

# FINDLAY CITY COUNCIL MINUTES

**REGULAR SESSION**

**MARCH 5, 2019**

**COUNCIL CHAMBERS**

**PRESENT:** Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Slough, Watson

**ABSENT:** Shindledecker, Wobser

President Monday opened the meeting with the Pledge of Allegiance and a moment of silent prayer.

Councilman Russel made a motion to excuse the absence of Councilman Shindledecker and Councilman Wobser, seconded by Councilman Slough. All were in favor. Filed.

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

**PROCLAMATIONS:** - none.

**RECOGNITION/RETIREMENT RESOLUTIONS:** - none.

**PETITIONS:** - none.

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

Councilman Slough moved to accept the February 19, 2019 Regular Session City Council meeting minutes. Councilman Niemeyer seconded the motion. All were in favor. Motion carried. Filed.

## **ORAL COMMUNICATIONS:**

### **Blanchard Valley Center Director of Operations Stephen Harper – Hancock County Board of DD/Blanchard Valley Center updates**

Mr. Harper is before City Council on behalf of President Chuck Hershey and the other members of the Hancock County Board of DD, as well as Superintendent Kelly Grisham and the staff of Blanchard Valley Center. March is National Developmental Disabilities month. They are marking the occasion with a number of activities at their board and across Findlay and Hancock County. Miss Ohio will once again come to the Blanchard Valley Center towards the end of the month. Their fourth (4<sup>th</sup>) annual celebrity basketball game will be on Tuesday, March 19, 2019 at 7:30pm at the University of Findlay Croy Gymnasium. The public is invited and welcome. The Blanchard Valley Center is on the May 7, 2019 ballot to renew their \$2.5 mil levy. The language on the ballot is Hancock County Board of DD because that is who they truly are, but is also known to the community as Blanchard Valley Center. They have enjoyed the tremendous support in the past from both Findlay and Hancock County as a whole. Approximately three-fourths (3/4) of their financial support is local, so they are very heavily dependent on the community for their operations. They appreciate the assistance that they have had and hope to continue to enjoy it from Findlay and the surrounding areas to carry out their mission in helping individuals with developmental disabilities to live, work and play in Hancock County. On behalf of the more than six hundred (600+) individuals with developmental disabilities in Findlay and Hancock County, he thanked Council for letting him briefly share what is going on.

### **Discussion:**

Councilman Russel asked what the changes or transitions have been with Blanchard Valley Industries to Kan Du Studio and what their functions are. Mr. Harper replied that the State of Ohio, as a whole, is in the process of adult services programming, which was known as Blanchard Valley Industries, at the County Board who are being required by the Centers for Medicare and Medicaid Services to prioritize either their case management services or their adult services component by 2024. Most county boards are choosing to move towards privatization of their adult services combined component which is a conflict of interest for both writing and coordinating the plans for services and also providing those services at the same time. Approximately two (2) years ago around January 2017, with the support of Blanchard Valley Industries, did in fact break apart from the County Board and become a private organization and have since changed their name to the Kan Du group. They are operating independently from the Blanchard Valley Center. Even though they are an independent entity, the Blanchard Valley Center does fund the services individuals who go there receive. Blanchard Valley Center is not so much a provider, but are a provider under that service.

Councilman Harrington asked if there is a trend showing the need of Blanchard Valley Center's services going up or down, or if it stays pretty flat. Mr. Harper replied that at any given time, depending on the day, there are individuals that come and go, but they are serving between six to seven hundred (600-700) individuals right now, which is an increase from what it was fourteen (14) years ago when he arrived at the County Board.

Councilman Hellmann thanked Mr. Harper for coming to Council tonight and for the services they provide. He asked Mr. Harper to provide information about the \$2.5 mil levy and what it generates. Mr. Harper replied it generates approximately four million dollars (\$4,000,000.00) annually. Those funds go to support individuals from birth to death (i.e. case management support through their Service and Support Administration, their recreation program, operations, etc.). Councilman Hellmann asked if all the six hundred plus (600+) individuals that the Center serves are served at the facility on 568. Mr. Harper replied no. Blanchard Valley School, preschool, early intervention and the Help Me Grow program are housed there. They also help with the County's Help Me Grow program. Their case management services and the operations are also there. The Administration as a whole is there. The Center serves and funds individuals that may also be funded by any number of private providers across Hancock County. Kan Du is just one of the adult service providers. Most of them receive their funding through a Medicaid waiver. The Center supports and funds over three hundred (300) Medicaid waivers. Cost of that is approximately \$2.7 million annually. They do not truly provide the adult services and transportation component, but do fund it. Councilman Hellmann asked how long the levy is for. Mr. Harper replied it is a five (5) year levy.

