

## FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

MAY 7, 2024

COUNCIL CHAMBERS

### ROLL CALL of 2024-2025 Councilmembers

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

**ABSENT:** President of Council Harrington

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

President of Council Pro-Tem Russel 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 16, 2024 Regular Session City Council meeting minutes, seconded by Councilman Greeno. All were in favor. Filed.

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

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

### REPLACEMENTS:

1. City Planning Commission May 9, 2024 agenda (*REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS section*).
  - removed – (*formerly* item #3) APPLICATION FOR CONDITIONAL USE #CU-06-2024 filed by Tesla/Selective Site Consultants Inc for an electric charging station in the Marathon Gas Station and Car Wash parking lot at 1215 W. Main Cross Street.
  - removed – (*formerly* item #5) APPLICATION FOR CONDITIONAL USE #CU-08-2024 filed by Anas Dagher to open a cigar shop at 214 S. Main Street.
  - now item #3 (*formerly* item #4) APPLICATION FOR CONDITIONAL USE #CU-06-2024 filed by Richard Binner to split the parcel at 515 Prospect Avenue Street and create 2 duplexes.

### ADD-ONS:

1. letter from Mayor Muryn – Performance R&D Property (aka Swale Benching property via Ordinance No. 2024-038) (*REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS section*).
2. letter from City Engineer Kalb – Blanchard Street Waterline Replacement Phase II, OPWC, project no. 35740500 (*REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS section*).
3. Ordinance No. 2024-062 – Blanchard Street Waterline Replacement Phase II, OPWC, project no. 35740500 (*LEGISLATION section*).

**PROCLAMATIONS:** none

**RECOGNITION/RETIREMENT RESOLUTIONS:** none

### PETITIONS:

#### Alley vacation request – Tappan Avenue

Ron King is requesting a vacation of Tappan Street from LaGrange Street to the north dead end. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

## **ORAL COMMUNICATIONS:**

### **Robin Welly – WP Projects**

Ms. Welly is the President of the West Park Block Watch. She is before City Council tonight on behalf of Jackie McGee who is ill. The fight started because the organizations that stated that by building their homes would lift up the entire community, but that their builds are no lift up to West Park and will only add to problems of their undeveloped neighborhood that has already welcomed over forty percent (40%) of their homes and have made it very clear that they are wearing out their welcome. They fought to get their infrastructure finished and are appreciative that it is finally going to be done. It is a major improvement, but that there still is an environmental problem. Without storm sewer, every new roof and concrete slab contributes to their flooding. Green space is the valuable commodity to their neighborhood. Their issues about the sewage and their catch basins have been voiced multiple times, but have been put off and told it wasn't so. There is E coli in the Lima Avenue and Newell Street catch basins. She asked if that is where the City stops their testing or if they continues testing other catch basins in their neighborhood. For those that still want to deny they have it, she has a letter from the City of Findlay Water Pollution Control Center (WPCC) stating it does exist. The sample was taken the afternoon of April 1, 2024 and was analyzed for E coli that returned positive with results greater than 2420MPN which means there are feces in the catch basin, human or animal. There are witnesses that have seen tissues in the drain and doubts their animals have access to buy toilet paper. During the last City Council meeting, a Councilmembers read a statement sympathizing with those that have to pay to connect to sewer lines as being a cost of being a homeowner. They all had to pay to connect in West Park as well as every other home in the City. Homeowners at least have multiple people looking into grants to lighten some of their financial burdens. The advantage of this investment of connecting to municipal sewers is that the value of their property will increase. It is also less expensive than installing a new septic system. Another Councilmember stated that he was flabbergasted that the neighborhood was constructed in an area not fit for basic essentials and stated that the City now has to bail them out. West Park is an original neighborhood of Findlay, Ohio and is not a subdivision, and is not an afterthought. They all pay their taxes and all contribute to the storm fund even though ninety percent (90%) of them have no storm sewers. Since they pay their fair share, they do not feel the City is bailing them out and are all City of Findlay residents. A bailout would be Spring Lake in that they are still receiving free sanitary sewers. Some of those residents are not even Findlay City residents. She asked if that is a bailout. That has been mentioned before, but never addressed. She asked why at this point they not paying the minimal sewage costs like everybody else in the City of Findlay, Ohio. A Councilman said going forward that he would not be in favor to build anywhere with conditions like what exist in West Park. That is exactly the build the City is planning on Carlin Avenue. Conditions are worse there because it is joined to the stone quarry with only I-75 separating them. In addition, the new blasting would destroy foundations to their homes more than the quarry already does. As announced at the one and only AD-HOC COMMITTEE meeting, the City was going to be the general contractor and sell off lots on Carlin Avenue. Never another meeting or more information on this project has been revealed to them. They now ask the question if that AD-HOC COMMITTEE is dead and what is going on in their neighborhood. Ms. Welly passed out copies of the letter from the City of Findlay Water Pollution Control Center stating about the E coli in their storm sewer in their catch basins.

#### *discussion:*

City Engineer Kalb clarified that once the City saw that the E coli was high on that, they ran further tests on it. A Biochemical Oxygen Demand (BOD) test was done which indicates if there is organic material in it. The output on this was four milligrams (4 mg) per liter, and the EPA allowance for the City's WPCC is ten milligrams (10 mg) per liter which classifies it as a moderately clean area. There was no detection of total suspended solids. While it cannot be determined one hundred percent (100%), but that a high number of E coli would be a concern. The UV is not ran from October to May because the City does not have to per EPA regulations and would show higher E coli numbers during that time. Tests are ran from May to October which lowers E coli because of the UV disinfection. While it could be stated that this is an outlet to a septic system with E coli, they do not have UV systems that would be cleaning that out. This is under the BOD limit which will show if there was any kind of demand of oxygen from organic materials that are in it. It is below the limit and that there were no total suspended solids detected.

The E coli on that was a concern, so the City did run more tests on it to make sure what was going on out there was not a health concern that needed to be immediately addressed. Ms. Welly replied that Water Pollution Control Center Superintendent Beach did not mention that to her. He only told her that it was very high and that he did not think the City was going to do anything because he believed the City was going to replace it, so she asked about the other one in which Mr. Beach told her it wasn't his problem. She did not want to be told that she was false in saying that there was sewage in a catch basin because she knew it was in the catch basin which is exactly where E coli comes from - some kind of feces. City Engineer Kalb replied that with the City's outlet at WPCC, it is the byproduct from all the feces once it is cleaned out in that the UV is killing that bacteria within the E coli. If UV is not ran, it will not kill bacteria. The City was concerned that it was so high, so the City ran more tests to clarify if it was an immediate concern that needed to be addressed sooner than later.

Councilwoman Frische asked what the Health Department's response was to that test. She asked for an update on the Spring Lake project. It was communicated via email to get those residents on the pay system for all water and sewer services. City Engineer Kalb replied that the Health Department is aware of it, but that the numbers that were ran on it does not pose a concern. Those out in the country with their normal septic system will be pushing that out. It is not a higher number/alerting number which is why they looked at BOD. If the BOD was above what the City's outlet was, then there would be a major problem there. The Health Department is aware of it, but what the BOD is showing and what the total suspended solids show, there is not a big enough concern to take action right now on it. Because the City is doing the project out there, the E coli will be resolved with that project. The City is working with the EPA to obtain additional construction funds for the Spring Lake project because the cost of pumps are expensive and are needing a pump to get sewer across State Route 15 and U.S. 68. As he has stated in a couple of WATER AND SEWER COMMITTEE meetings, the City does not own that system right now and do not want to take it over and have to start billing residents and not have any kind of leverage with the EPA that it is not the City's system. The EPA is wanting the City to take over that system and understand that the City has a way of tracking sewer rate costs in order to be reimbursed. The construction is one hundred percent (100%) paid. He does not want the City to have even a dime invested into the project because the EPA came to the City offering to pay one hundred percent (100%) of it. As soon as the City starts billing residents, then the City loses that leverage with the EPA because the City would be getting revenue from it and then the EPA would want the City to put some money into it. The City is working with the EPA to finish getting funds and hoping to finish construction yet this year. Councilwoman Frische replied that she appreciates the clarification that the City is going to get paid and that they say they have a report.

Councilman Wobser asked if the first two (2) sentences of her statement were referring to Habitat for Humanity. Ms. Welly replied yes. Councilman Wobser replied that Ms. Welly did not state that specifically, so he wanted to make sure that was what she was talking about and that Habitat is wearing out their welcome. Ms. Welly replied that forty percent (40%) of their builds in Findlay, Ohio are in West Park, so they have done their fair share of contributing to that organization.

Mayor Muryn noted that the action items from the AD-HOC COMMITTEE were for the Administration to put together a game plan of how they would recommend to proceed with it, but that it has not been a top priority given the community's push back and them working on other items, but will be revisited at some point. It was bid out and are farming it. Council will be well-informed when the City decides to move forward with anything on it.

Councilman Russel added that any AD-HOC COMMITTEEs dissolves at the end of a council term, so that AD-HOC COMMITTEE would have to be called again in order to have it formed. Filed.

### **Haydee Sadler – illegal aliens**

Ms. Sadler is before City Council with concerns of illegal aliens that are being welcomed into the City. The definition of illegal aliens is a foreign national who is living without official authorization in a country of which they are not a citizen. Wordsmithing to preferred terms like undocumented people without legal migration status or unauthorized immigrant does not change the legal terminology of who they are. An immigration task force has been created by this Administration and she is here to ask why there has been no push back from City Council. Illegal immigration bleeds Federal, State and local governments of billions of taxpayer dollars.

