

**FINDLAY CITY COUNCIL MEETING MINUTES**

**REGULAR SESSION**

**JUNE 18, 2024**

**COUNCIL CHAMBERS**

**ROLL CALL of 2024-2025 Councilmembers**

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

**ABSENT:** none

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

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

Councilman Palmer moved to accept the June 4, 2024 Regular Session City Council meeting minutes, seconded by Councilman Bauman. All were in favor. Filed.

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

**PROCLAMATIONS:** none

**RECOGNITION/RETIREMENT RESOLUTIONS:** none

**PETITIONS:** none

**ORAL COMMUNICATIONS:** none

President of Council Harrington pointed out that there are two (2) individuals wishing to speak towards agenda items this evening, both pertaining to Ordinance No. 2024-067. He will call them up to speak when that agenda item is addressed. Filed.

**WRITTEN COMMUNICATIONS:**

**email form Tim Hassan – fireworks safety in Findlay, Ohio**

*discussion:*

Councilman Hellmann asked if any action has been taken on the concerns of this individual. Mayor Muryn replied that the State of Ohio removed the statewide restriction on fireworks in 2020 in which the City is familiar with the concerns about it and are doing some research on it, and that Service-Safety Director Martin is talking with the Fire Department who will most likely have some thoughts or proposals to Council within the next couple of months, but will not be addressed before the 4<sup>th</sup> of July holiday.

Councilman Niemeyer asked what 1.4g is that Mr. Hassan refers to in his letter. Service-Safety Director Martin replied that he does not have the specifics on it, but that it is a large aerial firework projectile. He believes “g” stands for grams, but that he does not have information on fireworks. He will have more details when he and Fire Chief Eberle convene and have more detailed conversations after he researches the Fire Marshall’s information. Filed.

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

**City Planning Commission agenda** – June 13, 2024; **staff report** – June 13, 2024; **minutes** – May 9, 2024. Filed.

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

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

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

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control** for Haribu LLC dba Wolfies, 340 Glessner Avenue, Findlay, Ohio for C1 and C2 liquor permits. This requires a vote of Council.

James H. Mathias, Chief of Police – Haribu LLC dba Wolfies, 340 Glessner Avenue, Findlay, Ohio. A check of the records shows no criminal record on the following:

Unmesh Brahmhatt

Councilman Palmer moved for no objections be filed, seconded by Councilman Bauman. All were in favor. Filed.

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control** for 3MJ Findlay LLC dba Becketts Burger Bar Findlay, 1801 Broad Avenue and Patio, Findlay, Ohio for D5 and D6 liquor permits. This requires a vote of Council.

James H. Mathias, Chief of Police – 3MJ Findlay LLC dba Becketts Burger Bar Findlay, 1801 Broad Avenue and Patio, Findlay, Ohio. A check of the records shows no criminal record on the following:

Amy L. Strata  
George A. Strata

Councilman Palmer moved for no objections be filed, seconded by Councilman Bauman. All were in favor. Filed.

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

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

Filed.

**City Engineer Kalb – FDY Rehabilitate Runway 7/25 Construction, Project No. 35242900 project advertisement and bidding**

The Federal Aviation Administration (FAA) has been reauthorized allowing for the funding allocated for the rehabilitation of Runway 7/25 to be available for use. Funds are requested to be appropriated to the project so that it can be sent out for bid. Once an apparent low bidder is identified, a future appropriation of funds will be made for the FAA, ODOT Aviation, and local match funds. Legislation authorizing the Mayor, Service-Safety Director, and/or City Engineer to advertise for bids and enter into contracts for construction, as well as appropriate and transfer funds is requested. Ordinance No. 2024-077 was created.

FROM:	CIT Fund – Capital Improvements Restricted Account	\$ 1,000.00
TO:	FDY Rehabilitate Runway 7/25 Construction, <i>Project No. 352429000</i>	\$ 1,000.00

*discussion:*

Councilwoman Frische asked what reauthorized means. She asked if this is a project that didn't go through and if so, what changed. Councilman Russel replied that City Engineer Kalb stated in his email that it was the FAA that was reauthorized at the Federal Government level which means that they this could continue. He asked who would have ever thought that the FAA would have to get reauthorized every once and awhile, but that evidently it does.

Mayor Muryn added that it means that they received funding again to authorize a grant. Councilwoman Frische asked if the City had a project approved that didn't have funding and was on hold. Mayor Muryn replied no, it was at the Federal level that they continued to classify it as standard operations and that they were going to continue to operate, but then placed it on hold to wait until their budget is formally approved just like they do with annual planning, and then the Federal government received reauthorization of their annual operating budget, so now the City is able to proceed. The City does not have to do anything additional except pass this legislation as presented. Filed.

**City Engineer Kalb – FDY Rehabilitate Runway 7/25 Construction, Project No. 35242900 Resolution for ODOT Aviation Grant Funds**

The Ohio Department of Transportation (ODOT) Office of Aviation is administering funds to provide final assistance to publicly owned airports through the Ohio Airport Improvement Program, Matching Grant Application for General Aviation Airports. The City of Findlay Airport is eligible for funding for FDY Rehabilitation Runway 7/25, Project No. 35242900. As previously discussed, the eligible funding breakdown for the project will be ninety percent (90%) FAA, five percent (5%) State and five percent (5%) local. Legislation authorizing the Mayor, Service-Safety Director and/or City Engineer to apply for grant funding from ODOT Aviation and to enter into a grant agreement with ODOT Aviation. Resolution No. 019-2024 was created. Filed.

**City Engineer Kalb – FDY Airport Masterplan, Project No. 35243500 Masterplan Advertisement**

With upcoming projects in the next couple of years, the City of Findlay has satisfied all projects on the previous Airport Masterplan. In order to continue to receive grant funding from the Federal Aviation Administration (FAA) for future projects, a new masterplan will need to be developed. The City of Findlay will be advertising an RFQ for prospective consulting firms to submit their Statement of Qualifications. Once a consulting firm is selected, the whole masterplan process will take eighteen to twenty-four (18-24) months to complete. In order to continue on with projects at the Findlay Airport, it is desired to start the Masterplan in 2024. Legislation authorizing the Mayor, Service-Safety Director, and/or City Engineer to advertise for Statement of Qualifications, as well as appropriate and transfer funds is requested. Ordinance No. 2024-078 was created.