**Charles Williams – the meeting with Mayor and Mathias Leguire on May 31, 2018 (typed verbatim)**

*This meeting was for Mathias and his mother Renee. At this meeting, the Secretary in the Mayor's Office said that this meeting was for just three (3) people: the Mayor, Renee and Mathias only. Nobody else is allowed to be in there. I was there with Kelton Smith as a Lawyer there and they went inside and sat down. In this meeting, walked in the Mayor, which she said she would be there, Paul Schmelzer, Todd Richard, Brian Thomas, and Don Rasmussen, and Grant Russel. Five (5) other people were there (per notes from Kelton Smith): Mathias Leguire, Mr. Chambers, Renee Leguire, Kelton Smith, and Charles Williams. Two (2) of these people on this list above told Mathias that he should leave Findlay point blank and threatened him.*

*He read what it says according to Kelton Smith's notes:*

*The Mayor said that the context of the meeting has changed that Mr. Leguire should be held accountable. Should be held accountable for the correspondence letter to the editor that was published in the newspaper. Letter to the editor on May 30, 2018 the Stepford Wives.*

*Now, this is not 1920, not 1930, and not 1940. This is present day. She finds it hard to find truth in the newspaper. Wow. She believes that the letter to the editor published in the newspapers is not where one finds wisdom. Wow. Mr. Leguire erected a fence twenty-seven inches (27") out of code. He knew the code and could move the fence to where it is supposed to be or go to BZA to get a variance done. He took the latter course of the action through the BZA, but denied his request for a variance. Renee Leguire thought that variance was sheared and thought that was incorrect. Todd Richard said that four (4) options he discussed with Mathias were to remove the fence, move the fence, appeal to the BZA and pay a two hundred fifty dollar (\$250.00) fee and cut the fence by half. Mr. Leguire said that Todd Richard told him that if he applied to BZA for the variance and the City would not oppose a grant. At the meeting, the BZA denied him that. At the time, Mr. Leguire requested a variance which was discussed by the BZA. Todd Richard was out of the room and he went out to talk to other people.*

*Council President Monday notified Mr. Williams that he had one (1) minute left of his time. Mr. Williams replied he will finish up real quick.*

*Mr. Williams continued stating that this is really important – this is from Grant Russel. I'm going to skip down here. Grant Russel told the Mayor and Law Director that this street could be vacated by different means. Mr. Leguire believes that City officials are corrupt and are against him. He does not know why people are intolerant. Now, the Mayor said that we had to follow the rules. Well, Mr. Chambers told the Mayor you are right, we do have to follow the rules. Everybody has to follow the rules, but she doesn't have to follow them. Now, the last thing I've got to say is real simple and I talked to Mathias about this and he said he would like to file a lawsuit against Findlay so that this would never ever happen to anybody else again as it happened to him as everybody here is well aware of. This is why everybody rescinded their deal about vacating Carrol Street. It is because we have a new Governor that put the Mayor in Columbus because they don't want to be embarrassed. I am personally putting up one hundred thousand dollars (\$100,000.00) out of my pocket so he can fight this. You all have a good day.*

*Council President Monday asked Mr. Williams to wait a minute in case any Councilmember had a question. Mr. Williams replied he would like a question. Council President Monday asked Councilmembers if there are any questions. No one had any.*

**WRITTEN COMMUNICATIONS:**

**Regional Vice President, Pennrose, LLC, Lasserre Bradley III – Eastern Woods Senior**

Penrose Holdings, LLC and Blanchard Valley Health System plan to be the general partners of a residential rental development located in or within a one-half mile radius of our political jurisdiction and will submit an application to utilize the multifamily funding programs of the Ohio Housing Finance Agency (OHFA) for the development of this property.

Eastern Woods Senior is a new construction 50-unit, senior affordable development, located in Findlay, OH. Eastern Woods Senior will be located adjacent to the existing Continuing Care Retirement Community (CCRC) campus of Birchaven Village, just off Birchaven Lane.

The proposed development will be financed with a conventional first mortgage, Housing Tax Credit proceeds, and other soft sources.

**Development Team:**

General Partners: Pennrose, LLC and Blanchard Valley Health System  
Developers: Pennrose, LLC and Blanchard Valley Health System  
Contractor: The Douglas Company  
Architect: Moody Nolan  
Property Manager: Pennrose Management Company

Project Address: 0 Birchaven Lane, Findlay, OH 45840

Number of Units: 50

Program(s) to be utilized In the Project: Low-Income Housing Tax Credits and the OHFA Housing Development Loan Program (HDL)

**Right to Submit**

**Comment:** You have the right to submit comments to OHFA regarding the proposed project's impact on the community. Any objection to the project must be submitted in writing and signed by a majority of the voting members of the legislative body. Comments must be received by OHFA within 45 days of the mailing date of this notice.

The person to be notified at OHFA and their address is:

Mr. Sean Thomas, Executive Director  
57 E. Main Street  
Columbus, OH 43215

OHFA will provide a written response to any objections submitted under the terms outlined above.

Filed.

**Regional Vice President, Pennrose, LLC Lasserre Bradley III – Eastern Woods Family**

Pennrose Holdings, LLC and Blanchard Valley Health System plan to be the general partners of a residential rental development located in or within a one-half mile radius of our political jurisdiction and will submit an application to utilize the multifamily funding programs of the Ohio Housing Finance Agency (OHFA) for the development of this property.