The courts reported an increase of over two hundred percent (200%) for interpretation alone since the prior year. She cannot imagine all the paperwork and additional time taken where crimes are committed. Police Chief Mathias reached out to Springfield because they are dealing with it and stated that the waves will continue to get bigger, which is alarming. The public is not hearing of any crimes being committed by illegal aliens in the community, but according to an article in The Courier not too long ago, Hancock County Prosecutor Phil Riegle reported that drug related charges rose in 2023. Possession charges were up fourteen percent (14%) from 2022, and trafficking charges rose thirty-three percent (33%) from 2022. With this new population, domestic violence seems to be a problem. What started with minor traffic violations has lead to theft, domestic violence and other crimes. That is not her opinion, but what Police Chief Mathias stated during that same budget hearing and that we are just seeing the beginning of it. She asked if it is a coincidence that legal aid of western Ohio is on the Immigration Task Force. Recently, the Biden Administration took issue with Sheetz, a company the City is inviting, the way the chain uses background checks to screen job seekers which is about diversity, equity, inclusion and the socialist agenda. Page nine (9) of the 2020 Housing Assessment prepared by DiSalvo Development mentioned Franklin County, which is in the Columbus area, are no longer displaying evictions older than three (3) years old just to reduce barriers for households looking to maintain housing. They had stated that Hancock County Municipal Courts have the authority to do this and also recommended sealing and expunging criminal records. She asked how many non-profit organizations and non-governmental agencies are breaking the law. This is a serious problem. There are laws set in place for illegal immigration under the Immigration and Nationality Act. Section 274 states that it is unlawful to transport illegal aliens within the U.S., but that the City has a Task Force wanting to provide transportation for population to get to their jobs and have mentioned it being for second and third shift. Section 212 discusses material misrepresentation as an alien who by fraud or willfully misrepresenting a material fact seeks to procure a visa, other documents or admission into the United States. She has seen them and knows those people. While it has been said that a majority of the people are here legally, there are a lot of people here illegally which is her big concern. Section 212 Notable Grounds for Inadmissibility applies to an intending immigrant who at the time of application for admission is not in possession of a valid unexpired migrant visa, re-entry permit, border crossing identification card or any other entry document . . . President of Council Pro-Tem Russel interrupted notifying Ms. Sadler that her four (4) minutes were up.

*discussion:*

Councilwoman Frische moved to allow more time for Ms. Sadler to speak, seconded by Councilman Palmer. All were in favor.

Ms. Sadler continued stating that her reason for bringing this up was because she has read that they are going to help people get documents, but that if they do not already have documents or if their documents are expired, it would make it inadmissible already. The public is not seeing any deportations or that Immigration and Customs Enforcement (ICE) is being called. Not only are these laws set in place to be sure people enter our country legally, there are criminal penalties for those that violate these laws. She read: anyone who encourages or induces an alien to come to enter or reside in the United States knowing or in reckless disregard of the fact that such coming to entry or residence is or will be in violation of the law. This Task Force should be called the Illegal Immigration Task Force and that the residents of the City of Findlay should be declaring this as an emergency because there is an invasion happening in our country that is coming right into Findlay that is a public safety issue.

*discussion:*

Councilwoman Frische noted that Ms. Sadler made a comment that there is no push back from Council and about ICE. From what has been explained in the past, ICE is not responding unless there is a crime being committed. She asked if that is still the case or if that has changed. Mayor Muryn replied that it is still accurate. Councilwoman Frische replied that Ms. Sadler believes Council is not responding to a valid concern of Ms. Sadler, but that it is not a . . . Mayor Muryn interrupted stating that Councilwoman Frische is bringing up a good point and with a really good distinction on a couple of things. She completely agrees that illegal entry to this country is something that needs to be addressed. As she has stated in multiple platforms, she continues to advocate at the State and Federal level for the border to be secured and the immigration policy to be addressed.

There are two (2) different things that need to be addressed. One is if individuals are here illegally and the City encounters them and that they've committed a crime where the City would be interacting with them, and if necessary, the City would notify ICE. They would not be coming in unless there is an immediate threat to public and then would detaining them until ICE comes. Fortunately, there have not been immediate threats to public and have not really encountered many undocumented individuals. The majority of those here are legal and are noticing a large increase, which is alarming and concerning, and need to find a way to wrap our arms around it, but cannot just build a wall around the City of Haitian refugees and asylum seekers in the country as a whole. She asked Councilwoman Frische and Ms. Sadler what they think the City should be doing to address this because the City does not control Federal policy, but are working to make sure who the City is encountering has the proper documentation and that legal aid is involved because a lot of the conversations that are taking place are because they have started their visa or the asylum process and have their paperwork and that it might not make sense for someone to stay in Findlay, and that even if they can work, getting a job or setting down roots here might not be best suited for them if they have to travel to far away locations such as Miami, Houston, Portland, Seattle, Cleveland, etc. which is a challenge. She asked what Councilwoman Frische and Ms. Sadler feel the City should be doing when the City does not have Federal Government support, and what their position is on having immigrants in the community, or if they feel there shouldn't be immigrants in general. Ms. Sadler replied that she started contacting some representatives on the Task Force and went to Mission Impossible who told her they are not accepting any grant funds in which she was glad to hear. They are helping in a way that does not include taxpayer dollars to do these kinds of things. HATS is doing a public survey input process, so she knows how that works from the STRATEGIC PLANNING COMMITTEE where they just change the words around to make it seem like they are doing something, but are already talking about taking our tax dollars and grant funds to do this process, which is one of her biggest problems. The church is reaching out, people are having meals, and the community is reaching out. She used to live in Florida so she has been around immigrants a lot. They were the majority. It is not about not having them in the community. It is about using our taxpayer dollars that are trillions of dollars in debt with an agenda being forced on our City and that the citizens of Findlay are concerned. It seems like there has been a lot of time and resources pulling together but as if the people are being put aside and being replaced.

Councilwoman Frische replied that she appreciated Mayor Muryn's question. Having the Task Force and non-profits reaching out is great and is the human side, but when talking about documented/undocumented and having an influx in population into the community that the City is not able to manage, it comes back directly to the Mayor and the Economic Development. When the City is developing its community and are bringing in low paying jobs that cannot be filled, it is causing a problem for those businesses. The City is also bringing in competition for the businesses that have made Findlay-Hancock County their home for twenty to thirty (20-30) years. The diversity program out of Springfield, Ohio was promoting their program through the Economic Development, and what she has heard through Mayor Muryn and this programming, was that they were going to be flying folks into the United States to work for three (3) months at a time with a visa and then were going to be going back and would be a managed thing, but that it suddenly turned into statements being said last year at Fresh Brewed Business where Springfield has these folks here and are redistributing them into communities that are set up for them, so we are our worst enemy because we have set ourselves up for it. We have set ourselves up for low paying jobs that we cannot fill. The community has been crying out for years asking for more white collar jobs, for higher paying jobs, but are not getting that. When she talks to employees that are working in these factories and are coming to her with concerns and telling her the stories of what they are seeing, it is alarming. If it is already seen in those companies now, it won't be long until it is seen on our streets and in our neighborhood. We have to address it and do need to be doing something. Even if ICE is not coming in, the City needs to be as proactive as possible and use its resources to the maximum and need to say whoa on economic development until they have their wheelhouse in order.

Mayor Muryn explained that HATS is a local transportation organization that does a survey every so often. Every organization is required to do that. They are not doing it because of the City's immigrant population, but are required by law to do so. They are a government funded semi-nonprofit organization, so it is their responsibility to do a needs assessment of the community. One of the things that has been discussed a couple of different times is that all of the challenges that the immigrant population faces are also challenges that were in the community before they arrived. Some of the conversations that are happening are actually helping the City better serve the community members that are here which is something the City is addressing. First Diversity was not brought in by the Economic Development. One of Findlay's local organizations contacted them and was utilizing them for about a year before Economic Development or Mayor Muryn was even aware that they were utilizing them. She has never heard that they were flying them in and using them for three (3) months. Individuals that were looking for work were coming up from Springfield and saw opportunity in our community and were working through the staffing organization. She agrees that she is concerned about folks trying to come into our community and the ripple effect, but that she is unsure how she is expected to stop people from coming into the community when they can buy a hotel room and come in and look for jobs just like anybody else. She asked Councilwoman Frische and Ms. Sadler for ideas of how that can be done in a legal manner. She has been reaching out to State organizations and other communities telling them that she is happy to welcome immigrants that can be a contributing member of our community that the City can help them learn the language for those that want to set down roots here, but cannot have thousands as the City is not equipped to do that, so she has to figure out a balance. One limiting factor is that the City does not have places for people to stay. She asked for any specific actions that Council is wanting the Administration to take to help stop the immigrant population from coming to our community. Councilwoman Frische replied that she is glad that Mayor Muryn recognizes that an influx in population is a problem. The strategic plan of the Immigration Task Force is going to take five (5) years to get it under control. In recognizing that Findlay already has a problem here and that it hasn't been addressed creates a bigger problem now. Findlay's Economic Development should be re-evaluated since it is recognized that there is a housing shortage and a workforce shortage because if low-paying jobs continue to be #1 Metropolitan and are not bringing in the jobs that the people in this community want, than the Mayor is doing a disservice. That is her #1 bullet point that she would love the Mayor to tackle.

Councilman Wobser noted that Ms. Sadler made a comment about Sheetz so he wants to make sure everyone understands what is going on with that because he was not sure what she was saying about it. Sheetz was cited by the Biden Administration for having their hiring practices too high and not too low. Sheetz was doing the right thing and that the Biden Administration was pushing back against them. Ms. Sadler did not state that specifically. Ms. Sadler replied that she thought her sentence led to the Biden Administration is lowering . . .

