portion of the construction cost, appropriate the allocated monies from the Revolving Loan Fund, and contingency for the project. Legislation to appropriate and transfer funds for the capital expenditures is requested. Ordinance No. 2024-050 was created.

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|-------|---|---------------|
| FROM: | Water Fund  | \$ 181,600.00 |
| TO:   | Small Waterline Upgrades, <i>Project No. 35723800</i> | \$ 181,600.00 |
| FROM: | Revolving Loan Fund (RLF)                             | \$ 300,000.00 |
| TO:   | Small Waterline Upgrades, <i>Project No. 35723800</i> | \$ 300,000.00 |

*discussion:*

City Auditor Staschiak pointed out that the second part of the small waterline repairs appropriation of the ordinance on this has money coming from the Revolving Loan Fund. One of the things he mentioned that concerns him is how the City is approaching finances because the City does a lot of things piece meal without having a meeting to talk about the entire picture. Recently, a proposal for a couple of incentive programs was presented. One with Income Tax and another with the Districts. The City has an incentive program with the RLF Fund that is a phenomenally strong incentive program. Whether or not it is right or wrong to put this money forward is not what he wants to discuss. What he wants to discuss is prior to this happening and prior to this proposal coming in, the City would have been better served if there was a meeting to discuss whether or not it is appropriate for the City to take funds from the Revolving Loan Fund which is one of the City’s best incentive programs it has. It needs to be determined if there are enough or not enough funds because that program has not been promoted as extensively as it could have over the last year to a year and a half since COVID. That is his personal opinion that goes to the point where he believes there would be more value in speaking in a holistic manner at a higher level on Council’s philosophy as to how they want to see funds be used and how it is moved forward. He is not criticizing the expenditure, but is a suggestion on philosophy moving forward and should be considered.

Mayor Muryn added that the Revolving Loan Fund is CDBG dollars that has limited use. The Hancock Regional Planning Commission sends out notifications on Revolving Loan Funds on an annual basis to local bankers informing them as a resource because one of the qualifications for businesses to receive the funds would be that they have a letter from their lender stating that they need the funding to make the project work and that there is a variety of criteria that goes along with that. It is advertised and a number of online postings are done, as well as press releases are sent out about it as a program. While the City would like to see more local businesses use it, a portion of the funds have been kept in that fund to be able to distribute as microloans to the different entities such as the Beckett Burgers Revolving Loan Fund application which has sufficient funds. This has been a common practice for the last couple of years because one of the qualifying expenditures of these funds is infrastructure investment into LMI qualifying areas. She is happy to have a more robust conversation about that, but that one of the main reasons those funds have been put back out into the community recently is because of the number of significant loans that they paid back, so there was a large amount of money that needed to be spent down by a specific point in time or that the State was going to change the allocation and then the City would not receive those additional funds. That is why Council has seen a number of those funds deployed out into the community in a more expedited fashion through applicable infrastructure investment.

HRPC Director Cordonnier added that this is one of the grants that the Hancock Regional Planning Office submitted. The grant was originally submitted as a request for eight hundred thousand dollars (\$800,000.00) that the State of Ohio approved the City for five hundred thousand dollars (\$500,000.00) with the City having to spend three hundred thousand dollars (\$300,000.00) in Revolving Loan Fund. The balance is approximately seven hundred fifty thousand dollars (\$750,000.00).

According to HUD, the State wants the balance to be two hundred thousand dollars (\$2,00,000.00) or less. There were no discussion about using the Revolving Loan Fund when the grant was submitted. The State of Ohio, had been warning for years that the balance is high and that this is a competitive grant and that the City can get the grant, but has to spend the three hundred thousand dollars (\$300,000.00) in Revolving Loan Funds. That is the procedure that was gone through.

Councilwoman Frische noted that the more talk on this, the more she is not fully understanding because she is not used to seeing RLF money being used to do waterline projects. So, that caught her attention and was going to save it for discussion down the road. She summarized that HRPC applied for a grant and that the State came back and told HRPC the results and asked if that was discussed with Council at any point. She asked if it was ever discussed with Council to go for this grant that HRPC applied for. HRPC Director Cordonnier replied yes that City Council authorized . . . Councilwoman Frische interrupted asking if that was for a CDBG grant. HRPC Director Cordonnier that is correct. Councilwoman Frische asked if there are CDBG grants where the City does not always get matching dollars. HRPC Director Cordonnier replied yes. Councilwoman Frische pointed out that she has always known the RLF dollars to be used for businesses coming into the community and helping businesses. She asked if the City is helping Hohenbrink or if they are getting these dollars to do the project. She asked if they went to the bank and used RLF funds. HRPC Director Cordonnier replied that is correct. the Revolving Loan Fund is not being used towards businesses. CDBG allocations requires no match. This is a CDBG critical infrastructure which is competitive across all counties in Ohio. A waiver can be obtained from the State to use for infrastructure as long as it benefits a population that is fifty-one percent (51%) low-to-moderate income. Councilwoman Frische asked if it has to be repaid with interest. HRPC Director Cordonnier replied no. As he has stated to Council over the last several years, competitive grants, with the competitive critical infrastructure, the State notifies them when the balance is too high and want all the City/County Revolving Loan Fund balances to be around two hundred thousand dollars (\$200,000.00). The City's was at seven hundred thousand dollars (\$700,000.00), and that there are some counties with a million dollars (\$1,000,000.00) that are viewed to be stagnant and not being used. The State has told him that if HRPC applies, they might require them to use Revolving Loan Fund dollars which is what happened on this grant. The State did not give eight hundred thousand dollars (\$800,000.00) because we are already sitting on seven hundred thousand dollars (\$700,000.00) of Revolving Loan Funds and will instead give five hundred thousand dollars (\$500,000.00) and that three hundred thousand dollars (\$300,000.00) has to be used from the Revolving Loan Fund. The Revolving Loan Fund is part of the CDBG umbrella. Councilwoman Frische asked if it is being used as a place to grab to cover if something quickly needs to be done and if this request is simply this grant, and this grant only, and then the City replenishes the three hundred thousand dollars (\$300,000.00) back. HRPC Director Cordonnier replied that the three hundred thousand dollars (\$300,000.00) is not a loan. It is a grant. The three hundred thousand dollars (\$300,000.00) will be removed from the Revolving Loan Fund and will not revolve back in.

City Auditor Staschiak believes everything that is being heard tonight is relevant and true, and are part of different perspectives which goes to his point. If Council believes it is time to look at an incentive programs, then as the City's Fiscal Officer, it is time for Council, whether through an APPROPRIATIONS COMMITTEE meeting, STRATEGIC PLANNING meeting, or however Council feels it is appropriate, to take a look at the programs in place today, whether it be the CRA or this, how to use them moving forward knowing that those balances have been higher and how it is known upfront, how aggressive Council wants to get in promoting those programs to the community, particularly when looking or considering or being asked to consider other incentive programs because this is a phenomenal program that reaches the type of businesses desired to be reached. It is reaching mom and pops, small businesses, and has a benefit that is causing or participating in the hiring of individuals that do not have a high net worth or high value or high income. A requirement with this program is that individuals be hired that otherwise might not have been hired by the business. There are a lot of great things here. It is his hopes that Council ends up with a better understanding of it and has a conversation holistically all the way around on how to start promoting things like this and other programs in the future. He believes there will be a lot of value to it.

Mayor Muryn encouraged Council to read the guidelines of the RLF grant program because it very specifically states that it will be denied for the full amount by the bank. It is a limited scope. She agrees as City Auditor Staschiak stated, that it can help small mom and pop shops and that there will be more conversation around incentives, but that she would not recommend blending those to programs in any sense of the word because the income tax, CRA, etc. all of those different programs are very different than what the RLF is able to do. Those guidelines are on the Regional Planning website and are very limited. Filed.

**City Engineer Kalb – Project Hat Trick, Project No. 35631500 de-appropriation of funds**

As discussed in previous City Council meetings and WATER AND SEWER COMMITTEE meetings, the original scope of work for Project Hat Trick included the installation of a 16-inch waterline on the east side of Township Road 230. As the City of Findlay Engineering Department worked with Sheetz through their process needs, it was identified that the extension of the 16-inch waterline would not fit their operational pressure requirements. Since this line would not have any services off it, it was ultimately decided to not install the waterline as part of this project. To ensure there is a location for a future waterline, a waterline corridor has been established in the roadway plans. Legislation to de-appropriate funds is requested. Ordinance No. 2024-051 was created.

|       |  |               |
|-------|--|---------------|
| FROM: | Project Hat Trick, <i>Project No. 35631500</i> | \$ 900,000.00 |
| TO:   | Water Fund                                     | \$ 900,000.00 |

*discussion:*

Councilman Wobser asked if water is being put in at Sheetz. Service-Safety Director Martin replied that per the original conversation, it will be ran up to 30, but based on how their water plan works out with pressure and their needs on campus, they do not need the secondary inlet that was discussed. Without that need, it didn't make sense to invest those dollars at this time. That was the part of this nine hundred thousand dollar (\$900,000.00) request to run it up to 230, but are not going to do that at this point. The City will still meet the needs along 212 to service Hat Trick. Originally, there was going to be two (2) inlets based on the original plans, but that the one inlet will be sufficient at this time. Councilman Wobser asked if there is any benefit to doing that now for possible expansion proposals for things happening down the road. Service-Safety Director Martin replied that at this point with the amount of money invested, the reason the City was able to see a value to support Sheetz in their development there was because the original plans needed that secondary inlet, so it made sense to extend for future development, as well as suffice the needs of Sheetz, but as they have dug into the specs of the water support for that project, the one on 212 is the only one that they need. They will have to have a pump house on the location, and where the City thought that wasn't necessary originally, there are two (2) inlets to support the water circulation where it'll just be the primary into the site.