Eastern Woods Family is a new construction, 50-unit, mixed-income development, located in Findlay, OH, for individuals and families. Eastern Woods Family will contain forty-two (42) affordable units, and eight (8) non-income restricted units. The non-income restricted units are intended to be workforce units for individuals and families. Eastern Woods Family will be located adjacent to the existing Continuing Care Retirement Community (CCRC) campus of Birchaven Village, just off Birchaven Lane.

The proposed development will be financed with a conventional first mortgage, Low-Income Housing Tax Credit equity, and other soft sources.

**Development Team:**

General Partners: Pennrose, LLC and Blanchard Valley Health System  
Developers: Pennrose, LLC and Blanchard Valley Health System

Contractor: The Douglas Company  
Architect: Moody Nolan  
Property Manager: Pennrose Management Company

Project Address: 0 Birchaven Lane, Findlay, OH 45840

Number of Units: 42 affordable units, 8 market rate units

Program(s) to be utilized In the Project: Low-Income Housing Tax Credits, OHFA Housing Development Loan Program (HDL) and other soft sources

**Right to Submit**

Comment: You have the right to submit comments to OHFA regarding the proposed project's impact on the community. Any objection to the project must be submitted in writing and signed by a majority of the voting members of the legislative body. Comments must be received by OHFA within 45 days of the mailing date of this notice.

The person to be notified at OHFA and their address is:

Mr. Sean Thomas, Executive Director  
57 E. Main Street  
Columbus, OH 43215

OHFA will provide a written response to any objections submitted under the terms outlined above.

**Discussion**

Councilwoman Frische pointed out that this is the second notification that Council has received about the development of affordable housing and asked if this one is something new or if it is because Findlay has never had this issue before. She asked if this affects the City by having affordable housing. Law Director Rasmussen replied that he does not know if this has anything to do with the financing. Safety Director Schmelzer added that it has to do with their financing. They are obligated to provide notice.

Councilman Hellmann asked if this obligates the City in any way in terms of tax credits, low interest financing, or any types of arrangements made on these types of projects. Law Director Rasmussen replied no, not at this time. The City would have nothing to do with it at this time. There would be discussions later.

Councilman Slough asked if any studies have been done on how this low income housing is going to affect the value of properties that about this. Safety Director Schmelzer replied that he is not aware of any site plans that have been submitted. The City has no obligation relative to the project. It will go through the same process as any other project for reviews. He is not aware of any studies that have been done, or any that have been done relative to a subsidized housing project. Councilman Slough asked if a study should be done as there might be an issue for those that will about it. Safety Director Schmelzer replied that the number of variables involved would make it very difficult to project what kind of impact that would have. If a project were to be put together and is going to be subsidized so that a certain number of units meet a certain income threshold in order to be eligible, and even those that are subsidized by a different agency, there are many other variables that would have to be introduced (i.e. long-term maintenance of the buildings, the economy, etc.). There are a lot of subsidized or tax credit housing projects that are very nice relative to some of the housing that are around them. It would be hard to nail down the constraints that would be required for a study to impact housing.

Councilwoman Frische noted that while there will not be a study done, there still are proposed questions to this type of project on subsidized housing and how it affects the community as a whole as well as property values. She also pointed out that this is not being done by a local developer, and asked if there are questions Council should be asking to make sure the City is covering their basis for the community. Safety Director Schmelzer replied that he cannot tell Council what questions they should be asking, but his experience from doing consulting work for these types of projects in other communities, there typically are notices that are required by public agencies that are sometimes looking for a letter of support that would allow them to gain more points towards a tax credit. In this case, it does not appear that they are looking for a letter of support for these projects. The language that is included states that they are looking for comments. If there is public opposition to a project, the agencies that are looking to review this project relative to others for eligible tax credits would take Council's comments into an account.

Councilman Russel noted that Blanchard Valley Health Systems is listed as one of the developers, who are local. They are planning to build a mixed income development with one of them geared towards seniors and the other geared towards families. It will be near Eastern Woods where Blanchard Valley has made a significant investment in their health offices and their retirement community out there. Based on those investments and the fact that they are listed as one of the developers, he believes it will be a top-notch development in a professional manner as is all their other facilities, so he has no concerns or objections that he wants sent to the OHFA.

Councilwoman Frische noted that another Councilmember had mentioned the contractor and things that in the paper out of Toledo, which is what she was looking at. She too has no issues with Blanchard Valley Health Systems or anything with Birchaven. Filed.

## REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

City Planning Commission agenda – March 14, 2019. Filed.