FROM:	CIT Fund – Capital Improvements Restricted Account	\$ 1,000.00
TO:	FDY Airport Masterplan, <i>Project No. 352435000</i>	\$ 1,000.00

*discussion:*

Councilwoman Frische asked how many years it took to complete the original master plan that was just completed. Service-Safety Director Martin that it traditionally is a twenty (20) year plan and that there are two (2) years left on this one, but that the next one will take a couple of years to get it done and that it is to keep a seamless process. Filed.

**City Auditor Staschiak – Revenue Estimates for fiscal year 2025**

City Auditor Staschiak will provide the Estimated Revenues for the next fiscal year in the July 16, 2024 City Council packet. This the first step required under Ohio Budgetary Law and the figures are a best estimate of what is expected in revenues over the next eighteen (18) months. In order to meet the statutory requirements for the distribution of the local government money, this document should be accepted by Council during the July 16, 2024 City Council meeting so it can then be filed with the County Auditor no later than July 19, 2024. A motion for acceptance of the revenue estimates will be needed during the July 16, 2024 meeting. The Council Clerk will schedule a public hearing before the meeting, notice of which must have been published ten (10) days before the hearing, during which period, two (2) copies will be available for public inspection in the City Auditor’s Office. The public hearing is scheduled for July 16, 2024 at 5:55pm. City Auditor Staschiak is requesting this letter be read into the record.

*discussion:*

Councilman Wobser moved to read the letter in its entirety, seconded by Councilman Greeno. Ayes: Bauman, DeArment, Frische, Greeno, Hellmann, Niemeyer, Palmer, Warnecke, Wobser. Nays: Russel. The Council Clerk read the letter in its entirety.

Councilman Wobser asked how much time is anticipated to be needed for the public hearing. City Auditor Staschiak replied that traditionally, a public hearing for this in the past had taken approximately forty-five (45) seconds. Councilman Wobser asked what time the City Auditor would like to start the public hearing. City Auditor Staschiak replied that the Council Clerk scheduled it for 5:55pm that evening in which he is fine with. He only had questions for Council one year and was after a contested election.

President of Council Harrington noted that there are no other public hearings scheduled that evening. Filed.

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

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

**Service-Safety Director Martin – purchase of Findlay City Schools property on Foraker Avenue (parcel no. 600001008634)**

Findlay City Schools (FCS) has owned the park property on Foraker Avenue (parcel no. 600001008634) since approximately 1956. Based on a certified title search that dates back to a Sheriff sale in 1909, this property has been a residential property and converted to a park for most of its existence. Since its inception as a park, the City of Findlay has maintained this area as a neighborhood park and continues to maintain and invest in equipment upgrades to this day. Recently, FCS reached out to the Administration and offered the property to the City of Findlay. FCS is currently cleaning up their property inventory, and that based on the City's continued commitment in maintaining this property, this transaction makes sense to both parties. This property purchase aligns with the Mayor's vision to provide the community with that will enhance citizens' quality of life. This property is an asset to the West Park neighborhood and with the City of Findlay maintaining it as a safe and healthy environment. Legislation authorizing the Administration to proceed with the purchase of parcel no. 600001008634 from Findlay City Schools for one dollar (\$1.00) is requested. Ordinance No. 2024-079 was created. Filed.

**COMMITTEE REPORTS:**

Minutes of April 1, 2024 **WATER AND SEWER COMMITTEE** meeting.

Councilman Russel moved to accept the committee report, seconded by Councilman Palmer. All were in favor. The committee report is accepted. Filed.

The **WATER AND SEWER COMMITTEE** met on June 12, 2024 to discuss a request from Shady Lake Campgrounds to extend water and sewer to their property.

*We recommend the Administration prepare a detailed analysis of properties that do not have sanitary sewer connections.*

*discussion:*

Councilman Russel informed Council that what was just read was not the report that goes with this. Shady Lake Campgrounds was simply a conversation between the owner of the Shady Lake Campgrounds, Water and Sewer, and staff to talk about options for extending water and sewer to the campgrounds. The campgrounds never officially made a request because the cost estimates there were heard are above their current ability to fund. Conversations directed them to Economic Development and that Councilman Russel contacted the applicant and Dan Schafer from the Economic Development, in which he believes that they are having conversations on the campground's options, funding options, and how they might want to proceed. It was an informational meeting that did not include any committee voting or recommendations which is why there is no committee report on this item. The recommendation listed on this committee report is incorrect and should not be considered.

President of Council Harrington informed Council that he has a committee report in front of him that states that there was a vote. The recommendation states that the Administration prepare a detailed analysis of properties that do not have sanitary sewer connections. The committee reports states a meeting was held on June 12<sup>th</sup> to discuss extending water and sewer to the Shady Lake Campgrounds. Councilman Russel replied that is his error. He put the wrong recommendation on the wrong committee report form. That recommendation goes with the water and sewer discussion of properties within the City that have septic tanks which was the other items on the agenda for that June 12, 2024 committee meeting.

President of Council Harrington suggested that Council not accept this committee report because it is not correct.

Councilman Russel moved to not accept the committee report, seconded by Councilman DeArment.

*discussion:*

Councilwoman Frische pointed out that because it was an item that was publicized for the committee to discuss, there should be a recommendation stating no action be taken. There should be something on the record since it was on the agenda as an agenda item. President of Council Harrington replied that it can be put on the next Regular Session City Council agenda.

All were in favor. The committee report is not accepted. Filed.

The **WATER AND SEWER COMMITTEE** met on June 12, 2024 to continue discussions on determining policies and procedures for instituting utility billing rate changes.

*We recommend continued discussions.*

Councilman Palmer moved to accept the committee report, seconded by Councilman DeArment. Ayes: Bauman, DeArment, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser. Nays: Frische. The committee report is accepted. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from the Women's Resource Center of Hancock County to rezone 116 Laquineo Street from R3 Small Lot Residential to O1 Office/Institutions.

*We recommend to table indefinitely and remove from the agenda.*

Councilman Bauman moved to accept the committee report, seconded by Councilman Hellmann. All were in favor. The committee report is accepted. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Ron King to vacate Tappan Street from the north right-of-way line of LaGrange Street to the north dead end.

*We recommend to approve the alley vacation as requested.*

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

*discussion:*

Councilman DeArment asked if this one had a sewer issue that needed to be resolved right away. Mayor Muryn replied that there is a sewer line that runs along the back edge of the property. An easement is already in place. Councilman DeArment asked if Council should accept this vacation. Mayor Muryn replied yes.

