

FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

SEPTEMBER 17, 2019

COUNCIL CHAMBERS

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

ABSENT: Wobser

President of Council Monday noted that Councilman Wobser notified him that he would not be present at tonight's meeting, therefore, if there are no objections from Council, he is excused. No objections given. Councilman Wobser is excused.

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

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

Councilman Harrington moved to accept the September 3, 2019 Regular Session City Council meeting minutes, Councilman Slough seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

Councilman Russel moved to replace the following on tonight's agenda, seconded by Councilman Harrington. All were in favor. Motion carried. Filed.

REPLACEMENTS:

- Ordinance No. 2019-082 (*LEGISLATION section*) Speedway Drive rezone
 - Changed "C1 LOCAL COMMERCIAL DISTRICT" in the header to now be "C2 GENERAL COMMERCIAL DISTRICT"
 - Changed C1 Local Commercial District in SECTION 2: to now be C2 General Commercial District

PROCLAMATIONS: none

RECOGNITION/RETIREMENT RESOLUTIONS: none

PETITIONS: none

ORAL COMMUNICATIONS:

U.S. Census Cheryl Kellogg – 2020 Census

Ms. Kellogg announced that it is Constitution Day, so she felt it was a good day to come to Hancock County and lobby for efforts that commemorate Constitution Day bringing it to the Census which is mandated by the Constitution and was controversial back with Adams and Jefferson debated on how to take care of the Electoral College because the purpose of the Census is to take apportion seats in the U.S. House of Representatives that could result in redistricting of Federal, State and Local levels. More importantly to local communities is that it distributes over six hundred seventy-two billion dollars (\$672,000,000,000) back into communities through programs, grants, roads, schools and other programs from the Federal Government. It is the future decision-makers of local government. They have been working off of 2010 Census numbers when it was seventy-four (74), seven eighty-two (782) where Findlay has grown in the last ten (10) years, so they need to document the new count. Their purpose is to count everyone once, only once, and in the right place. They have simplified the process. There are seven (7) simple questions to answer. They have invested a lot in cyber security which is important to the community to ensure an accurate count. As a Partnership Specialist, Ms. Kellogg's purpose is to promote the participation in completing the census.

They start with the highest elected officials of every county and the trusted voices to assist communities in being ambassadors and to encourage the census. Online Census is new for 2020. The Census had been compiled it in 2010, but it is now at a ninety-five percent (95%) response rate because citizens can respond online or can call the Census and do it that way instead. Those that have not responded will receive hand-delivered questionnaires at their door. They have been trying to promote partnerships over the last year and are currently conducting an address count to determine if a residence is occupied by the property owner or if it is a rental property, so there are Census workers in the area right now. January will be a full push from the Federal Government on what they are doing locally. In February, there will be group reports consisting of University students being accounted for at the dormitory instead of their home residence. This includes nursing homes, etc. This is the first time ever that has been done. Everyone will receive a card either in the mail or hand-delivered in March. Those who receive Post Office delivery will still receive it at their residence. The count is on April 1st with a non-response unit coming through to knock on doors and ask residents their ages, who lives there, etc. which will be culminated. The information will then go to the President of the United States on December 31st. In March of 2021, the results per reapportionment will come out. Census.gov has multiple resources, social media, videos, publications for distribution and information. Mayor Muryn will be working on the Complete Count Committee for the City/County.

Discussion:

Mayor Muryn informed Council that she and Commissioner Robertson will be working on the Complete Count Committee, along with several other individuals (i.e. government, businesses, education, library, etc.). It will be comprised of different key organizations so that it covers different groups of people. They will educate City Council so that they can get information out to their constituents. She is working on the communication and marketing plan to make sure residents know it's coming and why it is important. As it gets closer, they will educate residents on where they can get help, how the City can train them, how to access it online, what they can do if they have questions, etc. There will be more information to follow. She wanted to let Council know that they are working on the Complete Count Committee and will keep Council updated as they work through that process.

Councilman Slough asked Ms. Kellogg if they will be recording any undocumented aliens. Ms. Kellogg replied that the Census Bureau at the Federal level is dealing with that. Nothing on that has been passed down to her.

WRITTEN COMMUNICATIONS: none

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

City Income Tax Monthly Collection Report – August 2019. Filed.

Findlay Police Department Activities Report – August 2019. Filed.

Findlay Municipal Court Activities Report – August 2019. Filed.