### Service Director/Acting City Engineer Thomas – annual street resurfacing/curb repairs 2019, project no. 32890300

By authorization of Ordinance No. 2019-003, a bid opening was held for this project on February 21, 2019. Bids were received from four (4) potential contractors with bid amounts ranging from \$727,739.75 to \$805,947.50. The lowest and best bid was received from Newcomer Concrete of Norwalk, Ohio. This project is included in the 2019 Capital Improvements Plan, and the total project estimate is within the budgeted amount. Previous, an amount of five thousand dollars (\$5,000) was appropriated to the project for design and startup. At this time, an appropriation for construction, inspection and contingency is needed to complete the project. This request is for concrete work only. There will be a separate request for the asphalt portion of the work. The contractor would like to begin the work on March 25, 2019 so that the work can be completed earlier in the construction season. Due to this still being the beginning of the year and the Capital Fund balance is still lower, so he is asking that this project be funded from the General Fund. Legislation to appropriate and transfer funds is requested. Ordinance No. 2019-016 was created.

FROM:	General Fund	\$ 750,000.00
TO:	Annual Street Resurfacing/Curb Repairs 2019, <i>Project No. 32890300</i>	\$ 750,000.00

#### Discussion:

Councilman Russel asked if there is a benefit to doing this now instead of waiting. Service Director/Acting City Engineer Thomas replied that as stated in his letter, this is just for the concrete portion of the work. He will submit a letter for the asphalt work separately because there were a couple of streets last year that were not done, so he is trying to decide how much money will be left to carry forward. The contractor would like to start work on March 25, 2019 so that they can get in, get done, and do other scheduled projects. For that to happen and to get contracts around, he will need Council's approval tonight. Two (2) more readings will push it back. Councilman Russel asked if there pricing is better if it is done now. Service Director/Acting City Engineer Thomas replied that the contractor's pricing is already locked in because bids have already been received and accepted for the project. Bidding on this was done earlier this year. The contractor has other projects they would like to also do. He has spoke with the asphalt contractor which is the same contractor who obtained the work for the ODOT repaving, so if the concrete contractor starts early, they also plan on starting early and get the City's work done early if the weather cooperates in order to avoid paving in October or November before the weather changes. Councilman Russel noted that last year's South Main Street project did not end until the tail end of the summer work and he would rather be on the front end of the line versus the end of the line. He will be moving to suspend the statutory rules and give the ordinance for this all three (3) of its readings tonight. Filed.

### Service Director/Acting City Engineer Thomas – Capital Improvements appropriation for February

A transfer of the February Capital Improvement allocation to various departments so that they may order more equipment is requested. He would like to order pickups and dump trucks now because of the long lead time. Legislation to appropriate and transfer funds the following capital expenditures is requested. Ordinance No. 2019-017 was created.

FROM:	CIT Fund – Capital Improvements Restricted Account	\$ 251,890.00
TO:	Computer Services #21009000-other	\$ 13,000.00
TO:	Engineering #21021000-other	\$ 35,000.00
TO:	Park Maintenance #21034000-other	\$ 99,057.00
TO:	Streets #22040000-other	\$ 94,833.00
TO:	Airport #25010000-other	\$ 10,000.00
FROM:	CIT Fund – Capital Improvements Restricted Account	\$ 19,000.00
TO:	Upgrade Fiber Optic to Hancock County Courthouse <i>Project No. 31992500</i>	\$ 19,000.00

Filed.

### City Auditor Staschiak – unreturned City credit cards

Attached is a list, as requested by Council at the January 31, 2019 special meeting, of City of Findlay credit cards that are not in compliance with the City's credit card policy that was adopted on January 31, 2019. The attached list indicates what credit cards have not been returned as required by the City's policy.

Councilman Russel requested that the letter be read, seconded by Councilman Harrington. All were in favor. The Council Clerk read it in its entirety.

#### Discussion:

Councilman Russel pointed out that Director of Court Services David Beach is in the audience tonight. He asked him to address this letter. Director of Court Services Beach replied that there has been a lot discussion on credit cards. In compliance with House Bill 312 (HB312) and Ohio Revised Code 9.21 and 717.31, the Court has instituted the requirements delineated within the State Auditor's Bulletin 2018-003. The Court has provided their own policy that has been adopted by the Court. They served a letter upon the Auditor indicating that they would retain the Court's credit cards. All of the Court employees listed in Auditor Staschiak's letter are part of the Findlay Municipal Court staff. They indicated that they would retain the cards according to their policy until such time as they receive cards from a new banking facility. They are currently in communications with PNC Bank pursuing those new cards. The unreturned cards that Auditor Staschiak is referring to are in the hands of the Findlay Municipal Court and are in accordance with their policy.

Councilwoman Frische noted that per her discussions with Law Director Rasmussen, she was under the impression that the Courts were going to return the credit cards and follow the City's policy, otherwise, per the City Auditor, Council would have to audit it. She asked if that was into play now. Law Director Rasmussen replied no, they passed their own credit card policy saying that they would keep their cards. They have asked for the new cards, so when those new cards come in, they will use those cards. They did not return the cards that were issued previously. Councilwoman Frische then asked who has to audit them. Director of Court Services Beach replied that part of their policy is an audit trail. Everything will ultimately end up in City Auditor's Office. The Courts have their own compliance mechanisms in accordance with their policy which meets the mandates of HB312 and what the State Auditor's Office has rendered.