All were in favor. The committee report is accepted. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Melinda Speck to vacate the east-west alley between 2nd and 3rd Streets between lots 5581 and 5582 in the Leiser Addition.

*We recommend to deny the request.*

Councilman Bauman moved to accept the committee report, seconded by Councilman Palmer. All were in favor. The committee report is accepted. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred to discuss the Hancock Wood Electric Cooperative Territorial Protection Franchise agreement via Ordinance No. 2024-067.

*We recommend to approve the legislation via Ordinance No. 2024-067. Ordinance No. 2024-067 will receive its third reading during the 6/18/24 City Council meeting.*

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

discussion:

Councilman Bauman explained his yes/no vote as it relates to this legislation, the legislation in question. With nine (9) members present at the committee meeting last Thursday, June 13, 2024, it was less a recommendation on his part as it was for the advancement of the legislative process. Although admittedly, in this particular instance, he wishes he could have a do over, he remains committed to the idea that competition is a good economic development tool in the toolbox. Quite frankly, things can never be the same when one party is given guard rails, and therefore, it is his opinion a franchise agreement for both entities similar to that of Ordinance No. 2009-13 is the more equitable approach. For those reasons, he will be a no vote on Ordinance No. 2024-067.

Ayes: DeArment, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser. Nays: Bauman. The committee report is accepted. Filed.

**LEGISLATION:**

**RESOLUTIONS:**

**RESOLUTION NO. 016-2024** (AMERICA 250-OH) **requires three (3) readings** ***third reading - adopted***

A RESOLUTION OF THE CITY OF FINDLAY, OHIO SUPPORTING THE OHIO COMMISSION FOR THE UNITED STATES SEMIQUINCENTENNIAL (AMERICA 250-OH).

Councilman Russel moved to adopt the Resolution, seconded by Councilman Greeno. 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.

**RESOLUTION NO. 019-2024** **requires one (1) reading** ***first reading - adopted***

*(FDY Rehabilitate Runway 7/25 construction – ODOT Aviation grant funds)*

A RESOLUTION AUTHORIZING THE CITY OF FINDLAY TO MAKE AN APPLICATION TO THE OHIO DEPARTMENT OF TRANSPORTATION, OFFICE OF AVIATION, FOR AN OHIO AIRPORT IMPROVEMENT PROGRAM GRANT FOR THE SFY 2024.

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

**RESOLUTION NO. 020-2024** (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 Palmer moved to adopt the Resolution, seconded by Councilman Russel. Ayes: Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment. The Resolution was declared adopted and is recorded in Resolution Volume XXXV, and is hereby made a part of the record.

**ORDINANCES:**

**ORDINANCE NO. 2024-065** (annual bids and contracts) **requires three (3) readings** **third reading - adopted**

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, WITH OPTION YEARS, FOR THE PURCHASE OF THE MATERIALS, CHEMICALS, AND SERVICE AGREEMENTS NEEDED BY THE VARIOUS DEPARTMENTS OF THE CITY OF FINDLAY, OHIO COMMENCING JANUARY 1, 2025, AND DECLARING AN EMERGENCY.

Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-065 and is hereby made a part of the record.

**ORDINANCE NO. 2024-066** **requires three (3) readings** **third reading - adopted**

(Runway 7/25 Nav-Aid Rehab Reconfiguration Flight Inspection)

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

Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Bauman. Ayes: Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment, Frische, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-066 and is hereby made a part of the record.

**ORDINANCE NO. 2024-067** **requires three (3) readings** **third reading - adopted**

(HWE Cooperative Territorial Protection Franchise)

AN ORDINANCE GRANTING TO HANCOCK WOOD ELECTRIC COOPERATIVE, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN AND OPERATE IN THE STREETS, THOROUGHFARES, ALLEYS, BRIDGES AND PUBLIC PLACES OF THE CITY OF FINDLAY, STATE OF OHIO, AND ITS SUCCESSORS, LINES FOR THE DISTRIBUTION OF ELECTRIC POWER AND ENERGY TO PARTS OF THE CITY OF FINDLAY AND THE INHABITANTS THEREOF FOR LIGHT, HEAT, POWER AND OTHER PURPOSES AND FOR THE TRANSMISSION OF THE SAME WITHIN, THROUGH OR ACROSS SAID CITY OF FINDLAY, STATE OF OHIO, SUBJECT TO AND IN COMPLIANCE WITH THE CERTIFIED TERRITORIES FOR ELECTRIC SUPPLIERS ACT (OHIO REVISED CODE SECTIONS 4933.81 TO 4933.90).

Councilwoman Frische moved to adopt the Ordinance, seconded by Councilman DeArment.

*discussion:*

President of Council Harrington informed Council that there are two (2) individuals here tonight that would like to speak on this matter, one from American Electric Power and one from Hancock Wood Electric. He invited John Recker to first come to the podium and speak.

**John Recker, American Electric Power of Ohio (ORAL COMMUNICATION) – HWE Cooperative Territorial Protection Franchise Ordinance No. 2024-067**

Mr. Recker is the Customer and External Affairs Manager for American Electric Power of Ohio who is locally based in the Findlay Service Center. He thanked Council for allowing him to address them, will keep his remarks relatively short, and will answer questions. AEP Ohio values their long-term partnership with community leaders and their customers in the City of Findlay, a City that has a long and successful track record of promoting economic development that is well-known as a growing and vibrant city. He reiterated their opposition to Ordinance No. 2024-067 which would grant an exclusive franchise agreement with Hancock Wood Electric in certain areas of Findlay. They believe non-exclusive franchise agreements, which do not grant specific service territories, are powerful tools for economic development and help attract new investment and jobs to communities. Ordinance No. 2024-067 takes away the customers decision of which electric utility could provide their new service. The ordinance even takes the decision away from the City and applies decades old service boundaries that do not reflect the way Ohio's current and future industrial customers expect to purchase electricity. Prior to his tenure with AEP Ohio, he was a Senior Project Manager with the Regional Growth Partnership, part of the JobsOhio network, where for six (6) years, he worked with Findlay City and Economic Development leaders on attraction and expansion projects for Findlay and Hancock County.

He was part of the team that brought the first four (4) micropolitan of the year awards to Findlay, and he knows firsthand that one of the advantages they offered in some of those projects was the opportunity for the developing company to choose between two (2) electric utilities. This opportunity to select between utilities, each proposing its best offer, is a significant advantage on economic development projects. Potential businesses consider multiple factors when selecting a site location. Some of the factors, when considering an electric utility, includes the timeline, cost to bring service to the new site, and whether the customer has the ability to competitively shop for the generation portion of its electric bill. Enacting Ordinance No. 2024-067 would remove the option of offering this valuable flexibility that prospective businesses consider in certain areas of the City. He urged Council to carefully consider this proposal. He thanked Council for the opportunity to address Council on this complex issue.