Chief of Police Dunbar – PD donation from Hancock County 911 Fund

The Police Department received a check from Dale Shaheen from the Hancock County 911 Fund in the amount of two thousand four hundred two dollars and eighty-two cents (\$2,402.82) for reimbursement for CAD monitors in the Dispatch Center. Legislation to appropriate funds is requested. Ordinance No. 2019-084 was created.

FROM: General Fund (Hancock County 911 Fund)	\$ 2,402.82
TO: Police Dispatch #21015000-other	\$ 2,402.82

Filed.

Findlay Fire Department Activities Report – August 2019. Filed.

Treasurer’s Reconciliation Report – August 2019. Filed.

City Auditor Staschiak – summary financial reports

A set of summary financial reports for the prior month follows including:

- Summary of Year-To-Date Information as of August 31, 2019
- Open Projects Report as of August 31, 2019
- Cash & Investments as of August 31, 2019
- Financial Snapshot for General Fund as of August 31, 2019

Filed.

Mayor Muryn – Fire Department training facility

As part of the City’s strategic planning process at the end of last year, the Fire Department identified a need for a training facility. Over the past year, Chief Eberle has put a lot of thought into how this facility would benefit not only the first responders in Findlay, but also those in the County. The Fire Department and the Administration have developed a plan to make live fire, simulated house fires, confined space, and other types of training more available to the Fire Department staff. Mayor Muryn will discuss this concept during the Capital Funding conversation. Filed.

COMMITTEE REPORTS:

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Nickolas Asset XVI, LLC to rezone 0 Speedway Drive (Lot 8 and 9 in the North End Commerce Park 1st Addition) from C2 General Commercial District to I1 Light Industrial.

We recommend to approve the request as submitted. Ordinance No. 2019-082 was created.

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Alan Killion to rezone 640 Davis Street from R2 Single Family, Medium Density to R4 Duplex/Triplex.
We recommend to approve as requested. Ordinance No. 2019-083 was created.

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

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 021-2019 (*no PO*) requires three (3) readings

third 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 Slough moved to adopt the Resolution, seconded by Councilman Harrington. Ayes: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson. The Resolution was declared adopted and is recorded in Resolution Volume XXXII, and is hereby made a part of the record.

RESOLUTION NO. 022-2019 (*no PO*) requires three (3) readings

second reading – adopted during OLD BUSINESS

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).

ORDINANCES:

ORDINANCE NO. 2019-051 (*Utility Billing software*) requires three (3) readings

third reading – tabled after third reading on 8/6/19

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A CONTRACT OR CONTRACTS WITH MUNI-LINK FOR THE UPDATING OF THE CITY OF FINDLAY'S UTILITY BILLING DEPARTMENT'S SOFTWARE, APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2019-069 (*726 S Blanchard St rezone*) requires three (3) readings

third reading - adopted

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 726 S BLANCHARD STREET REZONE) WHICH PREVIOUSLY WAS ZONED "C1 LOCAL COMMERCIAL" TO R4 DUPLEX/TRIPLEX.

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindlecker, Slough, Watson, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-069 and is hereby made a part of the record.

ORDINANCE NO. 2019-071 (*mid-year budget appropriations*) requires three (3) readings

second reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2019-072 (*amend Income Tax Section 194.013*) requires three (3) readings

second reading

AN ORDINANCE AMENDING SECTION 194.013 OF CHAPTER 194 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

Second reading of the Ordinance.

ORDINANCE NO. 2019-073 (*amend Income Tax Section 194.07*) requires three (3) readings

second reading

AN ORDINANCE AMENDING SECTION 194.07 OF CHAPTER 194 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

Second reading of the Ordinance.

ORDINANCE NO. 2019-076 (*Blanchard River Greenway Extension 2 (Design)*) requires three (3) readings

second reading

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

Second reading of the Ordinance.

ORDINANCE NO. 2019-077 (*CR 180 Drainage Plan*) requires three (3) readings

second reading

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

Second reading of the Ordinance.

ORDINANCE NO. 2019-080 (*Lime Hauling for Water Treatment*) requires three (3) readings
second reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2019-081 (*payroll deductions for City employees*) requires three (3) readings
first reading

AN ORDINANCE AUTHORIZING THE AUDITOR TO MAKE PAYROLL DEDUCTIONS FOR THOSE EMPLOYEES WHO HAVE ELECTED TO ENROLL IN THE HEALTH SAVINGS ACCOUNT (HSA) PLAN AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2019-082 (*Speedway Dr rezone*) requires three (3) readings
first reading

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS SPEEWAY DRIVE REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL DISTRICT" TO I1 LIGHT INDUSTRIAL.