Mayor Muryn provided her final comment stating that she would be happy to have more conversation about this, but that there is other business to attend to tonight. Findlay does need more diverse jobs and hire paying jobs. She looks forward to restarting the conversation around the income tax incentives that she has proposed earlier this year. She asked Councilwoman Frische what she considers low income jobs because on average, all the jobs that have been brought into the community lately are forty-five thousand dollars (\$45,000.00) and above. One of the ways to see that grow is with supply and demand and with businesses increasing their wages. The Income Tax Rebate Incentive Program that she has proposed includes the starting salary to be able to utilize that is over sixty thousand dollars (\$60,000.00) which is a target that has been discussed in the community. She agrees that Findlay needs to have a diverse economy, however, we also have to recognize that some of the strengths of the community are manufacturing and logistics, so those businesses are beneficial. She asked if there is a specific business that over the last five to ten (5-10) years that Councilwoman Frische would have liked to have gotten rid of. Continuing to state that she is ruining the community by bringing in low income jobs is inaccurate, unfair, and a disservice to the community because when making statements like that, she is representing the voice of the City of Findlay that people pay attention to which is disappointing because those comments are picked up on by businesses that would look to come here and would not be beneficial to speak that way about businesses in the community. Filed.

**WRITTEN COMMUNICATIONS:**

**email from Mike Mallet – downtown parking garage.** Filed.

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

**Treasurer’s Reconciliation Report** – March 31, 2024. Filed.

**Attorney at Law Feighner – collective bargaining process**

Mr. Feighner attended the April 16, 2024 City Council meeting for Law Director Rasmussen. An issue arose at the meeting regarding any Council role or attendance in collective bargaining process that is coming up between the City and union employees. Via this letter, in brief, set forth the process and roles of the players in collective bargaining.

1. All matters pertaining to wages, hours, or terms and other conditions of employment and continuation, modification or deletion of an existing provision of a collective bargaining agreement are subject to collective bargaining between the public employer (City) and the public employee representative. (ORD 4117.08(A)).
2. The public employee representatives of concern are Matt Cooper, President of IAFF Local 381 for the Fire Department and Officer Doug Marshall, President of the Ohio Patrolmen’s Benevolent Association for the Police Department. They handle the negotiations for their departments.
3. The Chief Executive Officer (otherwise known as Mayor Muryn) or her designated representative (Rob Martin) are responsible for negotiations in the collective bargaining process for the City. (ORC 4117.19(C)).
4. The legislative body (City Council), approves or disapproves of the agreement after negotiations have taken place and a tentative agreement has been reached and submitted to Council. (ORC 4117.10(B)).
5. What this amounts to is an example of the different obligations of the executive/administrative branch of government versus the legislative branch (City Council). This is the separation of powers.
6. “The Mayor alone is authorized to select his representative for negotiations with the union. The union negotiations are the exclusive domain of the executive branch and Council may only reject or deny the entire labor agreement after the Mayor and the union agree on it”. Thomas J. Coyne v. Richard A. Salvatore, 2002-Ohio-5819, Eight District Court of Appeals, Cuyahoga County.
7. As to separation of powers concept, “The separation also has a very practical application because it places the legislative body who must accept or reject the collective bargaining agreement, above the fray of the often emotionally charged bargaining process. Thus, legislative bodies, which are elected by the populace, are removed from the rigors and direct political pressures that can generate in a bargaining confrontation”. State Employment Relations Board, et al. v. City of Martin Ferry, Ohio, Seventh District Court of Appeals, 1991 WL 98694.
8. Bottom line, a member of City Council should not be present at the collective bargaining negotiations. Mr. Feighner’s research would show that even if requested to be present by the Mayor, the presence of a Councilmember would not be appropriate under the current status of law.
9. Mr. Feighner supposes the reason the City does not have a policy regarding collective bargaining procedures is that the Ohio Revised Code has provide for same under Chapter 4117.

*discussion:*

Councilman Wobser thanked Attorney Feighner for putting this information together to clarify the situation with the collective bargaining process and what City Council can and cannot do as far as being involved with that process. He asked Service-Safety Director Martin when he plans to start negotiations. Service-Safety Director Martin replied that they are trying to get dates on the calendar now. He predicts within the next couple of weeks. Councilman Wobser asked if it will be within the next month. Service-Safety Director Martin replied ideally yes.

Councilman Wobser replied that Council will play its role, but that the concern continues with looking at potentially having a third party involved with this and an outside counsel, which had not been utilized previously for a couple of years. He asked for Service-Safety Director Martin's thoughts on that and take a hard look at getting an outside counsel involved to have a third party looking at this from the aspect of not having a skin in the game when it comes to taxpayers or having to deal with the unions. He asked if the City has three (3) unions. Service-Safety Director Martin replied there are two (2) unions, but that there are subdivisions under the Police. Councilman Wobser moved to require the Administration to hire a third party counsel like it used to be in the past to help represent the City in these negotiations. Motion died for lack of a second.

*discussion:*

Councilwoman Frische liked Councilman Wobser's start to his motion but that the Administration does not hire. City Council hires the outside legal counsel to be in the room. She moved that going forward before negotiations start that City Council hires an outside legal counsel to help with those negotiations, seconded by Councilman Wobser.

*discussion:*

Councilman Russel asked how the hiring of that would happen. He asked if Request For Quotes (RFQ) would be put out and have folks come in and give a presentation. He asked what the process would be for selecting the firm. He directed his questions to Councilwoman Frische and/or Councilman Wobser since they made the motion and seconded it. Councilwoman Frische replied by asking how Council went about the process back several years ago when outside legal counsel was hired to help with negotiations because it is not something new to the City of Findlay. She would also think that there are attorneys who specialize in this, so if Request for Proposals (RFP) is needed, that is fine. Council should take the first step and look at what the process was in the past. She asked if City Auditor Staschiak has anything on that from paying them or negotiations. She asked who used to do it and if that firm is still around. Councilman Wobser replied it was Gary Johnson. Councilwoman Frische asked if his firm is still around. Councilman Wobser asked Service-Safety Director Martin if he has thought about this at all and if he has any information that he can provide. Service-Safety Director Martin replied that he thinks about this often when anticipating going into negotiations and thinks that Mr. Feighner's letter was very clear that the Mayor alone has the authorization to select a representative to be involved in the negotiations for the Administration. That is where it stops. Add color commentary to that, from his experience, that over the years there were people in the past that were involved. There were third party representatives on either side that were brought in and were paid significant dollars to do that. Over the years, there has been trust that has been built and what is good for the union is good for the City and vice versa. As those relationships have been built, everyone wants what is best for the City. Having the right safety service individuals out there that believe in the system and work for it is good for everyone. When he started in his role with the City three (3) years ago, contract negotiations were already started with him coming in mid-swing and then finished that situation up. There were no third party lawyers at the table. They needed legal consultation. They had their internal legal team consisting of the Law Director and his Assistant Law Directors involved when they needed to have those conversations. They were able to work through problems or negotiation points. When there were HR situations, the HR Director was involved. The Mayor was lock step with the Administration to work through them and came to a fair and amicable contract that was then ratified. Not once did the unions bring a third party to the table the last time because they felt that the negotiations went fairly and was a balanced negotiation. When he came in, he was new to the Findlay process and does not mean that he is not versed with negotiations. In his previous administrative role with another private organization, he was at the administrative side of the negotiations with the UAW for multiple negotiations in his past. He brings experience that others do not bring to the table to have negotiations. He has worked in the safety side of this community and can go back to the table and have conversations. With the internal team the City has, they are in a good position to move forward with these negotiations. If the City comes to the table with a third party legal individual when it hasn't been past practice in recent negotiations, the union might question what is trying to be accomplished because there would then be distrust in the situation. The reality of the contract is that eighty-five to ninety percent (85-90%) of the contract will not change. It has not changed and continues to roll over. There is language that gets changed and the Auditor and his team bring some new language on governmental accounting practices, payroll will need to be adjusted, etc.

Fifteen percent (15%) plus or minus (+/-) of the contract will be adjusted based on cost of living, payroll, longevity, etc. with ten (10) issues being the focus of these negotiations. He is confident that they will come to an amicable contract without bringing in third party individuals. He asked the City Law Director for a ballpark figure of what this potentially costs the City to which the answer was approximately three hundred fifty dollars (\$350.00) an hour for a lawyer to come in with this expertise. A total cost cannot be estimated because of the research, drive time, sitting at the table, etc. that the third party individual would have, but feel that it is in a good position to initiate goodwill negotiations with these unions. If negotiations get into a situation where it goes to fact finding and come to an impasse, then those individuals would be brought in if necessary. He is confident in the team's ability to get this done and the union's willingness to come to the table and figure out an amicable contract and move forward.

Law Director Rasmussen added that he had discussion with Service-Safety Director Martin this afternoon and does not think there is any reason to come out of the gate and hire an attorney. If two-thirds (2/3) of the contract is done, but need something else, then that person can be hired, come in, and work that out. That has not been done for the last twenty (20) years and have managed the negotiations resulting in good contracts.

City Auditor Staschiak pointed out that he has received numerous requests from an attorney on behalf of the Police Association for data. Those requests were completely fulfilled today. The Director of Law has been copied on those. There is a law firm involved to some extent that made those requests. He cannot speak to who it is or their role. Mayor Muryn replied that is pretty standard with State unions in that they have to provide certain information. Service-Safety Director Martin did a great job explaining that it would set the wrong tone. When going through this process, information can be brought back to Council per the language of the law, with Council making a determination. If there is something that they are unable to explain on how they reached it or do not believe it is fair, Council can deny the contract and can go back, and if necessary, bring in legal. It has been a great benefit and a great cost savings that shows that they not only respect the unions, but all City employees and are able to reach a sustainable good contract. It also shows that they have respect for the organization. One of the key things that has been talked about over the last couple of years is that the structure of wage increases over the last three (3) contracts has been built based off of the income tax growth. When they see the community growing and that benefit, it directly impacts their wages which helps them be a part of the team of wanting to see the community prosper which is really important. A more aggressive approach would not be productive.