Councilwoman Frische asked if when money was originally appropriated for Project Hat Trick, if some sewer dollars were pulled too and if the sewer is being extended. Service-Safety Director Martin replied the sanitary sewer is going to run across 99 to the north side of the Sheetz location, across the north side of Lowe's.

Mayor Muryn replied that there were discussion whether or not it made sense to still expand on 230, but given that that had not been a part of the original conversation, they did not want to muddy the waters with the two (2) projects because it would be unknown if any development to the east would need connections. It did not make sense to have a stub out there. Filed.

**Hancock Regional Planning Commission Grant Administrator Kaysie Penzinski – CDBG Flexible Grant Program application 2024 – Miracle Field**

The Hancock Regional Planning Commission respectfully requests an ordinance authorizing the Mayor to execute the necessary grant application and agreements in support of the City of Findlay's application to the CDBG Flexible Grant Program for the Miracle Field Equipment Trail Project. This Miracle Field Project will install accessible equipment stations around the Miracle Field complex to support exercise and rehabilitation for adults with disability, and will also be ideal for seniors with limited mobility.

Legislation to be passed through emergency procedures and by waiving the three (3) reading requirements due to the unexpected nature of the available grant funds, and the subsequent expedited application timeline. The City of Findlay was notified on Monday, March 11, 2024 at 4:00pm that unexpected grant funds were being made available through the Ohio Department of Development (ODOD). A notice of the available funds was sent to over one hundred (100) non-profits in Hancock County, and that sixteen (16) preapplications from a variety of organizations, as well as the City of Findlay and local villages were submitted to the Ohio Department of Development for review on March 15, 2024. ODOD selected Miracle Field for a full application on April 2, 2024 with the completed application due by May 2, 2024. Ordinance No. 2024-052 was created.

*discussion:*

Councilman Russel asked HRPC Director Cordonnier to come to the podium to discuss this, especially the request to waive the three (3) readings. HRPC Director Cordonnier replied that he received an email from the State on Monday, March 11, 2024 at 4:00pm saying that they had unexpected grant dollars. That was a Monday with pre-applications due Friday, so HRPC jumped into action. They worked with the Community Foundation and sent out information to approximately one hundred (100) non-profits in the County, sent out information to the Villages, talked with the City and talked with the Commissioners about projects that they need. By Friday, HRPC had accumulated sixteen (16) pre-applications. Because of the short period time, HRPC advised them of what they thought would get funded, but did not turn any away and were not picking and choosing who would win. The State has this on a very fast timeline, so HRPC submitted sixteen (16) pre-applications to the State that Friday. Grant Administrator Kaysie put in a tremendous amount of work getting those together. Projects ranged from City of Findlay water and sewer lines, County infrastructure, Village of McComb, YMCA, Miracle Field, etc. The whole gamut of grant pre-applications were submitted. The following week, the State notified HRPC that one grant would be open for a full application. From those sixteen (16) applications, they had chosen the Miracle Field to be given the opportunity to apply for the full grant. That grant is due May 2, 2024. The grant requires an ordinance from the City of Findlay. HRPC was notified approximately ten (10) or twelve (12) days ago that an ordinance needed to be executed by the City of Findlay to apply for the grant. For that reason, he is requesting that the three (3) readings of Ordinance No. 2024-052 be waived and passed on an emergency basis. While that is not their preference, the State often times does not take into consideration the nuts and bolts that have to happen at the local level. It is a pet peeve of his and others in the community, but that tomorrow is the big training for the grants that are due June 1, 2024. They are going to unveil how the process works. It is the middle of April and that June 1<sup>st</sup> is the application time. It used to be in February, but now keeps getting moved back. It frustrates him too, but is a great opportunity for the miracle field. The application is for two hundred fifty thousand dollars (\$250,000.00) with the Miracle Field working on collecting other dollars to make it a larger scale project. It will be exercise stations for seniors and those with disabilities around the field area (i.e. walking track with different stations) where people with limited mobility could exercise. He apologized for the request to waive the three (3) readings on an emergency basis, but has no choice if wanting access to these funds. Filed.

**City Planning Commission staff report** – April 11, 2024; **agenda** – April 11, 2024; **minutes** – March 14, 2024.

*discussion:*

Councilwoman Frische pointed out that there are two (2) projects in residential areas wanting to put in businesses and thinks that City Ordinances do not allow for home businesses. It was done with a dog grooming facility and that there are now two (2) salons, so it appears that the City is getting a little relaxed on it. Mayor Muryn replied that the applicant received a conditional use permit which is revocable. The concerns of the neighborhood were taken into consideration with the hair salon that was approved that is up against the City's park and used to be a daycare facility. Even though it is a residential area, it has been an operating as a business. The other business is a single person nail salon, which is the only services other than hair braiding, that would be done at this salon. This salon would not be able to have more than one client at a time. The owner would not be able to have any signage and would be revocable. The surrounding properties were notified and that these requests are looked at on a case-by-case basis determining what business will have impact to the surrounding area. Filed.



**Precipitation and Reservoir levels report** – first quarter 2024 (January-March). Filed.

**Hancock Regional Planning Commission Grant Administrator Kaysie Penzinski – CHIP 2024 Program**

The Hancock Regional Planning Commission and the Great Lakes Community Action Partnership are applying for CHIP 2024 behalf of Hancock County in partnership with the City of Findlay. The Community Housing Impact and Preservation (CHIP) 2024 Program will provide \$750,000.00 in grant funding to the community to put towards housing related activities including emergency home repair and remodeling for low and moderate income persons. Attached is the partnership agreement that is required to be executed between the City and County. In addition to the necessary legal counsel and signatures, it is required that a resolution be passed approving the agreement. Legislation authorizing the Mayor to enter into a partnership with Hancock County in order to apply for a combined CHIP application is requested. Ordinance No. 2024-053 was created.

*discussion:*

Councilman Russel asked HRPC Director Cordonnier to come to the podium for more information on this. HRPC Director Cordonnier introduced Kaysie Penzinski (in the audience) as the Grant Writer for the Hancock Regional Planning Commission. The County is applying for the CHIP grant which is a Community Housing Improvement Program that does emergency repairs for low-to-moderate income individuals. The grant application will be for seven hundred fifty thousand dollars (\$750,000.00). The City has received this grant every other year for approximately the last ten (10) years. When there is a City in the County where the City executes a partnership agreement, it increases the amount that the County can receive. The County by itself can only receive five hundred thousand dollars (\$500,000.00). If there is a partnership agreement with the City in the County, they can receive seven hundred fifty thousand dollars (\$750,000.00). This is the execution of that partnership agreement. There is no commitment on behalf of the City of Findlay. The grant all goes through Hancock County administered by Great Lakes and HRPC. Over half of the projects occur within the City of Findlay with the other half outside in the County. There is time to have this go through all three (3) readings, but that he is requesting it to be passed on an emergency on the third (3<sup>rd</sup>) reading because the emergency basis of thirty (30) days would take it past the grant application deadline.

Councilman Russel asked if this request is just asking for permission to apply. HRPC Director Cordonnier replied to execute the partnership agreement.

Councilman Bauman asked if a fund like this can be used by individual homeowners to run laterals from their home to the sanitary sewer lines in the event they cannot afford it themselves. HRPC Director Cordonnier replied that CHIP dollars cannot be used in that fashion. It has been used in the City in the past on Bluebonnet called WPCLF which is a grant fund. The issue with that is that they have to meet the low-to-moderate income threshold which can pay for connection to their home. Those that want to apply for that should contact the HRPC office who will get them into the application process.

Councilman Russel noted that this ordinance authorizes the Mayor to enter into a partnership, and that she along with the Hancock County Commissioners would apply for the grant. He asked if this ordinance would give the Mayor permission to enter into an agreement so that the City can apply. HRPC Director Cordonnier replied that is correct. Councilman Russel asked if this is something that Council would normally take care of tonight to apply for this with the County. HRPC Director Cordonnier replied that is correct. Filed.

**Service-Safety Director Martin - insurance payment for repairs of a Police Department vehicle from an accident**

The City of Findlay has received payment for the repair of a vehicle from an accident from the City's insurance company in the amount of two thousand eighty-one dollars and eighty-six cents (\$2,081.86) that has been deposited in the General Fund. Legislation to appropriate funds is requested. Ordinance No. 2024-054 was created.

|                                       |             |
|---------------------------------------|-------------|
| FROM: General Fund                    | \$ 2,081.86 |
| TO: Police Department #21012000-other | \$ 2,081.86 |

Filed.