**Patrick Sadowski, Hancock Wood Electric (ORAL COMMUNICATION) – HWE Cooperative Territorial Protection Franchise Ordinance No. 2024-067**

Mr. Sadowski is the General Counsel for the Hancock Wood Electric Cooperative. He reiterated that they are the City of Findlay's neighborhood cooperative. They exist because investor-owned utilities did not want to serve rural America, and for better or for worse, rural America is becoming more and more industrial America. This overlap of rural and industrial America is creating territorial disputes for the distribution of electricity. As he mentioned at last Thursday's committee meeting, competition for the distribution of electricity is not good. It creates a situation where capital investment, such as a substation, can lead to underutilized infrastructure which in turn causes the cost of electricity to be passed along to existing customers. When a substation is built with a reasonable reliance of a load to serve and without the load, it is stranded infrastructure. Somebody pays the bill, either the customers of AEP or the members of Hancock Wood Electric, which is why the territorial statute came into place in 1978. Not only does HWE believe that competition is not good for the distribution of electricity, but that the competition of good argument is a one-way street. It is only good for AEP. The Hancock Wood franchise from 1982 is very clear. HWE can only serve in the City of Findlay if the City of Findlay annexes into Hancock Wood territory. AEP can go anywhere in the City. This is contrary to Ohio public policy and territorial laws. It is allowed, but is contrary to policy. This scenario of competition benefits one provider only, which is AEP, because the converse is not true for HWE. AEP has a territory monopoly, HWE does not. The Ordinance that AEP has with the City from 2009 grants AEP the ability to serve anywhere in the City of Findlay, and that the Ordinance expressly states that the franchise hereby granted shall not be construed to be exclusive and the Council of the City of Findlay hereby reserves the power to grant similar rights, privileges, and franchises to any other persons, firms, or corporations. City Council has the power to enact this ordinance. HWE is asking the City to pass this ordinance to respect territorial integrity as drawn by the legislature on 1978 and enforced through the Public Utilities of Commission of Ohio (PUCO). This ordinance will not affect any loads current served in the disputed territory. He passed out maps during last Thursday's committee meeting that showed the disputed territory. This will not affect current loads. It only affects new loads. HWE respectfully asks Council to support this ordinance to allow their electric cooperative to reliably invest in its territory and invest in its members. This will in turn allow for sustainable and consistent growth along the 99/212 corridor and other areas in which the City of Findlay annexes into Hancock Wood territory.

*discussion:*

Councilman Hellmann asked if either utility representative has a response to some of the comments that were made. Listening to both arguments and statements back and forth gets confusing.

Mr. Recker (AEP) replied that AEP Ohio is a neighborhood utility for the City of Findlay. Their office is located at 430 Emma Street here in Findlay with thirty-four (34) employees who pay City of Findlay local income tax and care deeply about the City of Findlay. He has overseen several charitable contributions and has taken calls from the Mayor and Service-Safety Director after hours with questions or concerns. Their Line Servicers who live in the City care deeply about the reliability and quality of service they provide. Hancock Wood Electric is based in the Village of North Baltimore. He does not agree completely with Mr. Sadowski's argument about AEP being the only one that benefits, but understands what he is saying.



It really is AEP Ohio's belief that the City, and future growth of Findlay, benefit when the opportunity of two (2) utility companies offer their best proposal and compete for new business within the City, the City wins as well because that is a key economic development advantage and is not always the deciding factor, but that it does come up. AEP Ohio believes, and he believes, that the City also benefits with non-exclusive franchise agreements. He does not provide special protections of one utility over the other.

Mr. Sadowski (HWE) replied that they have razor-thin differences. He provided some personal background information on himself. He has been the Counsel for the Findlay-Hancock County Economic Development organization for the past ten (10) years. He has been a part of every project from Campbell's Soup to the Sheetz annexation, and everything in between. As he mentioned last Thursday during the committee meeting, the choice of a electricity distributor is not going to sway someone one way or the other to invest in Findlay. From personal experience, when in the room with a real estate developer or a site selector, they have a list of things that are important to their client. When it comes to electricity, the main question is if it can be served such as building a marijuana greenhouse or a data center that is going to require tons and tons of megawatt of capacity, or is it to build a one-megawatt factory. The number one factor is workforce, workforce, and workforce. It will be dependent on the workforce available to keep their lines running so that they can continue to fill their orders, which is number one. When looking at everything else such as a Port Authority, CRA pre 94, gas capacity, water capacity, electricity capacity, etc. He does not want to sound patronizing or condescending, but those that were present Thursday who do economic development for AEP live in the world of electricity. As the counsel for economic development, he sees everything and knows what site selectors and developers are interested in, and unless there is a huge capacity load, in which Findlay does not have, then it is not a factor. The concept is good because it creates choice and creates competition. It is a one-way street for competition, only to favor AEP is an insignificant one. This is talking margins here, just nominal differences.

Councilman Wobser recalled from last week's committee meeting that if a potential customer came for a data center for a gigawatt load, that would be something that potentially Hancock Wood Electric would not be able to serve. He asked if HWE would essentially turn it over to AEP who owns the transmission line and would have no potential detrimental economic development consequences to Findlay. Mr. Sadowski (HWE) replied yes. If HWE is incapable of serving the load, they would voluntarily turn it over to AEP because they could not do it. They are distribution, so they are wooden poles. They are not the steel towers. Something requiring a steel tower load transmission would be handed over to AEP. This happened in Leipsic at the Pro-Tec Steel factory who required a transmission load that was out of HWE's league, so AEP serves that load. If HWE were to be stubborn about this and try to do it anyway, there is a method within the PUCO where the PUCO would tell them that they have to let somebody else manage it. The reality of it is that the cooperative will always turn it over if they cannot serve it.

Councilman Bauman asked if the legislation can be amended this far into the process. Law Director Rasmussen replied yes it can be amended.

Councilman Bauman moved to amend the Ordinance to be instead of thirty (30) years, it be given five (5) years to in essence make sure it is a good fit. Motion dies for lack of second.