Councilman DeArment asked what the problem is that Council is trying to solve. He asked Councilman Wobser what his concern is. He asked if he thinks the City is overpaying. Councilman Wobser replied no, not at all. The Mayor stated it very correctly as did the Service-Safety Director. The situation that is currently in play seems to be working well. Changes have been made to it because of COVID years that lasted two (2) years before changes were made to it. In years past, there were negotiations with a third party attorney involved that was looking out for the City in looking for help and guidance on the taxpayers side of it. While it has been estimated that only fifteen percent (15%) of the contract is expected to change unless they come to them being done with the formula and then everything goes out the window and starts over. Service-Safety Director Martin replied that could be, but does not know. That is what negotiations are for. He reiterated what Councilman Wobser stated about keeping an eye out for the taxpayers and their dollars in that his fundamental responsibility, as well as the Administration, is running operations. Council is the one that says yes or no when appropriating dollars, but that it is fundamentally his responsibility every day to make sure that the City is doing things efficiently and operationally

Councilwoman Warnecke asked where this is coming from because it has never been mentioned before.

Mayor Muryn reiterated that Service-Safety Director Martin is her designee who keeps her informed. She is also a representative of the City of Findlay and the taxpayer. The Administration will work to improve upon giving Council insight on all of the things that were brought up and where they ended up being because it is important to know. They do not say yes to everything that is brought forward. Service-Safety Director Martin is in attendance who brings everything to her to get her to agree or not agree. Being good stewards of their resources is something they keep in mind. When they make adjustments to pay, that has a huge impact on the City's operations in which the team understands that.

HR Director Essex is gathering information across all City positions, and not just union positions, which has not been done in about ten (10) years, to show where we are compared to peer communities of not looking at just hourly wage, but also looking at benefits because it is a really important part. The City's hourly wage in some positions may be lower, but that the benefits and healthcare packages may be more robust. She does not think outside legal counsel is necessary and would be a waste of public resources and taxpayer dollars. As they go through the process, they will keep Council informed and if at any point would feel that outside legal counsel is necessary, they would bring that up and be in support of it and/or if a contract was brought before Council that they did not believe was fair and in the best interest of taxpayer, then outside legal counsel could review it.

Councilwoman Frische believes this whole discussion started when the letter from the Service-Safety Director was in the Council packet that Councilman Wobser had inquired about sitting in on these negotiations. The letter did not sit well and brought up the discussion that if Council cannot be in there to be able to have somebody report back and be a part of that negotiations. It was not her intent to be part of the negotiations, but to just be in the room to listen to better understand. It was just to have a Councilmember in there. This discussion has taken it to tonight's letter from Attorney Feighner breaking down into nine (9) points why Council cannot be part of the collective bargaining process. The fact that there had been legal counsel in the past should not come across as a threatening thing to the unions or the Administration. She does not feel that there is a threat there, but is good process for Council to have better involvement and understanding before something is just handed to Council to approve. In the past, Council has not bucked at it, but that there is an economy that is a constant roller coaster right now, so it is good to compare other communities and is also good for the City to have some outside legal counsel to be more neutral. Although the Administration explains things well, it gets into gray muddy water and it is nice to have somebody else there to listen and maybe give some ideas. She does not think a local counsel should be used and should be someone that has no connections to the community. It is fine if that means the Administration has to pick the third party counsel, but that it needs to be clear when making the motion for outside legal counsel. The City spends money every day that can be agreed or disagreed on whether or not funds are being spent unnecessarily, and only negotiate contracts every three to five (3-5) years, so if five to thirty thousand dollars (\$5,000.00-\$30,000.00) has to be spent, it would be good for the community to know that this was done fully, kept it neutral, and kept it unipersonal. By no means is she trying to say to the Fire and Police Departments do not deserve where they are at right now. She thinks the discussion got to where it is when Councilman Wobser went to the Service-Safety Director who submitted a letter to Council. She thinks it is a good thing to do and is smart business.

Service-Safety Martin clarified that the reason the original letter came about last Council meeting was because a question was brought up that it used to happen and would like to reintroduce this process. The intent of the letter was to let everyone know that negotiations were going to be starting and that it was brought to the Administration's attention to look into it, and that there is case law that states that it is not really a good idea for Council to get involved in and the why behind it. He did not bring Councilman Wobser's name into it because it was irrelevant, but that it was brought up. These discussions happen a lot and have to validate facts over and over. While they are happy to do that, multiple validations need to be brought to Council because Council does not believe what the Administration states the first time and does not believe the case law behind it, so now they provide a legal opinion that is not actually an opinion, but is citing law that says this is how negotiations should be done. If the Administration does not bring things that are supported by law, then it is defunked. The intent of the letter was nothing more than to let Council know that they are going to start negotiations and that brought up that is not a good idea because it could create litigation for Council. He apologizes if that offended Council because it was direct, but that he was trying to be direct. Mr. Feighner cited ORC to clear it up a little more to make sure the arm of government, the legislative body, actually knows what lane they need to stay in.

Councilman DeArment thanked everyone for participating in a great discussions and is ready to vote.

Councilman Russel noted that prior to his time on Council, union negotiations were sometimes pretty contentious. Both sides were bringing in outside legal counsel, but then evolved and improved, especially under former Mayor Mihalik's Administration with then Service-Safety Director Schmelzer to the point he understands it was local folks talking with local folks that he always viewed as a major improvement.

The fact that there was, in essence, a ground breaking union contract that did not have established pay raises, but instead tied pay raises to income tax growth which was revolutionary and a sign of the trust that had built between the Administration and the unions with Council's blessing. He wants to see that continue like the relationships with uniformed Police and Fire. He fully supports them and fully supports their efforts working in a cooperative manner with the Administration. Because it is one team, is enforced, and is supported by the openness of our books and our management processes, KPIs, and the knowledge that Council supports them, he does not support this motion.

summary of motions on this matter:

Motion made by Councilman Wobser to hire a third party counsel, but failed due to lack of a second. Councilwoman Frische made a motion for Council to hire outside legal counsel, seconded by Councilman Wobser.

Ayes: Frische, Wobser

Nays: Bauman, DeArment, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke. Motion failed. Filed.

**Immigration Task Force meeting minutes – April 17, 2024.**

*discussion:*

City Auditor Staschiak pointed out that during the Income Tax Board meeting, he requested that due to immigration and some of the information on potentially undocumented workers, he requested that the City Income Tax Administrator start to track the data on how much income tax revenue remains unclaimed. In theory, if there is an increase in undocumented workers in the community, an increased data point will be how much withholding remains unclaimed because large employers have to provide withholding to the City. The City will start tracking that data to provide to Council. Filed.

**City Planning Commission agenda – May 9, 2024; staff report – May 9, 2024; minutes – April 11, 2024.** Filed.

**City Income Tax Monthly Collection Report – April 2024.** Filed.

**Traffic Commission minutes – April 15, 2024.**

*discussion:*

Councilman Niemeyer asked that if Council okays these minutes if it means the parking is going to change on West Lincoln Street. City Engineer Kalb replied that the configuration will change. The City will be working with them to figure it out and have done some preliminary measurements, so it is feasible, but need to make sure that it does not create a bottleneck down through there. The City Engineering Department will ensure that there are no roadway problems or anything like that down through that area. Councilman Niemeyer asked if any of the residents that live on the south side of the street were notified about changing the parking configurations. There are multi-family units in that area. He previously had a rental property over there with three (3) tenants that were parking on Lincoln Street. The reason he thinks the City is doing this is for the sale of the Lincoln School because that school is still owned by Findlay City Schools and that this might make it look better for the purchaser. It looks as if Economic Development is sneaking one past Council again.

Councilwoman Frische reiterated that the conversation right now is on item #3 Lincoln Street Parking Reconfiguration – W. Lincoln Street between S. Cory St. and S. West St. The City made West Crawford Street one way with reverse angle parking, which is what is being proposed here and will gain approximately twenty (20) parking spaces and will still maintain parallel parking. Former Mayor Mihalik was very forthcoming with Council. There were dicey conversations about it and that the City tried it for a year and found out that in that area it did work, but that there were concerns. It is inappropriate for this to be going through the TRAFFIC COMMISSION, especially when the citizens in that area have not been contacted. When the Economic Development was in the room for this discussion, they wanted to remove the two (2) hour parking. Then there were talks about an e-parking solution being put in and giving the residents in the Lincoln School area unlimited parking hours with everyone else limited to two (2) hours.

It might not happen in the beginning, but may happen later. There are parking discussions going on now about the downtown with the County Commissioners and everybody else, so this needs to be removed from the TRAFFIC COMMISSION process before City Engineer Kalb spends time on it until those property owners can be reached through mail and obtain their input. She agrees that it looks as if the City is setting up the property to sell because it is known that they are having problems with parking. This would be a perfect time to bring back the Parking Authority Committee because there are obviously other discussions going on that Council needs to be more involved in. Mayor Muryn replied that she used to live on Lincoln Street and had a duplex, so she is familiar with that area. A number of changes were requested such as removing the 2-hour parking in that block that was not approved at the committee meeting. It is adding parking on the north side which will benefit the residents in that area and will maintain the residential street parking on the south side, so those will be maintained. This was discussed at the CITY PLANNING COMMISSION as part of their original proposal that was shown on their designs that have to be approved through the TRAFFIC COMMISSION. So it was discussed at that meeting with residents present, so it was shown on the initial concept related to changes to the 2-hour parking. Any changes to that would either be brought back to the TRAFFIC COMMISSION, but that she intends on having conversations with Council around parking with the STREET, SIDEWALK AND PARKING COMMITTEE which is the appropriate entity to have it giving Council the sole discretion of how to be able to move forward with it. One of the things the Administration has talked about is looking at having additional parking solutions in the downtown area focusing on 2-hour parking along Main Street and the first two (2) blocks off of Main Street, and then moving to either 3-hour or no limitations beyond that, especially when getting into those residential areas. She hears the concerns of the neighborhood, but that this provides more parking opportunities for the neighborhood and creates some very nice aesthetics and traffic calming within that area that will also benefit the neighborhood. Councilwoman Frische is not saying the neighborhood will or will not like it. It is not her neighborhood. She does not live there, but thinks the neighborhood should be notified to fully understand it. If Council passes these minutes, then the City moves forward.