City Auditor Staschiak pointed out that it is a little more complicated than that and that there is some wordsmithing going on. This was a very important issue. He read the following that he had shared with Council at their special meeting. Part of the information the Law Director is giving is omitting pieces that are critical to this Council to be in compliance as to be as informed as they need to be. This was discussed in great detail at Council's special meeting. He read an email that he received from Ashley R. Perry with the Ohio Auditor's Office, via the Ohio Auditor.gov, in response to some questions he had of his communication with the City Law Director. He read one sentence that specifically addresses Councilwoman Frische's question:

*If the Municipal Court elects to keep a card and not return it to the City Auditor for signing out, a Compliance Officer will need to be assigned and all requirements of the Compliance Officer model will need to be applied to that card account.*

That is this card account. That email was dated January 28, 2019. Just a few days before, City Council passed the policy that is currently in place. The names were omitted in the report he had submitted to Council. It was addressed to him from the City's Accounts Payable Clerk Brock Webber who is in charge of the compliance and making sure the cards are in order. The City Auditor's Office made it very clear. He is not questioning the Court's ability to have a separate policy. The State Auditor has not addressed whether or not there can be multiple policies. They have stated that if the Municipal Court elects to keep a card and not return it to the City Auditor for signing out, a Compliance Officer will need to be assigned and all requirements of the Compliance Officer model will need to be applied to that card account. He asked Law Director Rasmussen if what he has shared with Council and what has been discussed prior to this is not the case, if he could have a full legal opinion in writing so that he has it when the State Auditor's Office comes in and asks why they did not conform when he spoke to him about it in great detail.

Mr. Beach noted that the Court does have the total compliance aspect in accordance with the State Officer recommends within their policy. City Auditor Staschiak replied that apples and oranges are talked about right now. He does not question that at all and has complete respect for him, the Court, and what they are doing. This specifically addresses that the City has a single credit card account at this moment in time that he is aware of as there have been no applications coming out of his office for any others. The State Auditor's Office has said that if all the cards are not maintained in the City Auditor's Office, then Council has to adopt a Compliance Officer model policy, which they did not do. Per the policy that is in place, it has been reported to him that the cards listed are not in compliance with the policy. He asked if the Law Director if he is going to say on the record that is not the case and that Council does not need the Compliance Officer model policy, and if that is the case, he will have what he needs for audit. It will contradict what the State has told him in great detail which was days prior to Council adopting their policy, which are what all those conversations were about. Law Director Rasmussen replied if City Auditor Staschiak wants him to provide a legal opinion, he will have to put it in writing so that he can respond to it. It has to be a precise question on what he wants so that he can address the issue. He is under the impression that the Courts do have a Compliance Officer for their credit card policy, but he has not looked at that for months.

Councilman Russel asked City Auditor Staschiak if he could forward the email that he is referring to to all of Council. City Auditor Staschiak replied he will be happy to. He clarified so that no one is dividing or confusing the question on what policy City Council has in place that needs to be enforced for compliance by his office because Council adopted it as legislation with regard to a specific account. The letter that was submitted to Council at the request of Councilman Wobser at that special meeting asked that Council be updated on the status of those cards which is what his letter tonight has done. It addresses one specific account. The cards are Council's, and the State Auditor was very clear about that. He has complete respect with the Court's policy and what they are doing, but wants Council to understand that his letter addresses the policy that Council has in place today and what cards are out of compliance with that policy.

Councilwoman Frische asked Law Director Rasmussen if they are out of compliance. She also asked if a policy for the Compliance Officer needs to be adopted. She asked what needs to be done for the City to be in compliance. She asked if all that needs to be done is to adopt the Court's process if what they have for a Compliance Officer is adequate. She asked Mr. Beach if he would send the Court's policy to Councilmembers that names a Compliance Officer. Law Director Rasmussen replied that is correct. The Court is not under Council. They are under the State. They are a separate entity. They are not part of the City of Findlay, so they have different rules. They have come up with their policy and have named a Compliance Officer in the policy. He will look at the policy again and asked City Auditor Staschiak to send him what he wants him to consider and he will then make a ruling. He too would like to see what has been received from the State Auditor's Office.

Councilman Watson pointed out that this will become a mute issue if the Courts receive the PNC cards and that there would be no compliance issue on the City's end, except for retroactively. City Auditor Staschiak replied that they are not talking about the Court being separate, but are talking about the City's credit cards as part of the City's account, and the credit card policy, and not the Courts. He does not know what the Courts are doing. He is not familiar enough with the exemptions to Budgetary Law that would allow the Court to go out and create their own Finance Officer and enter into a credit card account that might be used to spend the City's General Fund money. Since the Court has decided to go this route, he assumes it will go through a thorough review by the City's Law Director and the State office. It is his hopes that it is kept simple and that he will be able to report to Council next month that the cards in this particular account are all in compliance. He does not know how it will be impacted if the new cards are used to spend the City's General Fund money that funds the court.