*discussion:*

Councilman Wobser appreciates what Councilman Bauman is trying to do, but that the issue comes down to infrastructure. An infrastructure that costs millions of dollars cannot be put in for something that might die at the end of five (5) years. No one would do that. In this situation, there are two (2) viable electric power suppliers in the community. For all of these years, AEP has taken away loads from HWE that has taken away from their infrastructure costs which is a tragedy and should have been solved a long time ago. Findlay has a lot of citizens that are supplied by HWE. He is one of them. Residents on the east side of town are supplied by HWE. Anytime there is infrastructure that cannot be utilized and is not paid for, those costs get passed on to somebody else. In this case, it will be Findlay citizens and should be taken into account for this. He agrees with Mr. Sadowski that competition in the utility realm was not supposed to be put into place for a lot of different reasons. One would be if someone were to come into town and puts in a small water plant on the east side of town to compete against the City of Findlay for water.

He asked what the City would do with that which would be to run water lines down streets to supply others. There were reasons that they are defined territories by the PUCO so that there are not duplication of infrastructure so that utilities are not overlapping with worthless capital being spent, which ultimately is paid for by the customers. He is going to vote in favor of this. It is something that should have been done some time ago and he is glad it is on the agenda tonight to take care of.

Councilman Russel appreciates the manner in which the representatives of both Hancock Wood Electric (HWE) and American Electric Power (AEP) have respectfully presented their cases to Council. He found the Planning & Zoning meeting held last Thursday to be most informative and thinks that HWE made very compelling arguments grounded in the creation of certified electrical territories via the Certified Territories for Electric Suppliers Act in the 1970s. He understands the challenges that HWE faces when deciding if they should proactively build infrastructure. It is his understanding that back in the 1970s, it was the Ohio legislatures' intent for certified territories to encourage such investment by protecting it from competition. This has worked well over the years except in cases of annexation of land that are currently within a HWE certified territory, which is what ultimately is being talking about here. In such cases, there are now two companies who may now build out that electrical infrastructure. It has most likely been that way since the first franchise agreements were signed between the City of Findlay and AEP, then Ohio Power, and HWE back in the early 1980s. Since then, this competitive situation was possible either intentionally or unintentionally whenever the City would annex a property in a HWE certified territory. The remedy to this situation as presented by HWE is not, in essence, a modification of their 50-year franchise agreement from 1982, but of AEP's 25-year franchise agreement from 2009. That is the practical intent of the new 'SECTION 2' of the ordinance. Specifically, "... and direct the Grantee and all other franchise grantees in the City to comply with and respect the Certified Territories for Electric Suppliers Act...". In 2009, AEP was given 60 days to accept the franchise agreement (the one that is currently in effect) in which they agreed to it. Now, the City is considering a modification to this agreement in which the passage of this ordinance would change the 25-year agreement made with AEP giving them no say in the matter. He does not believe that is the proper path for this. In light of that, he does not support passage of this ordinance. If it is Council's desire to change how electrical distribution is managed in these unique annexation situations, then the party the City needs to be negotiating with is AEP and not HWE. The City can do so now if they choose or in 2034 when AEP's 2009 franchise agreement expires. He will be voting no on this.

Councilman Wobser asked if anyone talked to HWE when the AEP franchise was signed. Councilman Russel replied that the AEP franchise preceded HWE and has not changed.

Councilwoman Frische appreciates the research but that it goes back to the PUCO and asked both the AEP representative and the HWE representative if they respect and follow the PUCO mapping. She asked if they agree with it, if they feel it is not necessary to have franchise agreements as a way to eliminate the PUCO or if they support the PUCO maps that were put in place. Mr. Sadowski (HWE) replied that Mr. Recker alluded to it that it is extraordinarily complicated. The complication arises because of the concept of home rule. It is in the Ohio Constitution that the municipality gets to pick how electricity is distributed to its constituents which is the home rule. Municipalities can do one of any three things: 1) they can serve their own, build their own wooden poles, build their own distribution system such as communities like Bowling Green has. 2) they can do nothing and then the territories apply, or 3) they can enter into franchises. He conceptualizes them as letting AEP or HWE do the job on behalf of the City because they are a utility, they are a service to people. The concept of home rule where the City gets to pick, but that there is also the PUCO and the Ohio Revised Code saying they think it is a good idea because of the reasons Councilman Wobser elaborated upon and what he mentioned during last Thursday's committee meeting. The position HWE takes is that there are certified territories which is public policy that they think is a better policy but that AEP can say that there is home rule and that the City gets to pick. Councilwoman Frische asked Mr. Sadowski if he supports the PUCO territory maps. Mr. Sadowski replied yes. Councilwoman Frische asked if HWE prefers a franchise agreement that trumps the territorial maps. Mr. Recker (AEP) replied that that it is a complicated question. He is not an attorney and cannot give the City of Findlay legal advice nor would he venture to attempt to do so, but that generally, yes they do support and recognize the PUCO's service territory boundaries. They are there for a reason. Swim lanes are needed for general purposes, especially outside of their incorporated areas.

Inside the incorporated areas, there is the idea of home rule authority. That issue has been tested with AEP's legal counsel saying that generally, that home rule authority does trump the PUCO's territory boundaries. To answer Councilwoman Frische's question, they do recognize the PUCO and respects them, but that there are times that inside a municipality's limits when there is a non-exclusive franchise agreement with that municipality, they get called on to serve a customer because they are a for-profit-business looking to grow their load just as HWE would. If a business requests their service proposal, they are going to pursue it. Having said that, AEP does respect the PUCO. During last Thursday's committee meeting, it was mentioned how they react when a customer notifies them that they have a parcel and ask if they (AEP) can serve them telling them that it is in a co-op service territory and that they need to talk to their co-op first. They honor and respect those things, but that they do try to grow their business when they have the opportunity to serve. Councilwoman Frische replied that going back to 2017 when this matter was a very heated topic, economic development and loads were talked about, but that the customer side is not just residential. Current businesses are also with both AEP and HWE in that the City does not want to cause a hardship to existing economic development and existing residential which is why the City respects those territories. In the past, from the 1980s going forward, when there was a reason for AEP to serve a load, it was handled at the PUCO that they all worked together with economic development and made a swap. Although HWE lost a load to AEP, they still gained some territory that they can still work within their infrastructure boundaries. She supported it in 2017 and will support it again now, but that is the difference. When talking about a franchise agreement versus the territorial maps, it gets into the weeds. If they took away the franchise, there would still be the territorial boundaries because the maps were created in the 1980s because of where everybody was already set up and built the mapping around it which made sense then. So, for that reason, she is going to support this legislation tonight.