Councilwoman Frische moved to remove item #3 from the TRAFFIC COMMISSION agenda if the rest of the minutes are to be passed. She asked if that is allowable or not. There were two (2) other items in the minutes and asked if those are allowed to go forward if item #3 is removed. President of Council Pro-Tem Russel asked Law Director Rasmussen who replied that it can be done if Council so desires.

City Engineer Kalb asked Councilwoman Frische where she would want that item to go if it is taken off the agenda, it is still an issues that is out there and is still a request. He asked where it should go. Councilwoman Frische replied it can go to the STREETS, SIDEWALKS AND PARKING COMMITTEE if that is where it is desired to go or that the Parking Authority could be brought back into existence, but that it needs to come through Council and the citizens that live on that block in the immediate area in which she believes is a five hundred foot (500') radius of a site. City Engineer Kalb replied that the CITY PLANNING COMMISSION sent out letters for that. Councilwoman Frische replied that was for the original plan and is not specifically for this and would be better if it were physically mailed to those property owners.

Councilman Niemeyer seconded Councilwoman Frische's motion to remove item #3. He did so for the residents around there so that they know that he is trying to do something.

President of Council Pro-Tem Russel recapped the motion on the table. Councilwoman Frische moved to remove item #3 from the minutes, seconded by Councilman Niemeyer and to refer item #3 to the STREETS, SIDEWALKS, AND PARKING COMMITTEE for consideration.

*discussion:*

Councilman Wobser asked if the Lincoln School has been sold. He thought it was under contract. Mayor Muryn replied it is under contract and moving forward in the near future. Councilman Wobser asked if they have finished up the contract. Mayor Muryn replied that they are working to schedule a closing. Councilwoman Frische added that they have requirements that they have to meet. Mayor Muryn added that the closing contingencies have been met. Councilwoman Frische asked if that excludes the parking. Mayor Muryn replied that that was not a part of it. Councilman Wobser asked if the citizens on that side of the street were notified.

City Engineer Kalb replied that as part of the CITY PLANNING COMMISSION process, HRC sends out letters within a five hundred (500') radius of the project, so the residents did receive notice. During that CITY PLANNING COMMISSION meeting, there were residents within that area that came because one of the concerns mentioned was the playground in that a lot of people use it. This was on there as shown, but at that time, did not show reverse angle parking. He likes reverse angle parking because motorists have to back out at one time or another. Motorists block the roadway, so the only route is towards the sidewalk which can cause issues with young children.

He understands that there are differences of opinions, but that the City prefers reverse angle parking in this situation and that the TRAFFIC COMMISSION will need to discuss further. Councilman Wobser asked if there was that change versus what was sent out. City Engineer Kalb replied yes, the direction of parking.

Ayes: Frische, Niemeyer, Palmer, Wobser. Nays: Bauman, DeArment, Greeno, Hellmann, Russel, Warnecke. Motion failed.

*discussion:*

Councilman Niemeyer pointed out that Lincoln Street is in the D.O.R.A. area that goes to Little Caesars as there is a sign on their post. Mayor Muryn replied that to the west, it ends at Cory Street, so the Lincoln Street project in these TRAFFIC COMMISSION minutes are outside of the D.O.R.A. area. Councilman Niemeyer replied that there is a D.O.R.A. sign at Liberty Street. Mayor Muryn replied that it goes at very weird angles, but that on Lincoln Street, it comes down and stops at Cory Street. Councilman Niemeyer replied that he thought it was a rectangle, but that there could be a cutout somewhere. Mayor Muryn replied that there are a lot of jagged edges. She is unsure how it was decided as she was not asked.

Councilman Russel noted that this is the most discussed TRAFFIC COMMISSION report in the history of City Council. His concern is the Amelia Avenue issue (item #2). He read through the minutes for that topic which is a bunch of discussion about controlling traffic and that the applicant made a statement that he knows that speed bumps are not allowed in the City of Findlay. He gave City Engineer Kalb a heads up that he was going to ask about the applicability of speed tables and/or speed humps on this to slow down traffic. For a couple of years, Akron has employed speed tables in that they are an angled raising of a flat top to a four to five inch (4-5") angle at the end and have to go slow over it or else get the ride of your life. They are effective. Akron started using them a couple of years ago and now have residents requesting them. They have put in about a thousand (1,000) of them. Speed tables can be installed on a temporary basis for very little money. They are little pieces of rubber that can be attached to the road. Speed humps are similar with a slightly different style. He asked if the City has considered that inexpensive solution that could be tried to see if it works and if the residents are up in arms on it or if it does not prove effective, that they can be removed. City Engineer Kalb replied that he did a lot of research on what other communities are doing and what studies are being done on this because in years past, speed bumps and speed humps were the go to for slowing traffic down, but are finding out more and more that they are not what should be put on roads and should be put in high pedestrian traffic areas which is why they are seen around schools, malls, baseball diamonds – anywhere motorists are to go slow because there would be a lot of pedestrians crossing, not necessarily all at one time. The City does not usually consider them because there is a lot that goes into that. As soon as those are put in the roadway, emergency vehicles are having increased reaction time because they have to slow down for them and cannot be launching over them. Other communities are finding out that drivers tend to find a new street to use which pushes the problem to the next street. The issue might be solved on one street, but then the next street over might have the same problem. Also, snow removal vehicles can sustain damage from them as they remove snow and have to maintain a certain speed in order to throw that snow off the roadway as that is their main objective. If any vehicle slows down for them, there will be a tendency for a pile up within those areas. There is a high maintenance cost with asphalt ones. The City tends not to implement them because there are a lot of steps that go with them (i.e. additional signage and additional painting has to go up, certain distances where they should/should not be placed, how it will affect parking within that area if it is a non-curbed street, how drainage will be affected in that area, etc.). The City tries to stay away from them and look at other traffic calming devices or strategies to do that. Communities are finding out more and more that they are not fit for overall roadways unless it is a high pedestrian area.

Councilman Russel replied that if that is the case, then Akron is going to have to remove about one thousand (1,000) of them. He has experience in other communities that he visits on a regular basis that get a heck of a lot more snow than Findlay does that are in residential areas that are in there as concrete that work. Motorists cannot speed through them. Item #2 is saying that if a camera is put up, when it is taken down, motorists will then speed with the City throwing up their hands saying there is nothing that can be done. He has suggested an inexpensive solution that the City can try and if it doesn't work, they can simply be removed. He asked why the City will not even give them a try, see if it works, and then examine what the results are on streets next to Amelia Avenue. The barrier to try is so inexpensive that it seems like a way to be responsive to valid citizen concerns not just on Amelia Avenue, but also on other streets within the City. He thinks this is worthy of more discussion and is happy to do it offline. City Engineer Kalb replied that it is not that they cannot be used. Any city can use them, but are finding out that they are not the best practices from years of studies. He would like to see a standard of where they can and cannot go. He does not want to start an impression that the City will put a speed bump wherever there is a speed problem that ends up directing traffic in another way or flow. If the City wants to try them out, he would like to set some guidelines on how many can be put in on a street, etc.

Motion to accept the minutes:

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

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

**City Engineer Kalb – WTP generator replacement, project no. 35725300**

Over the past year, the City Engineer Kalb has been working with the generator supplier to finalize the switchgear design that is needed for the specified generator. With the final switchgear design, additional surge arresters and racking for the generator, as well as an automatic transfer switch to properly function is needed. Legislation to appropriate and transfer funds is requested. Ordinance No. 2024-058 was created.

FROM:	Water Fund	\$ 38,000.00
TO:	WTP Generator Replacement (35725300)	\$ 38,000.00

*discussion:*

City Auditor Staschiak noted that this is part of the process that he worked on with Councilman Wobser and the Administration, and that in the future, Council should not see a lot of odds and ends pieces of legislation coming in with major projects like this. The idea is to wrap them all up and submit to Council to minimize paperwork and keep things moving smoothly and streamlined. This was a great example of what to emphasize to Council. City Engineer Kalb replied by clarifying that the last time money was appropriated to this project was to get the generator moving because it has a ninety-eight (98) week lead time and knew there were some things with ATS such as the switchgear, but that at the time, he had to get the generator because of the long lead time. He does not like to have single requests like this either, but when things like this come up, he has to keep the project moving and get the switchgear ready for the ATS and the generator when it does come. Filed.

**City Engineer Kalb – West Park sanitary extension/septic removal project no. 35642500**

As authorized by Ordinance No. 2024-047, a bid opening was held for this project on May 1, 2024. Bids were received from three (3) potential contractors with the bid amounts ranging from \$230,620.00 to \$301,741. The lowest and best bid was received from Rocky Edge Excavating LLC of Findlay, Ohio. Two (2) of the three (3) bids that were received were under the Engineer's estimate of \$262,470. \$1,000.00 was previously appropriated to the project for advertising, and now an additional appropriation is needed to cover the construction cost and provide a contingency for the project. Ordinance No. 2024-059 was created.

FROM :	Sewer Fund	\$ 275,000.00
TO:	West Park Sanitary Extension-Septic Removal, Project No. 35642500	\$ 275,000.00

*discussion:*

Councilman DeArment noted that Council has not talked about septic removal. City Engineer Kalb replied it is for the Newell Street. It was just called that as an identifier and was bid out as Newell Street.

Councilman Wobser noted that the dollar amounts of the bids were from \$230,620 to \$301,741 but are appropriating \$275,000 and asked if that was contingency on top of the \$230,620 or if that \$230,620 bid was not accepted. City Engineer Kalb replied the \$230,620 bid was accepted. The \$275,000 appropriation amount includes contingency because it is unknown what level the rock is. Filed.