**A set of summary financial reports for March 31, 2024:**

- Summary of Year-To-Date Information as of March 31, 2024
- Financial Snapshot for General Fund as of March 31, 2024
- Open Projects Report as of March 31, 2024
- Cash & Investments as of March 31, 2024

Filed.

**Board of Zoning Appeals minutes** – March 14, 2024. Filed.

**Findlay Municipal Court Activities Report** – March 2024. Filed.

**Service-Safety Director Martin – Union negotiation process**

The Unions and Administration are initiating the negotiation process very soon for the contract term beginning January 1, 2025. The Administration will provide City Council frequent updates during the process as it progresses towards a mutually agreed upon contract. Recently, there was questions brought up regarding Council's involvement in the negotiations. There is no City policy dictating a Councilmember be involved. Additionally, there is cited case law from the State Employment Relations Board (SERB) identifying that involvement by an Ohio City Council was found to be unfair labor practice that resulted in legal action against that Council. The Administration will continue to take the lead in the negotiations and keep Council, and other necessary parties, informed as needed. The City of Findlay has been fortunate in that years of trust and working partnerships the Union negotiations have been able to avoid utilizing outside legal counsel and have resulted in reasonable and fair contracts for Union members, as well as the implementation of a predictable and transparent wage structure for all City employees.

*discussion:*

Councilwoman Frische was surprised to read this letter in the Council packet stating that the union negotiations are going on, in which she knew, but is assuming that a Councilmember would be part of those union negotiations and finds it odd that if a Councilmember wanted to be part of those discussions to listen, learn or whatever it is they were looking for, that they couldn't be, but that at the end of the day, it comes back to Council to approve those union contracts, so she is looking for a little more understanding of where this came from. She asked for additional information on this letter. Service-Safety Director Martin replied that negotiations have not started and wanted to get through the eclipse first and have been trying to get some dates on the calendar and have not started it at this point. There were some discussions about who to involve because historically it has progressed over years in contracts and used to be very formal with legal representation from out of City that would come in and support each side and that relationships have grown over the years. He ran the last union negotiations three (3) years ago and brought in the local legal team with the Mayor actively involved with the Chiefs and respective unions that they marched through them and found a nice balance coming up with fair and equitable union contracts. As this one has progressed or gotten closer, they have prepared themselves to sit down again with questions about some wanting to be involved and be more informed in which they responded that they can continue to inform others on a frequent basis on what the process is, what the negotiations points are, but that the relationships that have been established at the negotiation table desire to leave them where they are, but as they started having these discussions, they found that there is case law that states a City in the State of Ohio where Council was having discussions about negotiations with the unions was found to be an unfair labor practice. As the questions were asked, they were looking into it and stated that it would be something that would be contradictory to make it happen, so they looked into it finding SERB case law, so they determined to keep it as it is and is why he wanted to inform everyone that the contract negotiations were going to start and that Council was informed of it, and just to put that information out there that this was brought up just as a reference that there is case law out there that supports this as probably not a good idea.

Mayor Muryn added that the Auditor requested to have more detail on the case and will have Assistant Law Director Feighner put a summary together and distribute it to Council. He is the one who did the initial review and summary just to make sure that the City is complying with applicable law.

City Auditor Staschiak informed Council that Gary Johnson represented the City in the past. He did so for a number of years and did a wonderful job working with the City. At no time in the past, not even in the negotiations, did he participate when he was the City's Service Director nor did a Councilmember negotiate or participate in negotiating with unions. They were there in an observational role so that when things came up that would likely be a concern to Council, they could speak with the Administration whether it be the Mayor, Service-Safety Director or Service Director (depending on the structure at the time) to caution or make sure they were thoroughly vetted. His advice in this situation is that there have been a number of times in the past when the Auditor's Office was not consulted when things were agreed to that couldn't be done. Everything from how pay to health insurance items. His advice on this is to the negotiators and the Administration that they do speak with them when it comes to fiscal matters or health insurance matters keeping them informed knowing those things are confidential. To his knowledge, Council never negotiated.

Councilman Wobser thanked Service-Safety Director Martin for the details on this and asked if Acting Law Director Feighner is going to get additional details about this case for Council. He was the one who made the request, not for himself personally, but for Council's involvement, so that is where this came from. He is struggling with the idea that the Administration has just unilaterally decided to take Council out of this process even though Council is the final arbiter of what the Administration does. It was common practice before. It was when his father was the Service-Safety Director and when Gary Johnson was there at the table. That was a thing that made things run much smoother because Council was informed as it went along, but that since he has been on Council, this is now a black box that opens up and is thrown at them to approve. While he does not really like that process, which is why he brought this up about three (3) months ago, he is a little disturbed with this letter just outright saying no and that it is against the law and just dismissing it out of hand, because that is not the case. It may have been the case the last time the Service-Safety Director did it or the last time former Service-Safety Director Schmelzer was involved, but is not the case historically. City Council should have the ability to listen in on these conversations and to at least be able to then bring information back to Council. He recalls Ron Monday sitting in on these because he was a former Police Officer. While he appreciates what Service-Safety Director Martin is trying to do with his letter, it has caused more questions than answers. Mayor Muryn replied that she appreciates Councilman Wobser's feedback on the letter. Just because something was done away in the past doesn't mean it was proper. The Administration will follow up, but that there is case law out there that states Council should not be involved. If that is not the case and there is a way to have Council involved, they are not opposed to that. They were approached wanting Council to be involved and agree that former Council President Monday sat in mainly because the union stated they were okay with it, but then realized that he shouldn't be in those discussions. That was the past and the current Administration is responsible for the present and the future, so they looked into it on what was City policy, how it has been approached in the past, and what the legal standard for how it should be handled. Now, as the Administration, they are the lead entity in the negotiations and Council is the authorizing entity to appropriate the funds and authorize to enter into the contract. She agrees that communication can be more beneficial throughout the process, but as anyone who has been involved in the negotiations is aware things change as it goes along and there is a give and take. The Administration will get an updated legal opinion from the Law Director's Office and if there are more specific details that would allow a Councilmember to be involved, they will be happy to approach that. She asked Council not to say that they are trying to hide anything and want to make sure that that is not being implied because there is a deep relationship here and everyone knows that sometimes if other players are brought into the game, there can be a lack of trust, so they are finding that balance to ensure that everyone is doing the best work on behalf of the City of Findlay. They have nothing to hide in that process.

Councilwoman Frische noted that the reason she brought the question up was that she assumed it was observation and does not think that any councilmember wants to get into wheeling and dealing. She does know that Council has been involved in the past as Councilman Wobser said and knows that the City used to hire outside legal counsel on the negotiations of them. It was talked about how it would save the City money, but when words like deep relationships and negotiations are mentioned, that sounds a little gray to her.

While it is great that the Administration loves their Firefighters and Police Officers, and they do great work, she is unsure if the Administration even asked the union about someone from Council sitting in and observing on this, or if it was quickly decided not to. It appears as if the Administration is combating City Council's request by going straight for a legal opinion which is bizarre to her. She asked if the Administration asked the union if a Councilmember could be part of it. President of Council Harrington asked who her question was directed to. Councilwoman Frische replied that she would direct it to the Service-Safety Director, but that the Mayor is throwing her hand up. President of Council Harrington replied that they both had their hands up. Mayor Muryn replied that she literally just said a moment ago that they looked at City policy, union policy, and consulted legal counsel. Councilwoman Frische replied that was not her question. Service-Safety Director Martin added that to the Auditor's point, they did in fact provide language that was agreed upon so they could facilitate the payroll and insurance items that former Payroll Clerk Chase was involved in, but after the fact, he did provide them feedback that they could do it differently and in a more efficient manner in the future. Lessons learned as the walk through it. The first negotiations he was involved in, he was about six (6) weeks into the job and was learning as he walked through it. To Councilwoman Frische's point, he did in fact talk to the unions, both unions, and asked about the history to Councilman Wobser's point in which the union asked why any Councilmember would be at the table during negotiations, and that the last one that they could make reference to was Mr. Monday about him being involved and questioned why Councilmembers should be at the table during negotiations when in fact it was established as a mutually amicable relationship. That can be taken and spun anywhere anyone wants, but at the end of the day, they are looking out for the benefit of the citizens of the City when negotiating the contract with Service-Safety individuals in this community. He takes offense to any implication that there are deep bedded relationships and questions his integrity. They have the legal involvement at the table and are walking through this amicably.

Councilman Wobser asked who is sitting at the table for the Administration in the City as of right now. Service-Safety Director Martin replied that they have not established who exactly would be, but that he would be taking lead and would have the legal team involved, and when necessary, the Director of Human Resources when needed to be walked through and the Mayor. Councilman Wobser asked if the City's legal team for this consist of Law Director Rasmussen and Assistant Law Director Feighner. Service-Safety Director Martin replied that is correct.