First reading of the Ordinance.

ORDINANCE NO. 2019-083 (*640 Davis St rezone*) requires three (3) readings
first reading

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 640 DAVIS STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY, MEDIUM DENSITY" TO "R4 DUPLEX/TRIPLEX".

First reading of the Ordinance.

ORDINANCE NO. 2019-084 (*PD donation from Hancock County 911 Fund*) requires three (3) readings
first reading - adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Shindledecker moved to suspend the statutory rules of Council and give the Ordinance its second and third readings, seconded by Councilman Russel. Ayes: Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Frische, Harrington. The Ordinance received its second and third readings. Councilman Shindledecker moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Frische, Harrington, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-084 and is hereby made a part of the record.

ORDINANCE NO. 2019-085 (*add new Chapter 331.45 – distracted driving*) requires three (3) readings
first reading

AN ORDINANCE AMENDING TITLE FIVE, CHAPTER 331 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY ENTITLED "OPERATION GENERALLY" TO DEFINE AND PROHIBIT CERTAIN VIOLATIONS COMMITTED WHILE DRIVING DISTRACTED.

First reading of the Ordinance.

UNFINISHED BUSINESS:

OLD BUSINESS

Councilman Harrington complimented the Traffic Commission on the Jefferson School reroute program. It seems to be working very well. Parents seem to be getting used to it. There is also a utility project going on in that area that is causing some issues, but overall has gone well.

Councilman Watson asked for additional information on Ordinance No. 2019-085 (distracted driving). He asked what the purpose of it is. Law Director Rasmussen replied that the State codified that Ordinance, so the City is putting it into their local codes so that it can be enforced locally and any fine monies can be kept here. It is just to update the code.

Safety Director Schmelzer asked if Resolution No. 022-2019 could be passed tonight. It is for flood insurance. It is for invoices already received.

Councilman Russel moved to reconsider Resolution No. 022-2019, seconded by Councilman Watson. All were in favor. Councilman Russel moved to suspend the statutory rules of Council and give the Resolution its third reading, seconded by Councilman Slough. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Shindledecker.

Discussion:

Councilwoman Frische asked what this is for and what the dollar amount is. Safety Director Schmelzer replied approximately nine thousand dollars (\$9,000) for approximately eight (8) properties. The highest premium is for around two thousand four hundred dollars (\$2,400) for one of the buildings on the Hochstettler property.

Ayes: Russel, Shindledecker, Slough, Watson, Frische, Harrington, Hellmann, Niemeyer, Ostrander. The Resolution was declared adopted and is recorded in Resolution Volume XXXII, and is hereby made a part of the record.

NEW BUSINESS

City Auditor Staschiak noted that he provided an FYI of the proposed budget schedule to Councilmembers and asked if October 1, 2019 at 5:30pm in the third floor conference room will work for the pre-budget meeting. He anticipates it to only last thirty to forty (30-40) minutes. That meeting keeps the rating agencies happy knowing that Council is taking a look at budget issues prior to looking at the budgets. All were in favor.

PRE-BUDGET MEETING on Tuesday, October 1, 2019 at 5:30pm in the third floor conference room (CR1).

Safety Director Schmelzer informed Council that the County held the first public hearing for the Howard Run this evening. There were quite a few in attendance. The interest is in getting it done. He will keep Council posted on what happens. The second hearing will be on Tuesday, October 1, 2019 in which he anticipates the Commissioners will tell the Engineer to move forward. There were several at tonight's hearing that thought it was going to be a question and answer session, but that will not occur until after the scope and design is done and the Engineer has determined what the costs are which will be at the another public hearing anticipated to be sometime next year.

Councilman Shindledecker was approached by a resident about the alley south of the Post Office where the drop-off boxes are. At that intersection (Cory Street) of that alley where it is northbound, it appears to be one-way north bound, but the bike lane allows for traffic in both directions and suggested that signage be placed there to indicate that. Similar signage already exists at Cory Street/Hardin Street and Cory Street/Main Cross Streets. That resident indicated that she almost was involved in an accident there recently. Safety Director Schmelzer replied that he will take care of it.