Councilman DeArment asked Councilman Russel if he thinks the City should still be negotiating with AEP and if so, would that be restricting AEP's franchise agreement and not let them grow with the City. Councilman Russel replied that the only difference with the current ordinance is to restrict AEP from HWE's certified territories within the City of Findlay limits. It is a limitation on AEP's franchise and not a change to HWE's franchise. HWE is doing it through the HWE franchise agreement. The City is having a negotiation with HWE with the City saying to their competitor (AEP) that they cannot serve in these areas where they currently can and that the proper place to have this discussion is in a negotiation with AEP. Councilman DeArment asked if that would basically be restricting them from growing with the City. Councilman Russel replied that would be part of the discussion.

Mayor Muryn thinks there has been great discussions tonight with very cordial conversations and asked if this ordinance is passed, and that if in five (5) or ten (10) years there is no economic development within the area that is now covered by HWE, what recourse the City would have to be able to address it because of it being HWE's infrastructure investment and that there is an agreement for thirty (30) years. She asked how the City could potentially work through it. Mr. Sadowski (HWE) replied that he thinks that would be extremely unlikely. They are very pro-economic development. If HWE has been the impediment to growth, he cannot imagine why they would not step aside, but would have to make sure they were the impediment. Based upon the leads that he knows of and the other communities he has gone to, it has not been the price of electricity. He deferred to his client as he is the lawyer for his client and would not make that decision. They would consult with him, but that he would let them make that decision. Bill (HWE) in the audience replied that Mr. Sadowski is correct. HWE will do everything they can to grow and support economic development and not hinder it. HWE has an organization called Hancock Wood Electric Partners who are dedicated solely to economic development within the cooperatives territory who does many things to encourage and foster growth.

Councilwoman Frische thinks both HWE and AEP have been good community partners over the last many, many years. The City has gotten into the weeds with politics in 2017. They have said on the record that if a load is too large that they would make those changes and swaps. If they wanted to be a bad community partner, the PUCO could get involved and hash it out. Neither of them would be a detriment to the City's economic development in the future, so that should not even be a matter other than from the politics side.

Councilman Russel asked for clarification from Mayor Muryn, Service-Safety Director Martin, and Mr. Sadowski on SECTION 4 of this Ordinance. The period of years and period renewal is blank. He asked what numbers should go in there. Mr. Sadowski replied that in a subsequent draft, an initial term of thirty (30) years with renewal terms of five (5) years was proposed. Councilman Russel asked if the posted agenda could be updated to reflect that subsequent draft because the website shows it incorrectly. President of Council Harrington replied that since the ordinance in front of Council leaves two (2) blanks, it will need to be amended accordingly and fill both of those blanks in so that if the ordinance is passed tonight on its third reading, it is the correct one.

Councilman Russel moved to amend the Ordinance so that SECTION 4 be included to reflect this for a period of thirty (30) years from the date of passage and additional periods of five (5) years, seconded by Councilman Wobser. Ayes: Niemeyer, Palmer, Russel, Warnecke, Wobser, Bauman, DeArment, Frische, Greeno, Hellmann. The amendment is approved.

Motion to adopt the Ordinance. Ayes: Palmer, Warnecke, Wobser, DeArment, Frische, Greeno, Hellmann, Niemeyer. Nays: Russel, Bauman. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-067 and is hereby made a part of the record. *Council Clerk DeVore received verbal approval from Law Director Rasmussen that simply writing in the two (2) numbers would be acceptable for signage of the adoption of the Ordinance.*

**ORDINANCE NO. 2024-071 requires three (3) readings**

***third reading - adopted***

*(CAV/FEMA floodplain regulations violations)*

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

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

*discussion:*

Councilwoman Frische pointed out that there is a lot of unknowns for City Council on this Ordinance and the letter that is going out to the almost thirty-five (35) properties when talking about taking care of the fixes to be compliant with FEMA for the NFIP. It is vitally important for Council to have a better understanding of where it could be cost-wise with regard to doing any fixes that are required by FEMA. She received the property addresses and that there is a substantial property that could be a large cost factor to the City if it is required for the City to fix it, so without Council knowing all of those pieces, she does not think that Council should move forward yet with approving the first fifteen thousand dollars (\$15,000) for the elevation certificates until it is known what the full picture of what the full costs could be. So, for that, she will make a motion to table this Ordinance until a meeting with the Administration could take place to have a better picture of the potential full costs if the City has to fix any of the properties.

Councilwoman Frische moved to table the Ordinance, seconded by Councilman Niemeyer. Nays: Russel, Warnecke, Wobser, Bauman, DeArment, Greeno, Hellmann, Palmer. Ayes: Frische, Niemeyer. The motion is defeated.

*discussion:*

Service-Safety Director Martin agreed that there are a lot of unknowns on this that the Administration has been very clear on. The reality of it is that the elevation certificates are crucial for the City to move forward, which is what this money is for, so that the City can reach out and have these conversations with these individuals, and that the Administration will continue to communicate with Council as they move through this. FEMA has made it very clear that it is imperative that this is done and have made their recommendations that the elevation certificates for these properties are step 1.

Councilman Wobser asked if the fifteen thousand dollars (\$15,000) that is requested for this Ordinance is to simply get the elevations done and is not to fix anything. Service-Safety Director Martin replied that is correct. Councilman Wobser asked if the Administration will have to come back to Council to ask for any additional money and if so, if Council will then be able to say yes or no and figure out what potential options there are, if any, in that this is a very complicated situation dealing with governmental entities, etc.

The concerns he just mentioned is why he voted against the motion to table the Ordinance because if that is the case, then this would be the first logical step, and that this needs to get done so that it can be figured out where the City may or may not be for the next step. Service-Safety Director Martin replied that is correct. The Administration is working through this with FEMA and/or the City's internal subject matter expert which is the Certified Floodplain Manager.

City Auditor Staschiak clarified that prior discussions on this particular issue is stated on the record that there were no opportunities to defer to FEMA for these costs. He has requested confirmation of that information from the Administration, and that until he receives that, he will not pass the purchase order through the process and will not pay anything until he has that documentation unless Council turns around and states that they do not care if it is deferred or not. He wants to be clear that it has been stated, as part of the record, that this has to be done and cannot be deferred and if it is going to be passed under that auspice, he cannot pay it until he knows that is true.