Councilwoman Frische asked if an ordinance to allow for negotiations has been passed since it is not even in negotiations yet and if further discussion are needed on the agreement later down the road before an ordinance is passed. Mayor Muryn replied that Council had authorized entering into a three (3) year contract and when that expires, it has to go into negotiations. Councilwoman Frische asked if a new ordinance needs to be rewritten. Acting Law Director Feighner replied by asking Councilwoman Frische to repeat her question so he can hear it in full. Councilwoman Frische replied by stating that typically, Council passes legislation that allows whomever to go into union negotiations. Mayor Muryn is stating that there is a three (3) year contract that is expiring that automatically allows who they want if Council wants to hire outside legal counsel. She is not saying that will happen, but is wanting to know if there needs to be an ordinance. Acting Law Director Feighner replied that he understands what she is asking and that the key answer to that is what is in that contract and what the ordinance was for that, and what the language is in that ordinance. It might state something about it being an ongoing thing, but that he understands Councilwoman Frische's concern that it might not make sense if discussions on completely different components of it is needed to add outside counsel. He recommended someone finding that ordinance. Councilwoman Frische replied that it sounds like an ordinance has not been passed yet, but then that the old contract said three (3) years. Council typically allows the Administration to negotiate and enter into a contract for different things and asked if that ordinance can be found, if it can be emailed to Council of the APPROPRIATIONS COMMITTEE. Filed.

## **COMMITTEE REPORTS:**

The **WATER AND SEWER COMMITTEE** met on April 1, 2024 to determine policies and procedures for instituting utility billing rate changes.

*We recommend:*

- *Scheduling another meeting to finalize recommendations to the full Council for polices & procedures for instituting utility billing rate changes.*
- *Service Safety Director Martin & Council Representative Russel recommendation changes to the Water Rules & Stormwater Rules that would implement the Committee's recommendations for instituting utility billing rate changes.*

Councilman Palmer moved to accept the committee report, seconded by Councilman DeArment.

*discussion:*

Councilwoman Frische noted that she was at this committee meeting, but does not understand the second bullet point of the recommendation. She asked what that means. Councilman Russel replied that he and Service-Safety Director Martin are going to get together and create a quick draft of the water rules and stormwater rules that incorporate the committee's direction in this and then bring it back to the WATER AND SEWER COMMITTEE for a final review before making a recommendation to full Council. At a high level, they will add an annual review starting with the Administration bringing to the WATER AND SEWER COMMITTEE with rate changes in Q3 of the year. The WATER AND SEWER COMMITTEE would either recommend adoption of those rates or not, and then depending on whether it is water, storm or sanitary, there are different avenues for actual implementation of which the Service-Safety Director can do on his own that would require legislation in which the rules would lay out the steps necessary for each of the utilities for implementing any recommended rate changes.

City Auditor Staschiak noted that he was concerned that he might hear a statement similar to that tonight that rate changes are being considered much like with the water. It deserves to be known on the public record at this point that he would caution Council about any consideration of rate changes until the Utility Billing Department gets their house in order with regard to the monies. He recommended going one step at a time and not discuss rate changes and can talk about process, but if talking about rate changes, to get ahold of him.

Councilwoman Frische pointed out that the Service-Safety Director is not part of the committee. She thought from the whole beginning when water rates were raised fifty percent (50%) that Councilman Bauman agreed to send her request to committee to determine who has the authority to raise rates inside the City limits. An annual review and discussing rate changes in quarter three (Q3) and giving an recommendation really does not mean anything because he has no authority. At this point, it is saying the Safety-Service Director can do whatever he wants, so if that is what it is going to be left at and an ordinance giving authority inside the City limits like he has outside is not going to be passed, why bring it to committee at all. The committee report just means it was talked about. The recommendation in this committee report is off-kilter and she will not be supporting the committee report because of that.

Councilman Bauman reminded Councilwoman Frische that it has already been mitigated who has the authority and have already had the conversation as to who has the authority in regard to Ohio Revised Code. So this is simply a conversation between the individual who has the authority to make the rate changes and Council to do what Councilwoman Frische just said. To talk about rate changes and how that should operate in the future. He does not understand where Councilwoman Frische is coming from because that has already been talked about at length.

Councilman Wobser asked if he is reading this report correctly in that they are in the process of drafting a new process for rate changes. Councilman Russel replied that it sets forth the steps for a review of utilities rates on an annual basis and does not say that they will be increased in Q3 of this year or next year. It just states that here is the process that is being asked of the Administration to work with and to work with Council, and putting forth a timeline for that process. In essence to Councilwoman Frische's question, yes they are just talking about the process and the timeline for an annual review of utility rates, and if at which time there would be a rate increase, it would be brought up through that process. His expectation for this year is that there will be no utility rate increase.

Councilwoman Frische noted that Councilman Wobser asked if they were looking at doing anything. To her, it is no different than saying that every year in the APPROPRIATIONS COMMITTEE they will review the capital. There is no ordinance that says that and just does it, has conversations and reviews it. The difference in water is if Councilman Bauman wants to say that she does not know what she is talking about or that it has already been determined by the Ohio Revised Code, then an ordinance needs to be passed saying the Safety-Service Director has full authority to raise water rates inside the City limits if he is so comfortable with it, and then Council will not hear from her anymore. She won't support it, but that no one will hear from her. President of Council Harrington interrupted thanking Councilwoman Frische for her comments. Councilwoman Frische replied that she was not done. President of Council Harrington replied that she was being argumentative. Councilwoman Frische replied that she is not being argumentative. President of Council Harrington asked Councilwoman Frische to tone it down. Councilwoman Frische replied that President of Council Harrington is a piece of work, and so from there, she will finish her comment while he sits across the way and smirks because he thinks he is proving a point. Grow up. President of Council Harrington interrupted . . . Councilwoman Frische continued stating that she is not going to get into a back and forth with him . . . President of Council Harrington replied that is what she is doing. Councilwoman Frische instructed President of Council Harrington to get his gavel out. President of Council Harrington replied telling Councilwoman Frische to make her point. Councilwoman Frische replied by again instructing President of Council Harrington to get his gavel out. President of Council Harrington instructed Councilwoman Frische to make her point and move on. Councilwoman Frische replied stating not to rush her and asked if he does that to any Councilman in the room. No, no he doesn't. Councilman Wobser interrupted stating that was an unfair comment of Councilwoman Frische. The comments she is making about Councilmen is absolutely not true. Councilwoman Frische asked Councilman Wobser if President of Council Harrington ever rushes him. Councilman Wobser replied that he gets his questions done in a very timely manner. Councilwoman Frische replied that she does not get to and that he says she talks too much, but that when she ran for Commissioner, she kept her minutes less than Councilman Wobser did. Back to the comment at hand, either pass an ordinance giving authority or have the discussion of determining it because simply saying an annual review will be discussed is still talking about spending a million dollars which is what happened in the first meeting that came up to hire an outside company to tell them if they are raising rates at the right rate or not even though it was raised fifty percent (50%) because there wasn't enough money. She asked if that is still being talked about or if the Administration is just going to be asked how it is going and give their review because the committee report means nothing to the citizens of this community because they have no teeth to it and need to pass an ordinance . . . Councilman Bauman interrupted stating that is Councilwoman Frische's opinion. Councilwoman Frische asked Councilman Bauman if he feels an ordinance does not need to be passed and is a joke. Ayes: Bauman, DeArment, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser. Nays: Frische. Filed.

The **WATER AND SEWER COMMITTEE** met on April 1, 2024 to discuss the West Park sanitary projects.

*We recommend:*

- *Go to bid for the sanitary projects on Tappan Street & Newell Street serving six houses with an estimated cost of \$420,000*
- *Waive tap fees for owners of the eight affected properties on Tappan St, Newell St. & Lima Ave.*
- *Work with Hancock Public Health and Hancock Regional Planning Commission to secure financial assistance, as needed, for owners of the eight affected properties on Tappan St, Newell St. & Lima Ave.*
- *Direct City Engineer to work with the property owners of 1601 & 1739 Lima Avenue to establish a plan for connections to city sanitary sewers from these properties*

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

*discussion:*

Councilman Russel noted that this was a good meeting that started with a conversation about alternatives to putting in these sewers and if there were other alternatives or other technologies that could be looked at. He appreciated West Park's Robin Welly and her husband who had a lot of input into the meeting, along with City Engineer Kalb. There were also folks from the Water Department who were once again there for this meeting. There was a lot of good discussion. The end result is what the committee is recommending as part of the Capital Plan that these sanitariums be ran and actually last. At the last meeting, they moved forward with the Tappan Street sanitary because it had already been designed and thought it could go out to bid and obtain better pricing, but that the committee in essence recommended to continue on with what had been previously been decided. It was a checkpoint and was a good exercise. He appreciated those at the meeting for their input and their conversation on the topic.