**City Engineer Kalb – Blanchard Street waterline phase II project no. 35740500/Hemphill waterline replacement project no. 35740300**

Prior to construction of the two (2) respective waterlines, the plans will need to be submitted and approved by the Ohio Environmental Protection Agency (EPA). The permitting and approval process fee is based off of the project amount. In order to keep moving forward with the projects, it is desired to appropriate additional funds to the projects so that the plans can be submitted to the EPA for approval. Legislation to appropriate and transfer funds for the capital expenditures is requested. Ordinance No. 2024-060 was created

FROM:	Water Fund	\$ 4,200.00
TO:	Blanchard Street Waterline Phase II, <i>Project No. 35740500</i>	\$ 4,200.00
FROM:	Water Fund	\$ 1,200.00
TO:	Hemphill Waterline Replacement, <i>Project No. 35740300</i>	\$ 1,200.00

Filed.

**Income Tax Board minutes – February 8, 2024.**

*discussion:*

Councilman DeArment asked if there are any issues with the \$7,000 setup fee. There was a lot of discussion about that a couple of months ago. Mayor Muryn replied no, they have already paid the bill.

City Auditor Staschiak replied that it has not been paid and is a piece of legislation tonight that Council will have to approve. The other comment on there involved a robust discussion about making sure the City charges villages an appropriate amount at this last meeting. There was a step process discussed somewhere between two to three percent (2-3%) that failed at the moment. He does not know what ultimately is going to happen, but at least are talking about not charging one to one and a half percent (1-1 ½ %) and are talking about charging a fair amount to the Findlay taxpayer. Filed.

**Findlay Police Department Activities Report – April 2024.**

*discussion:*

Mayor Muryn informed Council that she is working with the Police Department to update KPIs. There was an article in the newspaper a couple of weeks ago about County crime rates. The City of Findlay crime rate has decreased year over year and will be providing more insight to the public on how that has occurred. It is a great achievement. The City Police Department has been very proactive and continues to work to decrease crime in Findlay.

Councilman DeArment pointed out that there was some comment earlier about drug activity increasing because of the immigrants, but are not hearing that from the Police Department. He asked if that is true or not. Mayor Muryn replied that to her knowledge, that is not true. The crimes involving the immigrant population have been primarily been traffic violations. There have been a couple of domestic disputes. There probably were some drug activity, but that she has not heard of that. Overall, drug charges have decreased as well as drug overdoses year over year have dropped. Councilman DeArment replied that he thinks it is important to recite data and not just what is thought to be going on because rumors spread.

Councilwoman Frische pointed out that the report shows that narcotic investigations were at ten (10) for the month of April, arrests were ten (10) and charges were eighteen (18). Charges have increased slowly since January going from five (5) to nine (9) to eleven (11) to eighteen (18). Arrests went from twenty-six (26) to ten (10). Mayor Muryn replied that she is referring to year over year, not just monthly trends that fluctuate throughout the year on a regular basis. 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 two hundred eighty-eight dollars and ninety-four cents (\$2,288.94) that has been deposited in the General Fund. Legislation to appropriate funds is requested. Ordinance No. 2024-061 was created.

FROM: General Fund	\$ 2,288.94
TO: Police Department #21012000-other	\$ 2,288.94

Filed.

**Mayor Muryn – Performance R&D Property**

This letter is to inform you of two (2) pieces of pertinent information related to the Performance R&D Property.

1. The City of Findlay is not accepting ownership of this property at this point in time. Ordinance No. 2024-038 is simply providing the funds necessary for the County Commissioners to settle the eminent domain case to be able to close out the Phase I benching project. The work to complete Phase I benching will be the responsibility of the Hancock County Commissioners.
2. Though neither a Phase I or Phase 2 have been completed specifically on the Performance R&D Property, both were completed on the surrounding property. Those reports were circulated via email. As stated on page 25 of the 2007 Shaw report, the report describes the finding at these test pits as containing no Volatile Organic Compounds (VOC's), Semi Volatile Organic Compounds (SVOC's), Total Petroleum Hydrocarbons (TPH), Polychlorinated Biphenyls (PCBs) and the RCRA metals were below General Carcinogenic and Noncarcinogenic (GCN) levels. Test pit O-7 exhibited an arsenic concentration that exceeded background at a depth of 16'-18'. Test pit )-8 exhibited an arsenic concentration that exceeded background at depths of 10'-12' and 16'-18'. Any necessary remediation to address identified problems will be addressed as part of the benching work and will be done to the Ohio Environmental Protection Agency standards for parks and open spaces.

Mayor Muryn appreciates Council's support in resolving this lingering issue. With completion of the Phase I benching, the City of Findlay will be able to work with the Federal Emergency Management Agency to revise the floodplain map in this area. This should allow for decreased flood insurance expense to properties in the area.

*discussion:*

Councilwoman Frische asked for clarification if this was a flood project or something else. Mayor Muryn replied that yes this is part of the Phase I benching project. There is a small sliver of Performance R&D's property that at Swale Park where the bike path has not been connected, there is different grading that has not been done. This portion of the property was originally part of that project that the County has been managing. They went into an eminent domain and were in a legal process and were able to settle that with the owner of Performance R&D for him to sell the portion needed of his property to the County. As part of that settlement, they are purchasing it for sixty-nine thousand dollars (\$69,000.00) and that the County Commissioners approached the City to get that done wanting the City to chip in forty thousand dollars (\$40,000.00). Though she encouraged them to take it out of the flood money, they wanted the City to do it. She just wants to get it done which is what is being requested tonight. Councilwoman Frische asked what the justification is for this since the City is putting in more than the County and is a flood project. She does not know how she can support this. She asked if there are dollars available because there were dollars there the last she knew for flooding. Mayor Muryn replied that yes there are dollars available and that she would prefer that it come out of that, but that at this point in time, it is not worth arguing over because it is more important to the residents of Findlay that this get acquired and that the project be completed.

Ultimately, the City and County are going to have to continue to contribute money to get flood projects done. She agrees that it should come out of flood money, but that getting the project closed out and getting the flood maps redrawn sooner rather than later is a higher benefit than pinching pennies on this one.

City Auditor Staschiak noted that he had a conversation with a County elected official who told him that this was not needed for flood mitigation and is needed for the path which is why the County is only contributing twenty-five thousand dollars (\$25,000.00). He needs clarification of it to make sure he is paying what Council intends to be paid per State statutes. Also, it has been stated all along that the floodplain maps are not going to be redrawn until the Eagle Creek basin is complete. He asked which it is – when this is done or when the Eagle Creek basin is done. Mayor Muryn replied that because the County submitted the entire hydraulic improvement plan including the work done that includes the bike path, grading, seeding, etc., the project itself cannot be closed out with FEMA until this work is done. Whether it can be stated that there is a significant hydraulic improvement because of this portion or not, the project cannot be completed with FEMA until this is done. From a benching and a redraw of the map, what is able to be done is that there will not be a full floodplain remap until all flood mitigation projects are complete. However, during communications with the FEMA Representative, it was stated that anytime one of the City's projects are complete within six months, the changes to the map revision has to be submitted to them and is not the full surveys and change all of the boundaries, but that they will make modifications and work with some of the properties in that area that have the highest likelihood to benefit from the improvement.

Councilwoman Frische remembers that a past WATER AND SEWER COMMITTEE meeting had a request to vacate the street that dead ended into the bike path project that the City was going to do, but at the last minute, they did not vacate because of some legal stuff going on. There was also the catalytic plan in that area and discussion offline where it appeared that they needed to keep that in order to do the catalytic plan project. She asked if this is a bike path, catalytic plan, or a flood project. If it is a flood project, it is one hundred percent (100%) flood which would be in the County Commissioners lap. If it is not, then there needs to be a more transparent discussion. Mayor Muryn replied that Bolton Street was not vacated because there is a twenty inch (20") waterline going through that area. The City could have given an easement, but that it would not have solved the problems that the property owner really had. They didn't want people walking through that area. People can still walk through there and would have had to maintain an easement where it would have been public property. They wanted a fence that that has been able to be worked through. She understands the frustration that the County Commissioners are not covering this from flood money, but that the reality is that for this flood project to be completed, this has to be done. The City has finally gotten them to get this done without going to court which is in the entire community's best interest and has nothing to do with the catalytic plan. As she has stated multiple times, the catalytic plan is a document that shows opportunity zones in the community and provides good benefit, but does not provide a specific plan that the City has to execute upon. She is in full support of getting this done because this project has been delayed by five (5) years because of back and forth. It is in the community's best interest.

City Engineer Kalb added that Bolton Street was not vacated because it is a crucial area for the City's Public Works Department to access the Swale Park area for maintenance. The City can get an easement for waterline, sanitary and sewer, but that the back side is their access and will otherwise have to cross an area that is very prone to flooding which is another reason it was decided that it is not critical for it to be vacated.

City Auditor Staschiak pointed out that there is a letter that says that the environmental has not been done on this specific property. It is very clear from the insurance sandboard maps that a few feet might make a difference because from the sandboard maps, a railroad track appears to go right down the parcel. As the City's fiscal officer, he cannot support this and cautions against it. Council would be wise to get a fiduciary hired to review the data, someone who represents the interest of the City, not the County, not the Conservancy District or anyone else, and then when that fiduciary states that this looks like a reasonable approach in order to move forward. Until there is a fiduciary and until that has happened, he does not think this is doing the community, the taxpayer, or future users of the park, path a proper justice.

Councilwoman Frische noted that if the City Auditor’s statement from the Commissioners is a true statement in that they did not need this for flooding, she does not know how the City is doing anything detrimental to the community if they are able to bench without it. She agrees that part II is a big concern that needs to be addressed, but that she would like to see a letter signed by the Commissioners for part I saying that it is not a flood project or that it is because she cannot move forward with it and should be tabled until there is further information.

Mayor Muryn clarified that the City contributing towards this project does not take ownership of the property and will still be the responsibility of the County Commissioners as stated in item #2 in her letter. It would be their environmental responsibility to complete the project.

Councilman DeArment asked if there will be excavating on this property as part of the benching. Mayor Muryn replied that the County Commissioners would be completing the work. Councilman DeArment asked if it is going to be benched out. Mayor Muryn replied yes there will be portions of it and will not be a full bench, but that soil will be removed, grading, etc. Any contamination that would need to be addressed would be addressed at that time.