Councilman Harrington asked Mr. Beach if the Court has a Compliance Officer and who it is. Director of Court Services Beach replied he is the Compliance Officer.

Councilman Russel asked if each individual card has a different number on it so that it can be tracked back to the individual user or if it is just one account number. City Auditor Staschiak replied that every card is uniquely identified for that employee. Only that specific employee can sign out that specific card. Councilman Russel asked if the account is just one account number. City Auditor Staschiak replied it is one credit card account. He is unsure how it is numbered. They are unique in the sense that their identified by name and the sub-number is on the card. Councilman Russel asked if it is that particular employee's activity. City Auditor Staschiak replied it is a city account.

Councilwoman Frische asked if the Courts obtain a separate PNC card, if an ordinance is needed to allow the Auditor to have a separate credit card company for the Courts. While they are separate from the City, they are still funded through the same General Fund. She asked if an ordinance is needed for a Compliance Officer and/or for the City Auditor to be able to work with the Court's Compliance Officer to be able to do the auditing on it. City Auditor Staschiak replied that Council will be reviewing the bills as it is General Fund money. He is unsure if any legislation is needed for a separate account with a Compliance Officer model that requires the legislative authority to review the bills. The Ohio Judicial Conference Budget Resource Handbook for Ohio Judges and their funding authority would be a big help for Council. It has helped him understand the differences between the Courts and Council's rights and recommendations.

Councilman Russel asked Mr. Beach if he has been in contact with any other Municipal Courts within the State on how the House Bill is being implemented in their jurisdictions and how it will play out between the Courts and Municipalities. Director of Court Services Beach replied that they have spoke with other Courts on this issue. The Judges at the fall conference discussed this with their counterparts. The State of Ohio is an unified court system. It is different almost everywhere you go. If it is causing Council any issues with the Courts keeping their employee credit cards, they could fund what they intend to purchase with the credit cards out of Court Special funds which would eliminate the need of Council's approval. Councilman Russel asked what an unified court system entails. Director of Court Services Beach replied they are all under the Supreme Court of Ohio as they have authority over them. They are their controlling entity. There are more than one state-wide model that they follow. There is not a State Court Administrative Services Office that mandates polices to all the courts. Each Court, according to the elected official, decides what they deem appropriate for a policy for that Court.

Councilwoman Frische asked why the Courts wrote their own policy and what is different from the City's policy. Director of Court Services Beach replied that there are some cumbersome things about the City's policy. For instance, if a Judge wants to use a credit card for fuel for the Court vehicle, they cannot do so under the City's current policy and meals and parking fees have to be reimbursed. Parking fees are typical in large cities. Filed.

#### **Mayor Muryn – Board of Zoning Appeals appointment**

This letter will serve as my request for your confirmation of the following individual as an alternate to the Board of Zoning Appeals:

Sarah Gillespie, alternate - filling the unexpired term of Brett Gies

Term will expire on December 31, 2020

Requires Council's confirmation.

Councilman Harrington moved to accept this appointment, Seconded by Councilman Slough. All were in favor. Filed.

### **COMMITTEE REPORTS:**

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to continue discussions from the February 14, 2019 meeting to review the proposed zoning code revisions via Ordinance No. 2019-010.

*We recommend that rules be accepted as proposed. Ordinance No. 2019-010 received its first reading during the February 5, 2019 City Council meeting, and its second reading during the February 19, 2019 City Council meeting.*

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

### **LEGISLATION:**

**RESOLUTIONS** – none.

### **ORDINANCES**

**ORDINANCE NO. 2019-010** (*amendments to Zoning Code*) requires three (3) readings **third reading adopted**  
AN ORDINANCE AMENDING SECTIONS 1161.11.3, 1161.11.6, 1161.15, AND 1113.20(C) AND ADDING NEW SECTIONS 1161.15.1 AND 1161.15.2 TO CURRENT SECTION 1161.15 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Slough, Watson. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-010 and is hereby made a part of the record.

**ORDINANCE NO. 2019-012** (*salt barn structure project no. 31972900*) requires three (3) readings **third reading adopted**  
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

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

Discussion:

Councilwoman Frische asked if the rearranging of the green waste site will affect the location of salt barn. Service Director/Acting City Engineer Thomas replied it will not.

Ayes: Harrington, Hellmann, Niemeyer, Ostrander, Russel, Slough, Watson, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-012 and is hereby made a part of the record.

**ORDINANCE NO. 2019-014** (*replenish City's Self-Insurance Fund*) requires three (3) readings **second reading**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

**ORDINANCE NO. 2019-015** (*2018 Ordinances & Resolution changes*) requires three (3) readings **first reading**  
AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE FINDLAY CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**ORDINANCE NO. 2019-016** (*annual street resurfacing/curb repairs*) requires three (3) readings **first reading**      **adopted**  
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules of Council and give the Ordinance its second and third readings, seconded by Councilman Hellmann. Ayes: Hellmann, Niemeyer, Ostrander, Russel, Slough, Watson, Frische, Harrington. The Ordinance received its second and third readings. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Niemeyer, Ostrander, Russel, Slough, Watson, Frische, Harrington, Hellman. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-016 and is hereby made a part of the record.