Councilman Bauman pointed out that while he is in support of this project and the extension of much needed infrastructure in an area of town that often feels neglected, he remains concerned about the added financial burden on the residents of his neighborhood and his ward. The installation of lateral piping from the homes on Tappan Street and Newell Street to the newly constructed sanitary sewer lines will now fall on the individual homeowners. While some will qualify for financial assistance, it remains to be seen how much of the estimated cost can or will be covered, because ultimately, as he understands it, the true cost cannot be fully known until the ground is broken by the contractor and hired by the property owner for installation. While he applauds the West Park Block watch for their efforts, one might wonder if the projects approved at the last Council meeting, with his support, will create more hardship than the status quo. He can say with the utmost certainty, that he does not personally have five thousand dollars (\$5,000.00), ten thousand dollars (\$10,000.00) or fifteen thousand dollars (\$15,000.00) laying around to cover such costs if it were his property being affected. He would guess that is the case for most of the individuals involved on these streets as well. He is encouraged that his colleagues on the WATER AND SEWER COMMITTEE have joined him in support of waiving the tap fees that amounts to roughly five hundred dollars (\$500.00) for connection to the aforementioned lateral line to the perspective sanitary sewer line. He will cast his vote to approve this committee report, but that his concerns linger for the families affected.

Councilman Russel asked HRPC Director Cordonnier about funding opportunities for the Tappan Street, Newell Street and Lima Avenue citizens. He is aware that the Health Department works on some of them and are means tested, but asked how those that do not meet the means testing, funding, and other alternatives can be helped. HRPC Director Cordonnier replied that the nice thing about WPCLF is that there is a graduated scale that they can be covered at one hundred percent (100%), covered fifty percent (50%), etc. Councilman Bauman's office is about thirty feet (30') from his office, so tomorrow, they will have a discussion to find out how much money is currently available at the County, and also that the Health Department always debates whether or not they should apply for another round. With this information, he will suggest that they should apply. He will get with Councilman Bauman tomorrow and will start working on how much money is available, if and when it would be time to connect to make sure that every resident has an opportunity to apply.

Councilman Hellmann pointed out that one of things that concerns him about this is not only the gross amount of money that is being put into it, but also how this subdivision ever got approved to begin with. A residential project apparently was being constructed in the area that was not fit for it in terms of the base that it was built out there (waterlines, sewer lines, gas lines, etc.). It must have happened years ago, but that he is flabbergasted that it ever got approved to begin with and now it comes back to the City to bail it out and take care of a situation that needs to be rectified. Going forward, he would not be in favor of these kinds of things, but for the sake of what is before Council tonight, they should probably do it, but that it galls him that the City is in this situation, but that he understands the problem.

Councilman DeArment admitted that he struggled with this. Four hundred twenty thousand dollars (\$420,000.00) is seventy thousand dollars (\$70,000.00) a house which is a lot of money. Councilman Bauman's concern was with the homeowners, but that Council DeArment is more concerned with the rest of the City's sewer users and bailing this neighborhood out. They had a subject matter expert come in and talk about installing these systems in West Park. After the committee listened to them, they all agreed that those systems are all failing.

They are old and are not working correctly. The latest quote the committee heard was nineteen thousand dollars (\$19,000.00) to rebuild a septic system. They are all the age of the house. They are all probably fifty plus (50+) years old, so they are all failed. The only way to solve it long-term is with sewers. If new septic leech fields keep getting put in, they will need replaced every twenty (20) years, so it will never end. He is in favor of this so that it is solved once and for all. The City could have put an assessment on these property owners for over twenty (20) years, but as Councilman Bauman stated, they might not be able to afford that and he would be afraid that homes would end up getting foreclosed on. Reluctantly, he is in support of this, but that it is a lot of money. They did get a commitment from the Health Department that they are willing to enforce the residents to tap in. He was very concerned about putting these sewers in and then nobody uses them possibly because they wouldn't have money to tap in and then just sit there which would be building a bridge to nowhere. The Health Department is in support of this project and will be sending letters to the property owners requiring them to tap in.

City Auditor Staschiak pointed out that there are not a lot of members/elected officials here who were not originally from Findlay. The West Park neighborhood is an old neighborhood that was almost a standing community, might have been a village, or might have been a railroad depot. Like many pre-1900 neighborhoods in Findlay, they had outhouses privately, but not throughout the City and have taken care of that. Regularly, there are one or two property owners that call the City Auditor's Office stating how much money they keep paying in asking him to confirm if that amount is correct and that they still haven't gotten any sewers. The City has been collecting money from them for these services for a very long time. Councilman DeArment replied that he does not believe that is true because they went through the water and sewer records to find out who had sewer records. While the City Auditor might be correct on other properties, those six (6) individuals have not been paying into the Sewer Fund. The City is putting a water system out in West Park with a cost over the next two (2) years equaling one million three hundred thousand dollars (\$1,300,000.00) servicing four hundred fifty (450) house. It is a great project. They have been paying into the Water Fund for decades and have been unserved with low pressure and low flow, so they are long overdue on the water side. That is a great project.

Councilman Hellmann asked if it is ongoing that the City will extend water to some other residential lots out there and if that means there could be lots that go up for sale and homes being built out there that are not there now. Mayor Muryn clarified stating that the projects the City is doing are to update their current infrastructure, creating additional connectivity for better pressure and better flow and is not being extended to other areas of open lots for development. That is not the project. Councilman Russel added that is not the water project. Mayor Muryn replied that is correct. That is not the water project. There could potentially be development along there because of where the line is located for the sewer projects, there are some open properties around there, but that is not the purpose of that project.

All were in favor. Filed.

An **AD HOC COMMITTEE** met on April 9, 2024 to continue discussions from the March 13, 2024 and March 26, 2024 Ad-Hoc Committee meetings on reviewing the 2024-2025 Council Rules of Procedure.

*We recommend the adoption of the attached changes to the rules of procedure for City Council meetings.*

Councilman Russel moved to accept the committee report, seconded by Councilman DeArment.

*discussion:*

Councilman Hellmann apologized for not checking the "aye" box on the committee report. He attended the meeting, signed the committee report, but did not indicate his vote of "aye".

Councilman Niemeyer asked if there will be more discussion on this. Councilman DeArment replied yes. There have been three (3) committee meetings on this, have taken public comment at two (2) Council meetings with tonight being the third (3) Council meeting, and are still taking comments. He has had lots of conversations with people in the audience, telephone calls, meetings with City Council and the Administration and are still taking comments and that the changes are not final. He requested comments be sent to the committee. The committee is not voting on this tonight to approve anything.



The next step is for this is that it is going to legal who will make the edits to Council's rules and will have one more meeting to approve those edits, and then will bring it back to Council and take a vote. Even when this gets an approval from Council, it will be tested out for four (4) meetings/two (2) months and will be taking comments during that period. Councilman DeArment then directed a reply to Ms. Cole in the audience (provide an ORAL COMMUNICATIONS tonight) stating that he wrote one hundred percent (100%) of the words on this document and that he has had so much input from others. They are not his original thoughts by any means. It is not one man dictating anything. Nothing has been approved at this point. This is just a draft proposal and is still open for comment.

Councilman Niemeyer noted that he does not want to get into a big conversation about this, but that he was at the first three (3) AD-HOC COMMITTEE meetings where he was not allowed to talk. He asked if he goes to the next one if he will be able to voice his comments. President of Council Harrington replied that is at the discretion of the chair. Councilman Palmer replied that if there are more than five (5) Councilmembers present, it then becomes a COMMITTEE OF THE WHOLE.

City Auditor Staschiak noted that Councilman DeArment made a wonderful example of the question he has for this and offered a correction for him a few moments ago that in a very narrow view, he agrees with him, but in a wider view, he does not agree because of the subdivision he was talking about. His question is with how the rules stand, if the Administrators will not be addressed and will take away their ability to do what Councilman DeArment just did in offering corrections in a professional and respectful way to Administrators if they misinform, which is an important question for a lot of reasons. A lot of times, information is provided to Council that is incorrect which just happens because we are all humans. Councilman DeArment replied that he has had a lot of comments about that which is number seven (#7) "speakers will address only City Council . . ." which needs more discussion. It is a complicated one.

Councilman Palmer stated that he misspoke previously when he stated that if there are more than five (5) Councilmembers present, it would then become a COMMITTEE OF THE WHOLE. There are only three (3) members on the committee, so having a fourth (4<sup>th</sup>) one speak would not violate that, but that he has not allowed anyone outside the committee to speak during the meetings to make sure it stays on task.

Councilman Wobser asked Councilman Palmer when he wants to have discussion about the draft and asked if he wants to wait until the final draft. He thought that was what was going to be done tonight. Councilman Palmer replied that the committee is waiting for the Legal Department to do the meshing of putting this together so that the rules are spelled out in a cleaner manner than what they are in this proposal. The committee thought that might be done by this meeting tonight, but that the Law Director was on vacation.

Councilman Russel informed Council that in the past, he has been involved in these AD-HOC COMMITTEES, but since about 2014, the committee has made the edits to Council's Rules of Procedure and had the Law Department review what the committee created taking the burden off to update the document. Prior to that, it was the Council Clerk who made changes to the forms. That was an agreement in the past that worked well Law Director Rasmussen and his department making the edits on behalf of the committee. This time it is significant. Acting Law Director Feighner replied that Law Director Rasmussen has been involved with this. The only comment he would make is that whenever that final draft/final product that the committee wants to present is done, that the Legal Department should review it for clarity and legality providing a second set of eyes.