City Auditor Staschiak asked if ultimately the plan is for the City to own this parcel. Mayor Muryn replied that at some point in time, yes, that would be ideal, but that they are going to have to take care of environmental concerns to a point where it can be a park space before the City would take ownership, therefore, they are addressing the environmental concerns. City Auditor Staschiak replied that all butts aside, he stands by his statement because one of his biggest concerns is going back to when the environmental group came in with all of Council sitting in the room, and provided the environmental review with phase II, where it was stated that they found SCK and benzene chemicals in the ground. The statement that was made from the other side of the table from someone who wasn’t a fiduciary of the City was that the City was ready to move forward and will have to change some bid specs. His concern is that these things cannot be seen, so if the City is going to make the statement that we are going to fix them as they are found, how it has been looked for which has not been addressed. He wants to make sure there is a fiduciary representing the interest of the City of Findlay so that when the City does ultimately owns this property, we can tell our citizens that it is clean to this point and that there are delineations and that the City has done their due diligence because not one person in this room is an expert in this, but need one. Filed.

**City Engineer Kalb – Blanchard Street Waterline Replacement Phase II, OPWC, Project No. 35740500**

As authorized by Ordinance No. 2024-020, a bid opening was held for this project on May 6, 2024. Bids were received from six (6) potential contractors with the bid amounts ranging from \$941,433.75 to \$1,073,683.00. The lowest and best bid was received from Beaverdam Contracting, Inc. of Bluffton, Ohio. All six (6) of the bids that were received are under the Engineer’s estimate of \$1,115,000.00. Two thousand dollars (\$2,000.00) was previously appropriated to the project for advertising. An additional appropriation is now needed to cover the construction cost and provide a contingency for this project. Legislation to appropriate and transfer funds for the capital expenditures is requested. Ordinance No. 2024-062 was created.

FROM:	OPWC Grant (CM22AA)	\$ 470,000.00
TO:	Blanchard Street Waterline Replacement Phase II, OPWC , project no. 35740500	\$ 470,000.00
FROM:	Water Fund	\$ 502,000.00
TO:	Blanchard Street Waterline Replacement Phase II, OPWC, project no. 35740500	\$ 502,000.00

**COMMITTEE REPORTS:**

An **AD HOC COMMITTEE** met on May 3, 2024 to finalize the 2024-2025 Council Rules of Procedures. The AD-HOC COMMITTEE previously meet on March 13, 2024, March 26, 2024, and April 9, 2024 for the review and discussion of said rules of procedures.

*We recommend a one hour public comment meeting. Participants will get four (4) minutes plus question and answer time.*

Councilman Palmer moved to amend the recommendation from the committee that some discrepancies would be cleaned up between the changes that the committee had agreed to and what was in the draft document and then move on with the Q&A for a full hour, seconded by Councilman DeArment.

*discussion:*

Councilman Wobser asked if a date has been set. Councilman Palmer replied yes, next Monday.

Councilman Palmer: **AD-HOC COMMITTEE** meeting on Monday, May 13, 2024 at 5:30pm in the first floor Council Chambers of the Municipal Building (CC). The meeting will be livestreamed.

agenda: 2024-2025 Council Rules of Procedures – public comment

All were in favor of adopting the committee report as amended.

*discussion:*

Councilwoman Frische shared what she received from two (2) citizens: the first person stated that they were able to attend the May 13, 2024 commentary meeting for the rules. Their first question was that since the Mayor has publicly stated that she is fine with the commentary being directed to her, she believes the rule should be removed. All public officials should be able to handle four (4) minutes of question, praise, or criticism. The second thing she noticed was that topic commentary had been moved to the legislation section and that it was specifically asked during Council if commentary would be limited to legislation and was told that all items on the agenda were open for commentary. For example, a water meeting report without legislation. It is very concerning to her that this change was made and that legislation on topic is not always on the agenda. Her third item is that she had commented publicly on the rules regarding the limit of sixty (60) minutes of commentary and do not believe it should be included in the Q&A from the topic that could cause filibustering. Her fourth item is the rules following the Council President to screen out public speaking requests that are not City business is too vague in her opinion and believes City officials have an obligation to hear a wide range of concerns. She does not trust that the vague language is open for abuse on topics that may seem contrary to the Administration. Councilwoman Frische also had a citizen ask her if she would ask why public comment was being taken after the rules and procedures (AD-HOC COMMITTEE) were already sent to the law office for review. It seems backwards that the committee did not get public comment, but has already moved forward with it.

Councilman DeArment reminded Council that Councilwoman Frische's first question was about only being able to speak to City Council and not to other elected officials. The committee has two (2) documents that have not been reconciled and is one of the discussion points that needs to be addressed next Monday night. There has been a lot of push back on that issue. He is of the opinion now that they should be able to speak to other elected officials, but that has not been decided by the committee yet. That will be a discussion item for next Monday. The second item Councilwoman Frische talked about is commenting on committee reports. It is his intent that public speakers should be able to speak to anything that is on the agenda, including committee reports. That is not what that document says right now and needs to be changed. He sent an email to Patty Klein (in the audience) on all of this. The third item Councilwoman Frische mentioned was the 60-minute limit. He does not think City Council is interested in filibustering, but does believe that there are going to be controversial issues that will take the full 60-minutes during agenda items, so if time runs out and there is no time at the end, so be it. They will have to speak at the next meeting. He is not looking to go to a 3-hour meeting. Once a meeting gets past 2 hours, you start losing everybody's attention and cannot have a forever meeting. Councilwoman Frische asked if this amendment will take care of those because it obviously did not match. Councilman DeArment replied that it is the committee's opinion that the public could speak to committee reports. He agreed that the document does not say that. The fourth item was about screening. He is of the opinion that Council should not be addressing things that do not concern City Council. There are a lot of requests that the President of Council has to screen. If someone disagrees with President Harrington's screenings, then they should else elected someone else. He is an honorable guy and has been in this arena for a long time who understands what are City-related issues and what are not. He is referring to the fifth item that Councilwoman Frische mentioned about delayed public comment to the committee chair. Councilman Palmer replied that this is just to try and clean it up. There have been a few missteps along the way, so they are just trying to clean it up and get it right before bringing a final product to full Council.

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

**LEGISLATION:**

**RESOLUTIONS:**

**RESOLUTION NO. 014-2024** (no PO) requires one (1) reading **first reading - adopted**

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

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

*discussion:*

Councilwoman Frische asked what the third (3<sup>rd</sup>) item (Cummins Facility Services LLC) is for. It states cleaning for public building and Engineering. Service-Safety Director Martin replied it is for the Municipal Building and that because the invoice is dated January 1, 2024, and that budgets were not approved until January 2, 2024, that this is being requested because the invoice came before the budget was approved.

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

**ORDINANCES:**

**ORDINANCE NO. 2024-038** requires three (3) readings **tabled after third reading on 4/16/24**

(Swale Benching property)

**removed from being tabled and adopted during OLD BUSINESS**

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.

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

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

Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: DeArment, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-040 and is hereby made a part of the record.

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

(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.

Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Bauman. Ayes: Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-042 and is hereby made a part of the record.

**ORDINANCE NO. 2024-043 requires three (3) readings**

**third reading - adopted**

*(second 2024 Capital Improvement appropriation)*

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.

Councilman Bauman moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-043 and is hereby made a part of the record.

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

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.

Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment, Frische, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-044 and is hereby made a part of the record.

**ORDINANCE NO. 2024-045 requires three (3) readings**

**third reading - adopted**

*(Sheetz/Hat Trick/Buchanan annexation zoning)*

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).

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

*discussion:*

Councilwoman Frische noted that Sheetz is a great family-owned company that does a lot of great things. They are heading west across the states from Pennsylvania. She will vote against Ordinance Nos. 2024-045 and 2024-046 only because in the last twelve (12) months with all of the influx in population going on and the City not having their wheelhouse in order, she does not feel that the City is doing the right service at this time for that.

Ayes: Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment, Greeno, Hellmann. Nays: Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-045 and is hereby made a part of the record.

**ORDINANCE NO. 2024-046 requires three (3) readings**

**third reading - adopted**

*(Sheetz/Hat Trick/Buchanan annexation – accept and approve)*

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)).

Councilman Bauman moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Palmer, Russel, Warnecke, Wobser, Bauman, DeArment, Greeno, Hellmann, Niemeyer. Nays: Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-046 and is hereby made a part of the record.

**ORDINANCE NO. 2024-050** (*small waterline upgrades*) **requires three (3) readings** **second reading - adopted**  
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

*discussion:*

Councilman Palmer asked if it is imperative to get this project moving sooner. City Engineer Kalb replied that they are trying to fit it in when school is out and get it finished before school is back in session. The contractor is ready to go on this, so if the money is available, they can get started.

Councilman Russel asked if City Engineer Kalb's request to have this passed now versus the next City Council meeting in two (2) weeks delays the project. City Engineer Kalb replied that this project is in the University housing area. Once he can get their contract, they can start ordering material.

Councilwoman Warnecke moved to suspend statutory rules and give the Ordinance its third reading, seconded by Councilman Palmer. Ayes: Russel, Warnecke, Wobser, Bauman, DeArment, Greeno, Hellmann, Niemeyer, Palmer. Nays: Frische. The Ordinance received its third reading. Councilman Palmer moved to adopt the Ordinance, seconded by Councilman DeArment. Ayes: Warnecke, Wobser, Bauman, DeArment, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-050 and is hereby made a part of the record.