**ORDINANCE NO. 2019-017** (*Capital Improvement appropriation*) requires three (3) readings **first reading**  
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

## **UNFINISHED BUSINESS: OLD BUSINESS**

Councilwoman Frische asked Service Director/Acting City Engineer Thomas if he has the list of streets that curb work will be done on via Ordinance No. 2019-016 and what is leftover from last year. Service Director/Acting City Engineer Thomas replied he does have the list with him tonight and that was supposed to be emailed to Council today. He was out of the office today, so he will double check that was done. The streets are scattered throughout Findlay.

Council President Monday asked Council if they want to renew the National League of Cities membership. A purchase order has not been made yet, but the funds are in the budget to do so. The Council Clerk sent out an email asking who would like to renew the membership. Four (4) Councilmembers responded with three (3) of them affirming they do want to renew and the other does not care either way. If Council wants to renew, he would accept a motion to do so with a second to that motion and a majority of Council wanting to do so. If Council does not want to renew, then no motion is needed.

### **Discussion:**

Councilman Russel asked that since it was in the budget and that the line item was already approved to renew, if that is Council's indication that they approve the expenditure making a motion unnecessary. Law Director Rasmussen replied that if it is already in the budget, only the purchase order process is needed.

Councilman Harrington moved to renew the membership, seconded by Councilman Russel.

### **Discussion:**

Councilwoman Frische pointed out that she was one of the Councilmembers that responded, but did not indicate if she wanted to renew or not. Instead, she asked if a Councilmember or two (2) are going to the convention this year. Councilman Russel provided the date of the convention. Councilman Hellmann mentioned that he has not utilized the site. If Council has no intention of sending anyone and are not utilizing the site, it is foolish to spend the money if Council is not utilizing it to its capacity as Council did not utilize it last year.

Councilman Hellmann noted that he had utilized that site in a different job, but has not since he has been a Councilmember. He asked if any Councilmember has utilized it to access material or gone to any of their conferences, etc.

Councilman Harrington pointed out that he and Councilman Wobser both considered going to the conference last year, but by the time Council had joined, registration for most of the applicable topics that they would have attended (i.e. seminars, etc.) were already full. Rather than spend the money for them to attend the conference which was held in California and would have been a waste of time and effort to listen to topics that did not pertain to the City (i.e. nuclear regulatory in your backyard, etc.), they chose not to attend. Councilman Wobser's original intention when he proposed Council join this was to enjoy the seminars, emails and materials that they provide. Councilman Harrington agreed with Councilman Hellmann that there are times that the seminars, emails and materials are not always applicable to this community, but even if there is just one item that does pertain to Findlay, it is well worth the money.

Councilman Russel noted that he has accessed their site and has reviewed some of their material and have found them to be informative and useful.

Councilwoman Frische asked if any Councilmember has considered or looked at the schedule or the agenda that is out for the convention and/or want to attend it or anything that interests them that could be brought back to the community, or if it is better at this point that the Mayor go as a more effective member in his/her position. Councilman Harrington replied that he has not looked at going and has not considered it due to his political situation of running for Council President, but believes Councilman Wobser would consider going. He has not even seen the information on it as it has not been published or forwarded to Council.

Mayor Muryn asked if there is a deadline when the membership needs to be renewed by. It would be beneficial to evaluate the materials that are available on the conference before the allocation is made. Councilman Russel replied that the agenda for the National Conference is not out yet. It has not been published yet. They have only set a date for it. Councilman Wobser emailed him saying he is in favor of renewal as he anticipates Council will utilize the services more over time. He concurred with Councilman Harrington in that half of the battle is just being there with the organization.

Ayes: Harrington, Hellmann, Ostrander, Slough, Watson. Nays: Frische, Niemeyer, Russel. Motion carries. The motion to renew membership is approved.

City Auditor Staschiak noted that Council voted to pass the union agreements, but he has not received completed copies and asked for the status of the signed Fire Department and Police Department contracts. They will not be part of the next paycheck for the employees, but if received early Friday, he should be able to get them in the following paychecks.

Councilwoman Frische asked Safety Director Schmelzer if there have been any changes since Council adopted the ordinance as she was under the impression that the contracts would be signed by the end of that week. Safety Director Schmelzer replied that the Administration's side is signed. They are still waiting on one of the contracts to come back from one of the bargaining units. As soon as he receives them back signed, he will forward them to Auditor Staschiak.

Councilman Hellmann noted that when he asked about the housing project, he had asked to make sure the City would not be liable in the future. He is well aware that housing is a major issue in this community at all levels (i.e. lower income level, high income level) with a large percentage of the workforce commuting here for employment from thirty to forty (30-40) miles away. He is in favor of building new housing in Findlay.

Mayor Muryn asked if a couple of Councilmembers could put together an overview on National League of Cities to confirm that they are fully utilizing that since the allocation will be made.