Mayor Muryn asked if the committee would like some feedback now from the Administration. Councilman DeArment replied yes. Mayor Muryn replied that she appreciates Council looking at this, but wants to be very clear that the goal of this is really just to focus Council meetings on the business of running the City and not get distracted by the kind of political comments around them. There has been a lot of things brought to Council that people want to address, but that really is not anything that Council has influence over or is even being considered by Council. Many times, she has waited to see what Council's thoughts were and then was able to comment on a more final project.

Item #6: if a speaker wishes to comment on multiple agenda items, they can choose to speak at the end of the meeting. She does not think that necessarily makes sense because comments on items on the agenda should be able to be heard at the beginning. So, instead she thinks it should be able to be addressed at the beginning rather than on a case by case basis or at the end because it does not make sense to comment on something after it has already been voted on and would just have to fit it in within that four (4) minutes if someone wants to comment on multiple different things and would operate as it currently is, but is tied to specific agenda items. Councilman DeArment replied that they may have already voted. Mayor Muryn replied stating for example, someone could request to speak on agenda items 3, 4, and 5 within their four (4) minutes at the beginning and would just need to address all of their comments on 3, 4, and 5. Additionally on item C, she would make it an "or" statement where it is the number of speakers or a time limit on a specific topic. There were some concerns brought up that if there are people filibustering on one topic and someone wants to speak on another topic, she does not want them to not have the opportunity to speak and have a way to group that with a maximum of four (4) speakers or thirty (30) minutes on a given topic, or something along those lines. She understands that this is a City Council meeting, so the committee should revisit #7 as she has no problem with people coming and talking to the Administration about issues. She wants people to call, email, and write on those things on a regular basis, but that she understands that there are somethings that need to be heard in a public setting and feeling that their comments are getting beyond the conversation with her or any other elected officials. It is her hopes that these guidelines just align everyone to the fact that it needs to be business that the City is actually dealing with and not that they are going to land on Mars because that is not in her control. Instructions to align it to something specific on their form to make sure that is actually about things that are pertinent to the City. She believes people should be able to address her and members of the Administration.

Councilman Niemeyer asked if he can give his input now or if he should wait and do so at the AD-HOC COMMITTEE meeting. Councilman DeArment replied that Councilman Niemeyer can go ahead and voice his input now. Councilman Niemeyer has been on City Council for fourteen (14) years and does not think the rules need to be changed. The public should be allowed to talk like they have been for four (4) minutes and can always extend their time like usual. For instance, the lady who spoke about Parkinson's last meeting said what she wanted to say, got a certificate from the Mayor, got her coat on and left. He asked why she should sit in a meeting that can be anywhere from twenty (20) minutes to three (3) hours. He has seen City Council change in that now, it seems like everyone is younger and are newer Councilmembers who get a burr up their butt about something and want to change the rules. If that went on all the time, there would probably be five (5) bases instead of three (3) to run in a baseball game. He thinks they really need to look at something. One of the changes is that the Council Clerk needs more time. Back with the old Administration, everything worked fine. There had been a Police Officer in City Council meetings for six months to a year because there could be some speakers that could get out of hand and took care of that.

City Auditor Staschiak noted that with Council being the funding authority for the entire City, he bring things to Council so that they hear about what his office is doing that the public may or may not like. The rules do not have to be changed on his behalf and should let the public address him. It is not going to bother him.

Councilwoman Frische is hearing from everyone, including the Mayor, that it doesn't sound like anything needs to change on the speaking process for the citizens to speak to their elected officials. She thinks it is great that if Council is okay with the Mayor being addressed and thinks it is more appropriate to stay at the beginning for public comment, and if people fill out their forms and want to talk on specific ordinances that are in the Council packet. She appreciated that Mayor Muryn gave her input, but that it is Council's rules and not the Administration's rules. When citizen Ann Cole spoke asking the question of transparency and when Councilman DeArment stated that this whole section was written by him and were his thoughts, she was looking for a more organic conversation between the AD HOC COMMITTEE publicly. She asked if anyone else had any ideas or if it was just Councilman DeArment. Councilman DeArment replied that he had lots of input and conversations with people. Councilwoman Frische replied that the AD HOC COMMITTEE is comprised of three (3) members of Council, but that Councilman DeArment comprised this and that there was no other discussions or input and that Councilman DeArment stated was all his.

She asked if any other members of Council gave input or gave it to Councilman DeArment before the meetings to add to this list. Councilman DeArment replied no, not before the meeting. They did not violate any sunshine law. It was an iterative process. This document is the third rendition of it. It started out small, but that he kept getting more input and the document grew. His document was the starting point for conversation. Councilwoman Frische replied that it didn't navigate off of that. There were some citizens coming up to speak, but that there was no organic conversation in the meeting that were only twenty (20) minutes long. Both Ms. Cole and Councilwoman Frische are asking who gave Councilman DeArment any ideas which is where Ms. Cole was getting at which is transparency and not with citizens, with emails and phone conversations. She asked if conversations were one on one with the other committee members in advance. Councilman DeArment replied no. He can go down through the document and tell Council whose ideas they were. The first and third were his ideas. The second one was Councilman Russel's idea. The fourth one was Patty Klein's idea. The fifth and sixth didn't change. The 60-minute clock idea came from Russ and Jim from the initiative conversation.

Councilman Russel added that he had conversations with Council Clerk DeVore concerning some changes that she had and that she had the conversations with him because he had led this effort in the past. He forwarded her requests onto committee chairman Palmer with some of his suggestions on her requests so some of his input was directed to Councilman Palmer which was his choice on what he decided to do with the input in which he sees some of the items listed here.

President of Council Harrington pointed out that under the recommendation, it states the adoption of the attached changes to the rules and procedure of City Council meetings and asked if it is the intention to adopt this this evening or to continue discussion with adoption coming at a later date. Councilman Palmer replied adoption coming at a later date. President of Council Harrington replied that it should probably be amended to make that clear.

Councilman Palmer moved to amend the committee report that the adoption will take place at a later date, seconded by Councilman Russel. Ayes: Bauman, DeArment, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser. Nays: Frische. President of Council Harrington moved to adopt the committee report as adopted. Ayes: Bauman, DeArment, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser. Nays: Frische. Filed.

The **APPROPRIATIONS COMMITTEE** to whom was referred a request to discuss the purchase of a new fire truck.

*We recommend approval of one million six hundred thousand dollars (\$1,600,000.00) for a new sutphen fire truck and equipment, and the signing of the associated contract. Ordinance No. 2024-057 was created.*

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

*discussion:*

Councilman Wobser pointed out that there was a lot of good discussion on this. The Chief did a super job of getting information on it, but unfortunately, it is one of those situations that has come out of COVID where an order has to be put in for something that will arrive two (2) years from now. From the time between this meeting and yesterday, the Chief found out from Sutphen that they will not hold their pricing past May 1<sup>st</sup>. In order to get this price, it has to be approved tonight. Service-Safety Director Martin replied that is correct. Councilman Wobser asked if it is a three percent (3%) increase after May 1<sup>st</sup>. Service-Safety Director Martin replied that is correct. If this purchase agreement is not signed for this vehicle to lock in the price by May 1<sup>st</sup>, the price will go up by three percent (3%) and do not know what other price increases may or may not happen after that.

All were in favor. Filed.

**LEGISLATION:**

**RESOLUTIONS:** none

**ORDINANCES:**

**ORDINANCE NO. 2024-037** requires three (3) readings

*third reading - adopted*

*(2024 annual street resurfacing/curb repairs, contract B (asphalt))*

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

Councilman Palmer moved to adopt the Ordinance, seconded by Councilman Bauman. Ayes: Bauman, DeArment, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-037 and is hereby made a part of the record.

**ORDINANCE NO. 2024-038** requires three (3) readings

*tabled after third reading on 4/16/24*

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO AN AGREEMENT WITH THE HANCOCK COUNTY COMMISSIONERS TO PURCHASE REQUIRED LAND WITHIN THE BENCHING AREA IN ORDER TO FINISH PHASE I OF THE BENCHING PROJECT, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING AN EMERGENCY.

*discussion:*

Councilman Wobser asked Mayor Muryn for an update on this and where it is at with the County Commissioners and asked if Council should table it. Mayor Muryn replied no that this is related to phase 1 benching. It is the R&D performance property that they have been in court over to get this settled and moved on in order to get this project completed. The City is stepping up to get it done. Councilman Wobser asked if Council should table this until the rest of things get straightened out. Mayor Muryn replied that it is very tempting to use this to get the County Commissioners to do the right things in other situations, however, no she would like to get this issue resolved.

Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Greeno.