Councilwoman Frische noted that this is a double-edged sword and that she does not know how many other Councilmembers have actually looked into this and/or have asked any questions about it. When the first reading of the Ordinance came through, a letter from Mayor Muryn was attached of what is going to go out to property owners once this Ordinance is passed. In that letter, it states "if the issue is confirmed, the City of Findlay, with your permission, will bring your property into compliance at the City's cost." in that she questions that because yes there is a small ask in the beginning to get elevation certificates done as long as the property owners agree to allow the City to come on their property, and if they don't, then they lose their flood insurance because of the codes that are in place. Then, if an issue is found, the Mayor's letter is committing the City to pay for it. She asked what a reasonable maximum amount is to spend and if it could end up being five hundred thousand dollars to a million dollars (\$500,000-\$1,000,000) to get everything into place. She is unsure what the costs will be, but that she has looked at the property addresses, and that there are many unknowns on this project. The City Auditor comments about these properties getting removed from flood insurance, in which she thinks some of them probably would and some would probably not, but that if this Ordinance is passed and Council agrees to the letter going out, the City is committing to a blank check. She does not see how that is smart business for City Council to do. The reason she asked for this to be tabled to allow for a sit down with Council and the Administration to be more forthcoming and provide better estimates of a worst case scenario of what it could be. A blank check is not acceptable even if just talking fifteen thousand dollars (\$15,000) for the beginning because of the letter that will go out to property owners. Mayor Muryn asked Councilwoman Frische if she is proposing to change language in the letter, in which she agrees that would be a reasonable thing to ask. If so, the Administration will work with Council to determine an appropriate cost share related to any fixes that may be necessary. She is of the understanding that Councilwoman Frische has already spoke with the FEMA representative, in which she does not think that was the appropriate channel to take, however, she did speak with them and requested documentation, but that Federal agencies do not just unselectively give documentation and legal opinions, however, that is what the City Auditor had requested. FEMA did provide some documentation stating that properties that do not work with the City, as Councilwoman Frische stated, could potentially have their flood insurance revoked. So, what the Administration has explained the entire last month and a half is that in order to be able to determine what these properties need to do in order to come into compliance, the City needs to take step one which is working to do the surveys on the elevations for these properties. That is going to be required whether flood mitigation happens or doesn't happen. Whether or not properties are torn down in the future, the City has to move forward with this. It is a requirement. It is muddying two (2) very separate issues as this point in time. She is not stating this because Councilwoman Frische is asking it. She is stating it because others have also asked those questions and she has the opportunity to address them at this point in time. The fifteen thousand dollars (\$15,000) that is being requested to be appropriated in this Ordinance will most likely cover all of the issues that have been identified. The Administration would like to set that money aside as the City's commitment. She estimates that five thousand dollars (\$5,000) will be for the surveying and that funds were set aside to potentially remedy some of the issues. The biggest part of this is getting the surveys done and the ability to determine what the issues are. She asked Service-Safety Director Martin by how much the Ordinance could be de-appropriated if Council wants to decrease the appropriation amount.

Service-Safety Director Martin replied that he would like to keep it where it is and de-appropriate funds of what is not used instead of having to come back to Council and ask for more to finish a project that needs to get done.

Councilman Bauman asked if an ordinance is passed that the Mayor and President of Council have signed it, if the City Auditor has the right to withhold legislation or withhold money that has been approved by Council. Council holds the purse strings. Law Director Rasmussen replied no he cannot. City Auditor Staschiak replied that provided it complies with ORC 733.12 and 733.13 which specifically delineates his responsibility to pay bills when they are done in a certain way, so in this situation, a promise has been made to this body, so he just asks for verification of the promise that was made on the record. Councilman Bauman replied that it sounds like the City Auditor has it, so he should do his job. City Auditor Staschiak replied that he does not have it and that he would appreciate a little more respect.

Councilwoman Frische is glad that Mayor Muryn is willing to modify her letter which is step one and that fifteen thousand dollars (\$15,000) is not actually that much for surveys of thirty-five (35) properties, so she does not imagine that dollar amount could really be lessened by much. If the Administration believes that dollar amount is going to pay for all of the remediations on any properties that come about, there should be a discussion in committee about it, but if fifteen thousand dollars (\$15,000) is going to be the maximum that is being asked to spend to get the elevation certificates and do any fixes, that would be a different discussion yet than where this has been for the last three (3) City Council meetings. She did speak with FEMA today in which she had a great conversation with their representative who answered some of her questions that the City Administration was not answering for her, so contacting FEMA was her last resort and that she made that phone call today because she wasn't getting responses. She is asking for better communication.

Councilman Russel noted that the letter that accompanied the introduction of this and also the legislation, states that the fifteen thousand dollars (\$15,000) is for the surveys and not for the repairs. The Ordinance does not state that the City is going to do the repairs and that only shows up in the letter. Mayor Muryn replied that is correct. Councilman Russel asked if the second sentence in the second paragraph of the letter could be removed stating "If the issue is confirmed, the City of Findlay, with your permission, will bring your property into compliance at the City's cost" because it doesn't have anything to do with this legislation. He would vote to support the request for fifteen thousand dollars (\$15,000) to do the surveys so that this can be taken to the next step and then come back with an idea of what the City's costs are with the understanding that the letter would be modified.

President of Council Harrington asked for a point of clarification asking if the letter is part of the Ordinance. Councilmembers shook their heads in disagreement. Council President Harrington then asked why Council is discussing a letter that is not part of this Ordinance. Councilwoman Frische replied because it was part of the packet.

Councilwoman Frische noted that what Councilman Russel just stated is the double-edged sword that she worries about because if the City does the elevation certificates and then there has to be remediation on any of these properties, it sounds as if the property owners are then on the hook if the City does not put the money in. She asked why Council would not want to have a better picture of a worst case scenario. She asked if Council has seen the property addresses and asked if they feel that is important. It is now opening the City up for potential lawsuits which is an even bigger situation if the City does not pay for it and does the elevation certificates.

Council DeArment pointed out that would be a frustrating meeting to go to if Council had a meeting without specifics. The surveys have to be done to have a meeting to define scope. He agrees with taking the sentence out of the letter and call the vote.

Councilman DeArment called the vote, seconded by Councilman Palmer. Ayes: Bauman, DeArment, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser. Nays: Frische.