**ORDINANCE NO. 2024-056** (*approve 2023 ordinances & resolutions changes*) **requires three (3) readings** **second reading**  
AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE FINDLAY CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

*Second reading of the Ordinance.*

**ORDINANCE NO. 2024-058** (*WTP generator replacement*) **requires three (3) readings** **first reading**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

*First reading of the Ordinance.*

**ORDINANCE NO. 2024-059** (*West Park sanitary extension-septic removal*) **requires three (3) readings** **first reading**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

*discussion:*

Councilman Bauman noted that the City is moving on a portion of this project and asked how soon the City would like to get the second phase of the project moving. City Engineer Kalb replied that they are wrapping up the design of the second phase and that there were a couple of other waterline projects that he is trying to get out because he is seeing good waterline pricing right now and plan to get to the next portion of the project to pick up those two (2) houses.

*First reading of the Ordinance.*

**ORDINANCE NO. 2024-060** **requires three (3) readings** **first reading - adopted**  
(*Blanchard St waterline phase II/Hemphill waterline replacement*)  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

*discussion:*

Councilman Palmer asked if it is imperative to move this project along quickly. City Engineer Kalb replied this is for EPA permits. Permits are not a set cost and is an estimated cost. The City has been moving fast on these to get them out to bid because of pricing. He does not need the other Blanchard one tonight, but does need this one to get through the permit process.

Councilman Palmer moved to suspend statutory rules and give the Ordinance its second and third readings, seconded by Councilwoman Warnecke. Ayes: Wobser, Bauman, DeArment, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke. Nays: Frische. The Ordinance received its second and third readings. 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 2024-060 and is hereby made a part of the record.

**ORDINANCE NO. 2024-061 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:*

Councilwoman Warnecke pointed out that because this is just moving insurance money over to get the car taken care of, she is going to move to adopt this tonight.

Councilwoman Warnecke moved to suspend statutory rules and give the Ordinance its second and third readings, seconded by Councilman Niemeyer. Ayes: DeArment, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman. The Ordinance received its second and third readings. Councilman Greeno moved to adopt the Ordinance, seconded by Councilman DeArment. Ayes: Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-061 and is hereby made a part of the record.

**ORDINANCE NO. 2024-062 requires three (3) readings**

*first reading*

*(Blanchard Street Waterline Replacement Phase II, OPWC)*

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

*First reading of the Ordinance.*

**UNFINISHED BUSINESS:**

**OLD BUSINESS:**

Councilman Russel moved to lift Ordinance No. 2024-038 off the table, seconded by Councilman Bauman. Ayes: Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment. Nays: Frische. The Ordinance is lifted from the table. Councilman Bauman moved to adopt the Ordinance, seconded by Councilman Russel.

*discussion:*

City Auditor Staschiak asked for clarification from City Council if they are going to pass this, if they are passing it for flood mitigation, passing it for a bike path, or combination of the two because it makes a difference if he can pay it since those are not clarified. Councilman DeArment replied it is his understanding that it is part of the flood mitigation project. City Auditor Staschiak replied that he was told directly by a County elected official who would have knowledge that it is not. It is part of it, however, it is not needed for the path. Councilman DeArment replied that it is part of flood mitigation. Mayor Muryn added that as stated previously, it would be beneficial for Council if it were stated publicly tonight that it is to complete the bike path, which is part of the project, which is fine. It benefits the completion of the entire Phase I benching project. Although it is not being benched to provide water movement, it is being completed to be able to complete the project. Putting that on the record would be beneficial so it does not have to be . . . Councilwoman Frische interrupted stating point of order. That cannot be put on the record because Council does not know. Council does not know the answer if it is flood mitigation and if so, the citizens of Findlay are going to want flood dollars paying for it instead of their tax dollars inside the City which is why she asked Councilman DeArment for a letter from the County Commissioners Office stating what this is, because if it is, the City has to keep its pots of money separate and should not be paying County bills.

Councilman Wobser disagrees and thinks the citizens of this community want flood mitigation finished and want it paid for. The City will have to be involved with certain parts of this going forward, maybe just the first part of the whole situation, so he disagrees.

Councilwoman Frische noted that if the County Commissioners are saying that this portion had nothing to do with flood mitigation, so if that is a true statement that they did not need this piece of property to complete the benching and is unlikely that the citizens are going to be mad at the City for saying no to spending forty thousand dollars (\$40,000.00). She does not know if the citizens and the Economic Development need that done for the catalytic plan, but does know that the City does not have clarification and she does not want the Mayor speaking for her and telling her what to say on the record.

Councilman Russel is voting in favor of this to secure land within the benching area in order to finish Phase I of the benching project as stated directly out of Ordinance No. 2024-038.

Councilman Wobser moved to call the question, seconded by Councilman DeArment. All were in favor. The question is called.

Motion to adopt the Ordinance :

Ayes: Hellmann, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment, Greeno. Nays: Niemeyer, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-038 and is hereby made a part of the record. Filed.

City Auditor Staschiak pointed out that during multiple City Council meetings, including a text that he did not reply to, it was pointed out that part of the training he received for Open Meetings Act, that texting in a meeting between officials is not supposed to happen, but appears to be happening. He is just cautioning Council against that. Filed.

Councilwoman Frische asked City Engineer Kalb where he is on the Blanchard Street bike path study to determine if the lane configuration needs to be changed or not. City Engineer Kalb replied that they are finalizing that plan. He will check in and find out where they are with the final report. Filed.

Councilwoman Frische asked Service-Safety Director Martin for a status of the Blanchard River clean up project. She was in some meetings that a citizen came to and received some updates in that it is now known what the City's responsibilities are of cleaning the river and maintenance, but has not heard if that has started or how it is going to move forward with a plan on it especially through the downtown from Broad Avenue across to Walmart. Service-Safety Director Martin replied by thanking Councilwoman Frische for the reminder. Since that original meeting, a plan has been devised designating responsibilities throughout the City and maps that designate who is responsible for what and contacts to work through that. The tonnage is unknown, but that there have been multiple days and efforts put towards the cleanup along the river within the City, and that dump trucks have been taken out with different refuge who took advantage of some of the recent Days of Caring cleanups (environmental cleanups). One of the disadvantages since those initial discussions was that it has been one of the wettest Apriils on record which limits the ability to get into the areas that need to be cleaned up. This is more of a winter project than a spring or summer project even though the environmental and maintenance of it is a year around scenario, but as things are now blooming, it gives the disadvantage of actually going into the thickets to clean it up. There is a plan and have been making great strides to improve and clean up the river and will continue that and as it gets towards fall and into winter. When it is dormant, there will be more of a full-court press to accomplish better improvements moving forward. Mayor Muryn added that there will be some public communication on whose responsibility it is because the City of Findlay is not able to do anything within the banks of the river, but are able to help with cleanup. River maintenance itself is through Hancock Soil and Water in that the City is not able to do a lot of the debris cleanup in the river banks. Filed.

Mayor Muryn noted that there was one hundred fifty-eight pounds (158#) of pills collected on the Drug Take Back Day. She is glad to see individuals turning them in. Filed.

Mayor Muryn noted that there were seventy-five (75) tons of trash collected during the bulk trash drop off. That event has continued to go really well with residents being able to do some spring cleaning. That does not include any tires. She is unsure of how many roll-away dumpsters of tires were collected, but that it was a lot. Filed.

Mayor Muryn pointed out that Councilwoman Frische brings up a lot of concerns around Economic Development and that she would be very interested in any solutions or ideas that she is able to provide. She is unsure if there is any documentation that she would like to provide or if there is a committee that she would like to present to on some of her ideas. Councilwoman Frische replied that the most appropriate thing to do would be to have a discussion with Council and a meeting with Economic Development on the bigger picture and not about tax incentive plans that were discussed in January. If Mayor Muryn would like to schedule the Economic Development to talk with City Council, that would be great. It is known where she stands on economic development, as well as the influx in population that Findlay is not prepared for but that the Mayor has acknowledged. The strategic plan for the Immigrant Task Force has validated that and would like to see things figured out with income tax. It is not about her, but that Council and the Administration needs to get involved with open discussions with the public. There is a communication barrier when talking about immigration. It is not only immigration, but an influx in population that the City needs to get a handle on. The best way to do that is to slow down economic development and change what we are attracting to this community. Filed.

Councilman Wobser gave a shout out to the Public Works Department who continue to do a super job with the tree planting program. His mother was a recipient of a beautiful Autumn Blaze Maple tree that was planted. AJ Copus and Robin Schey worked very closely with them, even receiving watering instructions today. They did an outstanding job of making the process as easy as possible. It wasn't an easy process that included contacting the Public Utilities Commission of Ohio (PUCO), placing flags, etc. It was an involved process. Councilman Bauman added that as a part of the project, they are planting one hundred thirty (130) trees City-wide. This is made possible by the grant that the Administration sought on behalf of the Shade Tree Commission. It is the most the program has done in a long time. Filed.

Councilman DeArment informed City Auditor Staschiak that he attended the Sunshine Law training a few months ago on behalf of the ten (10) Councilmembers. He has a certificate he needs to get to the City Auditor's Office for it. Filed.

Councilman Niemeyer would like to take a look at the angled parking on West Crawford Street because the spaces are way too wide. City Engineer Kalb replied that they are twelve and a half feet (12 ½ ft) right now but can shrink them down to nine feet (9 ft). It is the plan to shrink them down when that road is to repaved. Filed.

President of Council Pro-Tem Russel wished Law Director Rasmussen a happy birthday today. Filed.

**NEW BUSINESS:**

City Engineer Kalb notified Council that the interstate FHS trail, which is the multi-use bike path on Broad Avenue and Howard Avenue, goes out to bid on May 15, 2024 and needs to be under contracts by June 3, 2024. He is waiting to provide legislation to Council until the bid when he will request Council's quick action on it because he has to meet the Ohio Department of Transportation (ODOT)'s deadlines of being under full contract. Filed.

Councilman Russel sends his condolences to Assistant Director of Law Feighner on two (2) recent deaths in his family. Filed.

Councilman Bauman moved to adjourn City Council at 8:30pm, seconded by Councilman Palmer. All were in favor. Filed.

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CLERK OF COUNCIL

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PRESIDENT OF COUNCIL PRO-TEM