*discussion:*

City Auditor Staschiak asked if there was a phase 2 done on this property. Mayor Muryn replied that they have done all of the work around the area including all of the dirt work except for around one specific location. She does not specifically remember off the top of her head, but that work has already been done in this area as part of the benching that was part of the legal issues. HRPC Director Cordonnier added that Steve Wilson informed him that they had an environmental company on site that was mitigating as they cleaned. Mayor Muryn replied that this was phase 1 and are only taking a small sliver of that property. They are keeping the rest of the property. This is just to purchase that small sliver. It will actually go to the County first and then to the City. The City is just getting them to buy it.

City Auditor Staschiak noted as the City's Fiscal Officer with the known issues in these areas, he cannot recommend that the City take any property into the City's possession with regard to risk of the taxpayer without knowing that a proper environmental review of phase 1 and phase 2, where appropriate, have been done or where the City has a strong recommendation from a fiduciary of the City that it is prudent for the City to move through and move forward. His understanding is that there still is not a fiduciary, but are all in agreement that one is needed.

Mayor Muryn informed Council that she will call Steve Wilson to find out for this specific property that has been on the City's agenda and is now at the third reading. She wishes that this could have been brought up earlier so that she could have had more documentation with her since the City is dealing with a lot of properties. She agrees on the fiduciary, but have been dealing with other things, and will continue to work on this. If Council would like to hold on this, she will call Steve Wilson to get the details on this specific property.

Councilman Russel moved to table the Ordinance, seconded by Councilman Wobser. Ayes: DeArment, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Slough, Wobser, Bauman. The Ordinance is tabled.

**ORDINANCE NO. 2024-039** (*moratorium amendment*) **requires three (3) readings** **third reading - adopted**

AN ORDINANCE AMENDING ORDINANCE NO. 2023-035 THAT AMENDED ORDINANCE NO. 2022-119 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO TO EXTEND THE CURRENT MORATORIUM ON THE ESTABLISHMENT OF ANY SKILL-BASED AMUSEMENT BUSINESSES IN ORDER FOR THE CITY OF FINDLAY, OHIO TO CONSIDER INCORPORATING THE PROPOSED ADDITIONS INTO THE CURRENT ZONING CODE AS OUTLINED BELOW BEFORE ENACTING THEM AS PART OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

Councilman Bauman moved to adopt the Ordinance, seconded by Councilwoman Warnecke.

*discussion:*

Councilman Wobser asked how long this extends the moratorium. HRPC Director Cordonnier replied one year.

Ayes: Frische, Greeno, Hellmann, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment. Nays: Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-039 and is hereby made a part of the record.

**ORDINANCE NO. 2024-040** (*YMCA vacation*) **requires three (3) readings** **second reading**

AN ORDINANCE VACATING A CERTAIN PORTION OF A CERTAIN ALLEY (HEREINAFTER REFERED TO AS THE YMCA VACATION) IN THE CITY OF FINDLAY, OHIO.

*Second reading of the Ordinance.*

**ORDINANCE NO. 2024-042** **requires three (3) readings** **second reading**

*(FDY Rehabilitate Runway 7/25 Construction FAA Grant authorization (3-39-0034-036-2024))*

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO APPLY FOR FUNDING THROUGH THE FEDERAL AVIATION ADMINISTRATION FOR THE REAHBILITATION OF RUNWAY 7/25 IN ORDER TO RECEIVE FUNDS FOR THE CONSTRUCTION PORTION OF THE REHABILITATION OF RUNWAY 7/25 CONSTRUCTION AT THE CITY OF FINDLAY AIRPORT, AND IF FUNDS ARE AWARDED, TO ENTER INTO A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION, AND DECLARING AN EMERGENCY.

*Second reading of the Ordinance.*

**ORDINANCE NO. 2024-043** (*second 2024 Capital Improvement appropriation*) **requires three (3) readings** **second reading**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS WHERE REQUIRED AND ENTER INTO A CONTRACT OR CONTRACTS FOR CONSTRUCTION OF VARIOUS PROJECTS IN ACCORDANCE WITH THE 2024 DEPARTMENT EQUIPMENT LIST, APPROPRIATING AND TRANSFERRING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

*Second reading of the Ordinance.*

**ORDINANCE NO. 2024-044** (*Tall Timbers 3<sup>rd</sup> Addition subdivision plat*) **requires three (3) readings** **second reading**

AN ORDINANCE ACCEPTING THE DESIGNATED AREA AS SHOWN ON THE TALL TIMBERS 3RD ADDITION SUBDIVISION PLAT WHICH HAS BEEN ACCEPTED BY THE CITY PLANNING COMMISSION.

*Second reading of the Ordinance.*

**ORDINANCE NO. 2024-045** (*Sheetz/Hat Trick/Buchanan annexation zoning*) **requires three (3) readings** **second reading**

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO KNOWN AS THE ZONING CODE BY ZONING THE FOLLOWING DESCRIBED PROPERTY AS I-1 LIGHT INDUSTRIAL (HEREINAFTER REFERRED TO AS THE SHEETZ/HAT TRICK/BUCHANAN ANNEXATION).

*Second reading of the Ordinance.*

**ORDINANCE NO. 2024-046** requires three (3) readings  
(Sheetz/Hat Trick/Buchanan annexation – accept and approve)

**second reading**

AN ORDINANCE ACCEPTING AND APPROVING AN APPLICATION FOR ANNEXATION OF TERRITORY SITUATED IN THE TOWNSHIP OF ALLEN, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 32, T2N, R11E, A TRACT OF LAND CONSISTING OF 77.808 ACRES OF LAND, MORE OR LESS (HEREINAFTER REFERRED TO AS THE COUNTY ROAD 230/212 (SHEETZ/HAT TRICK/BUCHANAN ANNEXATION)).

*Second reading of the Ordinance.*

**ORDINANCE NO. 2024-048** requires three (3) readings  
(FFY2025 Impaired Driving Enforcement Program/Selective Traffic Enforcement Program)

**first reading - adopted**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO APPLY FOR GRANT FUNDS AND ENTER INTO A GRANT AGREEMENT WITH THE OHIO TRAFFIC SAFETY OFFICE IN ORDER TO RECEIVE FUNDS FOR THE FFY2025 IMPAIRED DRIVING ENFORCEMENT PROGRAM (IDEP)/SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP), TO BE UTILIZED BY THE CITY OF FINDLAY POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

*discussion:*

Councilman Russel noted that this is an ordinance giving permission to apply for a grant and that the grant does not require any match, and in order to give the Police Department ample time to apply for this grant, he will make a motion to suspend rules and adopt this tonight.

Councilman Russel moved to suspend rules and give the Ordinance its second and third readings, seconded by Councilman Bauman. Ayes: Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment, Frische. The Ordinance received its second and third readings. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment, Frische, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-048 and is hereby made a part of the record.

**ORDINANCE NO. 2024-049** requires three (3) readings  
(Ohio Attorney General Law Enforcement Continuing Professional Training Grant)

**first reading - adopted**

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

*discussion:*

Councilman Russel pointed out that because this is a simple transfer of money from one fund to another in order for it to be put to use, he will make a motion to suspend rules and adopt it tonight.

Councilman Russel moved to suspend rules and give the Ordinance its second and third readings, seconded by Councilman Hellmann. Ayes: Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment, Frische, Greeno, Hellmann. The Ordinance received its second and third readings. Councilman Hellmann moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Palmer, Russel, Warnecke, Wobser, Bauman, DeArment, Frische, Greeno, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-049 and is hereby made a part of the record.

**ORDINANCE NO. 2024-050** (small waterline upgrades) requires three (3) readings

**first reading**

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

*First reading of the Ordinance.*

**ORDINANCE NO. 2024-051 requires three (3) readings**

***first reading - adopted***

*(Project Hat Trick de-appropriation of funds)*

AN ORDINANCE DE-APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

*discussion:*

Councilman Palmer noted that since there is no need for these funds and are just being de-appropriated, he will make a motion to suspend rules and adopt this.

Councilman Palmer moved to suspend rules and give the Ordinance its second and third readings, seconded by Councilman Niemeyer. Ayes: Russel, Warnecke, Wobser, Bauman, DeArment, Frische, Greeno, Hellmann, Niemeyer, Palmer. The Ordinance received its second and third readings. Councilman Palmer moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Warnecke, Wobser, Bauman, DeArment, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-051 and is hereby made a part of the record.

**ORDINANCE NO. 2024-052 requires three (3) readings**

***first reading - adopted***

*(CDBG flexible grant program application 2024 – Miracle Field)*

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO EXECUTE THE NECESSARY GRANT APPLICATIONS AND AGREEMENTS TO RECEIVE GRANT FUNDS FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FLEXIBLE GRANT PROGRAM FOR THE MIRACLE FIELD EQUIPMENT TRAIL PROJECT, AND DECLARING AN EMERGENCY.

*discussion:*

Councilwoman Warnecke noted that since this is on a timeline and would be a good grant for the City to receive, she is going to make a motion to suspend rules and adopt this.

Councilwoman Warnecke moved to suspend rules and give the Ordinance its second and third readings, seconded by Councilman Hellmann. Ayes: Wobser, Bauman, DeArment, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke. The Ordinance received its second and third readings. Councilman Palmer moved to adopt the Ordinance, seconded by Councilwoman Warnecke. Ayes: Bauman, DeArment, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-052 and is hereby made a part of the record.

**ORDINANCE NO. 2024-053 requires three (3) readings**

***first reading - adopted***

*(Community Housing Impact and Preservation 2024 Program)*

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO PARTNER WITH HANCOCK COUNTY BY ENTERING INTO A PARTNERSHIP AGREEMENT FOR THE ADMINISTRATION OF THE COMMUNITY HOUSING IMPACT AND PRESERVATION (HEREINAFTER REFERRED TO AS “CHIP”) PROGRAM FOR THE PURPOSE OF ADDRESSING LOCAL HOUSING NEEDS WITHIN HANCOCK COUNTY, OHIO, AND DECLARING AN EMERGENCY.

*discussion:*

Councilman Russel pointed out that because this gives the Mayor and the County the ability to apply for this program, he is going to make a motion to suspend rules and adopt this.

Councilman Russel moved to suspend rules and give the Ordinance its second and third readings, seconded by Councilman DeArment. Ayes: DeArment, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman. The Ordinance received its second and third readings. Councilman DeArment moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-053 and is hereby made a part of the record.

**ORDINANCE NO. 2024-054 requires three (3) readings**

***first reading - adopted***

*(insurance payment for repairs of a Police Department vehicle from an accident*

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

*discussion:*

Councilman Palmer pointed out that since this is just moving insurance money from the General Fund back to the Police Department, he will make a motion to suspend rules and adopt this.

Councilman Palmer moved to suspend rules and give the Ordinance its second and third readings, seconded by Councilman Greeno. Ayes: Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment, Frische. The Ordinance received its second and third readings. Councilman Palmer moved to adopt the Ordinance, seconded by Councilman Bauman. Ayes: Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment, Frische, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-054 and is hereby made a part of the record.

**ORDINANCE NO. 2024-055 requires three (3) readings**

***first reading - adopted***

*(continue Workers Compensation programs)*

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO ENROLL THE CITY OF FINDLAY IN THE BUREAU OF WORKER'S COMPENSATION (BWC) GROUP RETROSPECTIVE RATING PLAN, AND DECLARING AN EMERGENCY.

*discussion:*

Councilman Russel noted that this is regular and ordinary business that is done annually, and since the City is part of the BWC, he is going to make a motion to suspend rules and adopt this.

Councilman Russel moved to suspend rules and give the Ordinance its second and third readings, seconded by Councilman DeArment. Ayes: Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment, Frische, Greeno, Hellmann. The Ordinance received its second and third readings. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Wobser. Ayes: Palmer, Russel, Warnecke, Wobser, Bauman, DeArment, Frische, Greeno, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-055 and is hereby made a part of the record.

**ORDINANCE NO. 2024-056 (approve 2023 ordinances & resolutions changes) requires three (3) readings**

***first reading***

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE FINDLAY CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

*First reading of the Ordinance.*

**ORDINANCE NO. 2024-057 (purchase of new fire truck) requires three (3) readings**

***first reading - adopted***

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A PURCHASE AGREEMENT WITH SUTPHEN CORPORATION FOR THE PURCHASE OF A NEW FIRE TRUCK UTILIZING THE SOURCEWELL COOPERATIVE PURCHASING PROGRAM, AND ASSOCIATED EQUIPMENT FROM VARIOUS VENDORS, TO BE UTILIZED WITHIN THE CITY OF FINDLAY, OHIO FIRE DEPARTMENT, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING AN EMERGENCY.

*discussion:*

Councilman Wobser noted that because of the timeline of this, he will make a motion to suspend rules and adopt this.

Councilman Wobser moved to suspend rules and give the Ordinance its second and third readings, seconded by Councilwoman Warnecke. Ayes: Russel, Warnecke, Wobser, Bauman, DeArment, Frische, Greeno, Hellmann, Niemeyer, Palmer. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Warnecke, Wobser, Bauman, DeArment, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-057 and is hereby made a part of the record.



**UNFINISHED BUSINESS:**

**OLD BUSINESS:**

Councilman Bauman asked Mayor Muryn for an update of what she found out via her phone call on Ordinance No. 2024-038. Mayor Muryn replied that she did not receive an answer to her phone call, so the Ordinance can continue to be tabled. Ordinance No. 2024-038 remains tabled. Filed.

**NEW BUSINESS:**

Mayor Muryn gave a shout out to everyone in the community for a wonderful eclipse. It was talked about and prepared for it at nauseam, but is proud at how the community was able to show off. There were visitors from all across the country, even some from around the world and have received nothing but positive feedback. She gave a huge shout out to Rob Martin and Jaclyn Hohman who lead the efforts in educating, preparing, and working with the team to make sure the community was prepared in advance and able to show it off. It was a wonderful experience that she is proud of how the team prepared and went through that event. Luckily, it was a gorgeous day and were able to enjoy it as well. Filed.

Mayor Muryn on a more somber note, informed Council that today the community was once again a victim to a swatting hoax which is becoming more and more prevalent across the country. Fortunately, the team responded as planned with Findlay Fire, Findlay Police, and Public Works setting up perimeters, responding, activating the safe defense system. This one was a little unique in that they received the call and then got set up, activated the lockdown as a precautionary measure in order for them to be able to clear the building. She thanked them for responding. These are just terrible tragic events, but are grateful that they have been false alarms. Filed.

Mayor Muryn noted that a kickoff meeting for 99/I-75 project took place. Construction will be starting and utility work is already underway. The information is out and will be sharing social media information on where to follow the construction updates, reroutes, etc. Filed.

Mayor Muryn informed Council on the PFAS regulations at the Federal level, the EPA has moved forward with their new ruling on decreasing the PFAS regulations to four (4) parts per trillion which is pretty much a zero (0) tolerance. The City will be working with the State to get additional information. At this point in time, the City does not have any that are detectable, however, with this new threshold, the City may be. Right now, the standard is one hundred (100) parts per trillion and are going to four (4) which is like one drop in a bowl of water. Dental floss has PFAS in it, so someone is more likely to get it from there than water. The City will be watching this regulation and she will continue to speak out against it as part of the Ohio Mayor's Alliance and U.S. Conference of Mayors, and has written a number of letters to the EPA in attempts to hopefully get them to be more reasonable, but if not, will work with them to comply within the five (5) year time period. It could be pretty costly to put in the new system that would be necessary to filter out to that level. She will keep Council posted on this. Filed.

Councilman Russel complimented the City and the DFID on their efforts to make the downtown look really great for those coming to Findlay for the solar eclipse, in which it did. The banners look fantastic. He was with some folks that came down from Michigan and ran into some others from Ann Arbor, all who were very complimentary. It has been stated that those wanting to purchase an eclipse banner, have to be paid in cash and asked why they cannot be paid with a credit card. City Auditor Staschiak replied that the City Auditor's Office saw that and touched base with the Administration, but from his perspective, the City Auditor's Office does not care how they are sold provided they are numbered and that the receipts reflect the number of the banner and that the receipt states which banner number (#) they bought. Other than that, the Mayor's Office is free to sell them however they like. Councilman Russel asked if the Mayor's Office can accept credit cards. Mayor Muryn replied that the Mayor's Office does not have the capacity to accept credit cards and do not have a point of sale system and have to accept cash or check and receipt it. Everyone will be getting an autographed banner as she is going to autograph them and number them.

Councilman Russel asked what it would take so that the Mayor's Office could accept credit card payments on the sales of these that would allow them to follow an audit trail better from that perspective. These types of sales should be more user-friendly for citizens. City Auditor Staschiak replied that is why there is govDeals.com. If they were to be sold on govDeals.com, it would be no problem. It is up to the Administration as they can sell them any way they want. govDeals.com is how most City items are liquidated. Councilman Russel asked if govDeals.com is an auction. Mayor Muryn asked Councilman Russel if his main concern is why the Mayor's Office does not have a point of sale system which accepts credit cards bringing it to the 21<sup>st</sup> century. That is something that has been talked about in the past, but has not moved forward for a variety of reasons. This is another good example of why it really is necessary and will follow up with the City Auditor's Office to push that initiative forward. In the past, it has not gone too far. She will follow up on it. Filed.

Councilman Wobser gave the APPROPRIATIONS COMMITTEE a heads up that another future meeting will be scheduled to discuss long-term capital planning. Filed.

President of Council Harrington informed Council that Acting Law Director Feighner has requested an Executive Session meeting to discuss a legal matter with no business to be taken after. Councilman Wobser moved to adjourn City Council at 8:13pm, seconded by Councilman Bauman. All were in favor. Councilman Russel moved to adjourn out of Executive Session at 8:25pm, seconded by Councilman Bauman. All were in favor. Councilman Russel moved to adjourn City Council at 8:27pm, seconded by Councilman Hellmann. All were in favor. Filed.

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CLERK OF COUNCIL

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PRESIDENT OF COUNCIL