Councilman Hellmann asked if there are any policies or procedures on emergency legislation. There are times when legislation is moving money for donations which would should be passed on an emergency, but some legislation does not meet Council's approval and asked if there is a policy or procedure or criteria for those. Law Director Rasmussen replied that is in the statute. It is Chapter 731.08. Every piece of legislation requires three (3) readings unless Council waives them, which is why there is a vote to waive the three (3) readings and pass it on an emergency. The Ordinance goes into effect thirty (30) days after the Mayor signs it if it is not an emergency, so that piece of legislation is not determined by the number of votes. When the emergency clause is included, it goes into effect as soon as the Mayor signs it. Council can waive the readings on either one of those Ordinances. Councilman Hellmann replied that everything Council receives says it is an emergency. Law Director Rasmussen replied that there are many pieces of legislation that is not an emergency, such as zoning requests. Safety Director Schmelzer added that most of the time when Council votes on something and wants it to be effective immediately, it has nothing to do with the number of readings. For example, the resolution for flood insurance did not have the emergency clause, so even after it is passed, it will still have to wait thirty (30) days before the bill is paid even though Council said to pay it. Many times when legislation is going to require a conversation or rezoning, they are not immediately effective. In the example of the donation to the Police Department, there most likely will not be any objections to moving the two thousand dollars (\$2,000) grant money to the Police Department, so it only makes sense to suspend the readings and get it off the agenda.

There have been times when Council has felt something warrants at least one reading to see if anyone weighs in on it and if no one does, then the third reading is suspended and given that reading at the same time as the second reading. The suspension of readings has nothing to do with whether or not it becomes effective. Mayor Muryn asked if Councilman Hellmann is asking if there is a specific process that is utilized to determine whether or not to put the emergency clause on a piece of legislation or not to make it effective upon signature. Councilman Hellmann replied that is correct. Mayor Muryn replied that there is not a specific process. When someone requests legislation and requests it be an emergency, it is so that bills can be paid, distributions can be made, etc. Councilman Hellmann recalled that there was a six-hundred dollar (\$600) phone bill that was owed, which seemed like something that could have received all three (3) that night so that the bill could be paid rather than wait two (2) more Council meetings to pay it, but it did not get passed that night. City Auditor Staschiak noted that there are moments when Council should not take the emergency language in legislation lightly because if Council passes it on an emergency, it removes the right of the public to referendum petition it. Council should be very selective when passing legislation on an emergency because there are times that the rights of the community should not be taken away.

Service Director Thomas noted that Councilman Watson had asked about sewer televising during the last City Council meeting, so he is providing an update on that now. Since 2010, the City has televised four hundred eight thousand seven hundred sixty-one feet (408,761 ft) of sewer so far. The City starting contracting outside help last year. Between last year and what is planned for this year, the consultant will be televising eighty-two thousand three hundred sixty-six feet (82,366 ft) of sewer, bringing the total sanitary sewer televised since 2010 to four hundred ninety-one thousand one hundred twenty-seven feet (491,127 ft) of sewer. The City has a total of three hundred five (305) miles of sanitary sewer. Last year's replaced sanitary sewer will not have to be televised, but if televising all three hundred five miles (305), there is approximately eleven (11) years left of sanitary sewer televising. It should be less than that because some of that is what was replaced last year that will not need to be televised.

Mayor Muryn noted that the comment period on the Blanchard Street project is now closed, so they will be posting a summary of the comments received on the website. The summary will also be emailed to Council. She and Service Director Thomas are in the process of scheduling a meeting with ODOT to discuss the comments and some of the ideas that they came up with. She will come back to Council with some recommendations and ask for direction on moving forward.

Mayor Muryn informed Council that downtown parking spots have been restriped to the standard twenty feet (20 ft) which added eleven (11) parking spots.

Mayor Muryn noted that the downtown mobile cameras that are in the mid-block crosswalks are to monitor when they are working effectively and when they are not, and when they are not activating when they should be and when they are activating when they should not be. These mobile cameras will provide hard data because when someone is brought in to look at them, they tend to act properly and then when they are reported be having no issues, they start to act up. The cameras will be there for a couple of days. Mayor Muryn announced that the City has been nominated by the Chamber of Commerce for a small business award. The event will be in a couple of weeks. She welcomed anyone who wants to attend.

Councilman Slough thanked Safety Director Schmelzer for the response time of putting the downtown benches back out. He had asked about them at the last City Council meeting and the next day, they were put back out.

Mayor Muryn mentioned that a couple of the downtown trash receptacles are in need or repainting which will be done soon.

Mayor Muryn informed Council that the City of Findlay, Ohio does not have any water issues going on right now. What has been in the media is for Findlay, Illinois.

President of Council Monday adjourned City Council at 7:34pm.

CLERK OF COUNCIL

COUNCIL PRESIDENT

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President of Council Monday adjourned City Council at 7:34pm.


CLERK OF COUNCIL


COUNCIL PRESIDENT