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

*discussion:*

Councilwoman Frische asked if Mayor Muryn is going to retract her statement that is on the record that the City is not going to be on the hook. Mayor Muryn replied no. Her statement about the City not being on the hook is still accurate. She was correcting her statement that the fifteen thousand dollars (\$15,000) currently requesting to be appropriated would cover some of the repairs that are estimated as well. The fifteen thousand dollars (\$15,000) was just for the surveys which was different than what she had previously discussed with Service-Safety Director Martin and that she had not stated that this amount is just for the elevation certificates. Councilwoman Frische asked if Mayor Muryn is retracting the statement that it is not saying anywhere in the letter publicly that the City will be fixing anything until there is discussion in a committee. Mayor Muryn replied that the City is not going to proceed with paying for any repairs at private properties without coming back to Council. Councilwoman Frische asked if that is the same scenario for public properties. Mayor Muryn replied that it would be determined once the fix is known. Councilwoman Frische asked if that is for public or private properties. Mayor Muryn replied any properties.

City Auditor Staschiak clarified that on public properties, the way Council passed the budget, if the public property is owned by the City of Findlay, they would have purvey to move forward outside of that.

Motion to adopt the Ordinance:

Ayes: Warnecke, Wobser, Bauman, DeArment, Greeno, Hellmann, Niemeyer, Palmer, Russel. Nays: Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-071 and is hereby made a part of the record.

**ORDINANCE NO. 2024-072** (*severance payout appropriation*) **requires three (3) readings** **third reading - adopted**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Bauman moved to adopt the Ordinance, seconded by Councilwoman Warnecke. Ayes: Wobser, Bauman, DeArment, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2024-072 and is hereby made a part of the record.

**ORDINANCE NO. 2024-077** **requires three (3) readings** **first reading - adopted**  
(*FDY Rehabilitate Runway 7/25 construction, Project No. 35242900, project advertising and bidding*)

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS FOR PROJECT ADVERTISEMENT AND BIDDING OF THE FDY REAHBILITATION RUNWAY 7/25 CONSTRUCTION PROJECT NO. 35242900, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend statutory rules and give the Ordinance its second and third readings, seconded by Councilwoman Warnecke. Ayes: Bauman, DeArment, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Wobser. Nays: Frische. The Ordinance received its second and third readings. Councilman Palmer moved 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 2024-077 and is hereby made a part of the record.

**ORDINANCE NO. 2024-078** (*FDY Airport Masterplan Advertisement*) **requires three (3) readings** **first reading**  
AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR STATEMENTS OF QUALIFICATIONS AND ENTER INTO CONTRACTS FOR MASTERPLAN ADVERTISEMENT FOR THE FDY AIRPORT MASTERPLAN PROJECT NO. 35243500, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING AN EMERGENCY.

*First reading of the Ordinance.*

**ORDINANCE NO. 2024-079** requires three (3) readings  
(purchase of Findlay City Schools property on Foraker Avenue)

*first reading*

AN ORDINANCE AUTHORIZING THE CITY OF FINDLAY, OHIO TO ENTER INTO AN AGREEMENT WITH FINDLAY CITY SCHOOLS FOR THE ACQUISITION OF THE PARK PROPERTY LOCATED ON FORAKER AVENUE, FINDLAY, OHIO, PARCEL NO. 600001008634 CURRENTLY OWNED BY FINDLAY CITY SCHOOLS.

*First reading of the Ordinance.*

**UNFINISHED BUSINESS:**

**OLD BUSINESS:** none

**NEW BUSINESS:**

Councilwoman Frische noted that Litter Landing made changes with their dumpsters throughout the City and County. She has received a couple of phone calls about the placement of the dumpsters at the First Presbyterian Church near a residential area, so she called the City of Findlay Zoning Office about it. It is her hopes that this can be fixed because the public is dropping off recyclables all hours of the night, backing in and out of residential driveways to turn around, etc. She does not feel that those dumpsters should be in residential areas. She and some citizens have brainstormed some ideas on what to do and that the City should not want to be in the business of having recycle areas because they can get messy and dirty. She would like some give and take for consideration from the Administration for possibly using the City's Green Waste Site because the City can then secure them and that maybe there could be a spot there at certain hours that would be centrally located. She does not think the City needs a bunch of locations for dumpsters and that the City's Green Waste Site would be a good give and take for the City and County, and would help residents. She asked the Administration if they would consider her request. Service-Safety Director Martin replied that the Mayor's Office also received a complaint about this from residents surrounding the location Councilwoman Frische is referring to which is a newer location. The City has reached out to the County Commissioners on this. The City's zoning on it does require screening, but want to put a hold on it for thirty (30) days to see what happens, and if they wish to continue with the dumpsters on this property, then the City will enforce the screening and have further discussions with them. If not, it may then not be a location in the future. The City wants to go slow with this, but that it has been noted and has a thirty (30) day mark on it.

Councilman Russel added that with the new recycling set up, the First Presbyterian Church wanted to have a permanent location versus being one weekend a month where they would drop off on Fridays and pick up on Mondays or Tuesdays which would increase traffic.

President of Council Harrington noted that he lives close to the First Presbyterian Church and uses that site. They did move the dumpsters from the north side of the parking area where they were, which was close to a residence, to the south side and angled it, so that might be a solution to the problem.

Mayor Muryn added that the potential to have the City's Green Waste Site location as a dump site can be discussed, but that she does not think that is going to be a good solution because of the required screening and that it being in certain areas would be difficult for the City to put appropriate screening around it, plus she is not a fan of the distribution sites around town and that she needs to be shown that they can be maintained properly before putting in more of them which has been communicated, but can keep the City's Green Waste Site as a potential site. Councilwoman Frische replied that she agrees that residential areas are not a good area to have dumpsters and thinks it was good that the First Presbyterian Church wanted to be a good community partner, but that it doesn't fit there. She asked when the thirty (30) day marker started. She asked if that started the day the dumpsters were placed there. Service-Safety Director Martin replied it was earlier this week/late last week. They are communicating with the City's Zoning Department who actually deals with these situations. If constituents reach out to Councilmembers, there are subject matter experts in City Departments that they can be referred to.



There is also a “report a problem” on the City’s website that they can be referred to, or they can be referred to him so that he can delegated them to his team. Councilwoman Frische replied that she reported it to the Zoning Floodplain Administrator, but that she has never heard back from him. Service-Safety Director Martin replied that Mr. Adkins was following up on the CAP stuff for her. Filed.

Councilman Bauman moved to adjourn City Council at 7:26pm, seconded by Councilman Russel. All were in favor. Filed.

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CLERK OF COUNCIL

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PRESIDENT OF COUNCIL