## **NEW BUSINESS**

Councilman Russel provided an update on the Friends of Findlay group. They are comprised of a group of Japanese owned businesses, as well as the Alliance Economic Development team, University of Findlay, City of Findlay, and others. It is facilitated by the University of Findlay's Hiroaki "Hiro" Kawanura. They met last month and will meet again in March. Friends of Findlay helped create the Friendship City with Kawaguchi, Saitama, with Kawaguchi being the city and Saitama being the prefecture or state in Japan. We are Findlay, Ohio and they are Kawaguchi, Saitama. They are located just north of Tokyo. They are the third (3<sup>rd</sup>) largest city in the prefecture with a population of four hundred seventy thousand (470,000). The Friendship City festivities last August cemented their friendship with us. Since then, the Findlay Rotary has become a Friendship Club with the Kawaguchi Rotary. The Findlay Kiwanis has also looked into partnering with a Kiwanis Club near Kawaguchi because there is not one in the city. The Performing Arts Center hosted the Yamato, Drummers of Japan in February 2018 which is part of the relationship with Japan. Findlay High School is partnering with Kawaguchi Municipal High School and will be hosting two (2) students from Kawaguchi to study at Findlay High School in the fall. Findlay High School is also working on sending two (2) students to Kawaguchi High School in 2020. Kawaguchi's Board of Education is looking to move their short summer program from Vancouver Canada to Findlay starting in 2020. It will be hosted at the University of Findlay. It is a quick immersion program for students from Kawaguchi's Municipal High School into North American culture. Some of the future goals of the Friends of Findlay is to continue to raise awareness of the relationship with Kawaguchi by promoting exchanges similar to a student exchange, but with professionals (i.e. Librarians, hospital employees, school personnel, local business employees, etc.) where they would spend a week or two in Kawaguchi with their counterparts spending a week or two in Findlay and create informational displays about Kawaguchi City at Findlay High School, at the Performing Arts Center, Library, or possibly the Municipal Building. Information on the Friendship City relationship with Kawaguchi will be added to the City's website. He is provided this information tonight to help raise awareness. He has been asked why the group exists. It is similar to the National League of Cities membership as the future is hard to predict, but it is done because of the possibilities the relationships create dating back to the 1980s when Findlay representatives first made their trip over to Japan and has blossomed from there. In a sense, it is the Findlay Formula, but is a little different. It is that relationship building and their cooperation that pays dividends over the years. Once the date and time of the next Friendship of Findlay meeting is set, he will provide that to any Councilmember that is interested in attending and he will continue to provide updates to Council on how the Friends of Findlay organization is doing and the affects it has on the community.

Councilwoman Frische: **WATER AND SEWER COMMITTEE** meeting on March 13, 2019 at 3:30pm in the first floor Council Office (CO).  
agenda: billing software proposals  
There will be a future meeting to discuss the WATER AND SEWER debt and new meters.

Councilwoman Frische noted that State Representative Jon Cross had a meeting last night to discuss Governor DeWine's eighteen cent (\$.18) gas tax increase. She, Service Director/Acting City Engineer Thomas, and two (2) of the Public Works (Street Department) employees attended that meeting. It was a very in-depth discussion that the City should be involved with as it will be legislation that will come through by the end of the month. She was impressed with Dave Honse from the City's Street Department as he engaged in the conversation with his knowledge and experience. He also brought up some old pieces of legislation that should be discussed. She encouraged Mayor Muryn to engage with Representative Cross on that as the City needs to be involved with the future discussions. Mayor Muryn apologized that she was not able to attend that meeting, but she has spoke with Representative Cross on the issue and she is aware that her team represented the City well.



Councilman Harrington welcomed Mayor Muryn to her first City Council meeting. He welcomed her to the City's Administration and wished her good luck.

Mayor Muryn asked Councilmembers for an opportunity to meet with Councilmembers one-on-one to discuss issues that they may be seeing in their ward as well as in the community as a whole.

Mayor Muryn informed Council that the Mayor's Office has received some phone calls from constituents about G.I.B.S. Sanitation Service LLC unexpectedly going out of business and are not notifying their customers of their closure. There is trash sitting out and the City is asking them to take it back in. They will need to get some trash bags from a grocery store and contact other service providers. She has been in contact with G.I.B.S.'s attorney. She will communicate any additional information she receives. G.I.B.S. is no longer in business.

Safety Director Schmelzer informed Council that the combined Board of Health is working towards accreditation. There was a meeting last night. They are well on track towards that accreditation. It is a very important step for the combined Health Department as the State is will tie funding towards accredited departments only. He congratulated them as it is a lot of work. Everything that the City had hoped would occur for that merger has happened.

Safety Director Schmelzer informed Council that Findlay has been named the top micropolitan City for the 5<sup>th</sup> year in a row, which is a record. He is proud to be a part of an Administration that has worked on that effort and Council should be proud as well.

Councilman Hellmann asked if the microphone system in the Council Chambers could be looked into. Clerk DeVore replied it is currently being looked at.

Council President Monday adjourned Council at 8:04 pm.

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL