

**FINDLAY CITY COUNCIL MEETING MINUTES**

**REGULAR SESSION**

**OCTOBER 1, 2019**

**COUNCIL CHAMBERS**

**PRESENT:** Frische, Harrington, Hellmann, Niemeyer, Russel, Shindledecker, Slough, Watson, Wobser

**ABSENT:** Ostrander, Mayor Muryn

President of Council Pro-Tem Russel noted that Councilwoman Ostrander notified Council President Monday and President Pro-Tem Russel that she would not be present at tonight's meeting, therefore, a motion to excuse her absence is requested and a voice vote to be taken. Councilman Hellmann moved to excuse Councilwoman Ostrander, seconded by Councilman Shindledecker. All were in favor. Councilwoman Ostrander is excused.

President of Council Pro-Tem Russel noted that Mayor Muryn is not present tonight as she is attending a ditch hearing.

President of Council Pro-Tem Russel opened the meeting with the Pledge of Allegiance and a moment of silence.

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

- Councilman Slough moved to accept the September 17, 2019 Public Hearing minutes to rezone 726 South Blanchard Street via Ordinance No. 2019-069, Shindledecker seconded to motion. All were in favor. Motion carried. Filed.
- Councilman Harrington moved to accept the September 17, 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 Harrington moved to replace the following on tonight's agenda, seconded by Councilman Slough. All were in favor. Motion carried. Filed.

**REPLACEMENTS:**

- Ordinance No. 2019-080, AS AMENDED (**LEGISLATION** section) – Water Treatment lime hauling
  - September 17, 2019 WATER AND SEWER COMMITTEE meeting recommended to decrease the original requested amount of \$400,000 to now be \$250,000.
- Ordinance No. 2019-090 (**LEGISLATION** section) - insurance payment on damaged Engineering truck
  - Changed TO: Police Department #21012000-other \$699.53  
to now be  
TO: Engineering Department #21021000-other \$699.53

**PROCLAMATIONS:** none

**RECOGNITION/RETIREMENT RESOLUTIONS:** none

**PETITIONS:** none

**ORAL COMMUNICATIONS:** none

**WRITTEN COMMUNICATIONS:** none

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

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control** for Green Restaurants Incorporated, dba Tokyo Steakhouse, located at 1800 Tiffin Avenue, Suite 113, Findlay, Ohio for a D5 and D6 liquor permit. This requires a vote of Council.

John E. Dunbar, Chief of Police – Green Restaurants Incorporated, dba Tokyo Steakhouse, located at 1800 Tiffin Avenue, Suite 113, Findlay, Ohio. A check of the records shows no criminal record on the following:

Fengxiao Tao  
Zong J. Zheng

Councilman Slough moved for no objections be filed, seconded by Councilman Watson. Filed.

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control** for Rod & Cynthia Nelson Enterprises LLC, dba Lucky's Carryout, located at 221 Crystal Avenue, Unit C, Findlay, Ohio for a C1 and C2 liquor permit. This requires a vote of Council.

John E. Dunbar, Chief of Police – Rod & Cynthia Nelson Enterprises LLC, dba Lucky's Carryout, located at 221 Crystal Avenue, Unit C, Findlay, Ohio. A check of the records shows no criminal record on the following:

Cynthia Nelson  
Rod Nelson

Councilman Harrington moved for no objections be filed, seconded by Councilman Slough. Filed.

**City Planning Commission agenda** –October 10, 2019; **minutes** – September 12, 2019. Filed.

**Traffic Commission minutes** – August 9, 2019 and September 16, 2019. Filed.

**City Auditor Staschiak – RLF Administration**

The Hancock Regional Planning Commission has submitted an invoice for their expenses/staff time for RLF administration for October 2018 through June 2019. This is now a routine request where Council has approved requesting the appropriation without going to committee each time. Legislation to authorize a draw from the Revolving Loan Fund account and appropriate \$5,692.86 from the RLF to General Expense #21010000-449400 to pay the invoice is requested. Ordinance No. 2019-087 was created. Filed.

**Chief of Police John Dunbar – Ohio Attorney General Law Enforcement Diversion Program**

The Findlay Police Department has received a second grant from the Ohio Attorney General Law Enforcement Diversion Program. The purpose of the original grant was to assist local agencies in their efforts to combat the opioid problem in their communities by forming teams. This second grant will continue these efforts for one more year. The Findlay Police Department collaborated with then Century Health in forming a team called the Quick Response Team (QRT). The funds from the original grant from the Ohio Attorney General was used to reimburse Century Health for the salary and expenses of a Coordinator. The funds from this second grant will be used to reimburse Family Resources Center for the salary and expense of the Coordinator since Family Resource Center has assumed the role that Century Health did in the original grant. Legislation to appropriate funds is requested. Ordinance No. 2019-088 was created.

FROM: Ohio Attorney General LE Diversion Program	\$ 50,000.00
TO: PD QRT Grant FY2020 <i>project no. 31946000</i>	\$ 50,000.00

**Discussion:**

Councilman Russel noted that this program has been in place for about a year and a half and asked how the program is doing and if they are looking to continue it. Safety Director Schmelzer replied that overall, they were pleased with the performance of the project. Two hundred thirty-one (231) cases were handled through the Findlay Police Department. The overall consensus is that the program is worth continuing. Filed.

**Service Director/Acting City Engineer Thomas – 2019 CUBE parking lot repairs (31993700)**

By authorization of Ordinance No. 2019-034, a bid opening was held for this project on September 17, 2019. Bids were received from five (5) potential contractors with the base bid amounts ranging from \$125,719.60 to \$158,176.00. There were also two (2) alternates that were part of the bid. Alternate 1 was to have the contractors perform the pavement markings for the project. Alternate 1 prices ranged from \$7,820 to \$8,602. Alternate 2 was to change the completion date of the project from November 31, 2019 to May 15, 2020. Alternate 2 prices ranged from a decrease of \$6,715 to an increase of \$1,010.85. The lowest and best bid was received from Helms and Sons Excavating of Findlay, Ohio. This project is included in the 2019 Capital Improvements Plan with an estimated cost of \$115,000. The lowest bidder is slightly over the amount listed in the Capital Plan, but it is within the allowable limit that can be accepted. \$10,000 was previously appropriated to the project. Engineering would like to move forward with the project using the base bid and alternate 1. For the contractor to be able to complete the project by the completion date, Council will need to appropriate the funds required with one reading. If Council wishes to wait and extend the completion date (approving alternate 2), the project cost will increase by \$1,010.85. That amount can be taken out of the contingency that Engineering will be requesting so the appropriation amount will not change. Legislation to appropriate and transfer funds is requested. Ordinance No. 2019-089 was created.

FROM: CIT Fund – Capital Improvements Restricted Account	\$ 134,157.00
TO: 2019 CUBE Parking Lot Repairs (31993700)	\$ 134,157.00

Filed.

**City Auditor Staschiak – salary ordinance**

The salary ordinance has typically been revised by the City Auditor’s Office with changes requested by the Administration and presented to Council for review. Attached is this year’s updated pay ordinance. The changes made to the existing ordinance are highlighted in red. The Mayor’s Administration and the Auditor’s Office have reviewed the document. Revisions include:

- All exempt positions with a salary range had maximum and minimum amounts raised by 1.61%
- All steps in the hourly ranges and all excepted pay ranges were increased by 1.61%
- All effective dates were changed as needed in each section.
- All other changes are highlighted in red

It is important that a completed ordinance is passed by Council’s first meeting in January, including the emergency clause, so that the City’s regular course of business may continue. Ordinance No. 2019-086 was created.

Discussion:

Councilman Shindledecker asked that the letter be read into the record, seconded by Councilman Hellmann. All were in favor. The Council Clerk read the letter in its entirety. Filed.

**City Auditor Staschiak – HSA Ordinance No. 2019-081**

Ordinance No. 2019-081 that was included in the September 17, 2019 City Council packet was for City employee’s Health Savings Account. As part of the implementation of the high deductible component of the City’s employee health plan, the Administration determines recommended dollar amounts that the City will contribute financially to employee’s Health Savings Accounts (HSAs). The minimal HSA contributions by the City are covered by the current union agreements and typically carry over to non-union employees. After review the City’s health insurance plan, the following recommendation has been made at the following levels:

single plan \$720.00	ee + plan \$1,800.00	family plan \$1,800.00
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This has become a regular annual request of Council. Legislation to allow for this distribution as part of the City’s health plan is requested. Ordinance No. 2019-081 received its first reading during the September 17, 2019 City Council meeting. Filed.

**Service Director Thomas – insurance payment on Engineering pickup truck**

The City has received payment for the repair of a pickup truck from an accident from the City’s insurance company in the amount of six hundred ninety-nine dollars and fifty-three cents (\$699.53) that has been deposited in the General Fund. Legislation to appropriate the funds is requested. Ordinance No. 2019-090 was created.

FROM: General Fund (insurance proceeds)	\$ 699.53
TO: Engineering Department #21021000-other	\$ 699.53

**Service Director/Acting City Engineer Thomas – Cimarron Court Drainage Project #35592300**

This project was included in the 2019 Capital Improvement Plan because moderate rain events have been causing street flooding and water backing up in basements. As part of the project, a secondary outlet will be installed to help eliminate the issue. As the City does some of the smaller projects, the City will supply the material for the project and the contractor will do the installation. The contractor has indicated that they should be able to get the project completed this year, but contracts cannot be sent out until the funds are appropriated. Legislation to appropriate funds for construction, material, inspection and contingency is requested. Ordinance No. 2019-091 was created.

FROM: Sewer Fund – Stormwater Restricted Account	\$ 75,000.00
To: Cimarron Court Drainage <i>Project #35592300</i>	\$ 75,000.00

**Service Director/Acting City Engineer Thomas – E Main Cross (Osborn Bridge and Creek Bore) and Fishlock Avenue (Creek Bore) Project #35791000**

When the waterline on Fishlock Avenue was replaced and the road was resurfaced last year, the City was unable to bore the new waterline under Lye Creek because the contractor ran into bedrock. Along with the additional cost due to bedrock being present, additional equipment was needed to complete the work. Due to the tight timeframe for the project and the availability of the equipment, the boring could not be completed by the deadline. After discussions with the Water Department, the waterline was installed on each side of Lye Creek, but the boring was not completed. Boring work was included in the 2019 Capital Improvement Plan so that waterlines on each side of Lye Creek could be connected. The contractor that will be doing the actual boring work is the same one that recently did the boring work for the waterline replacement on Blanchard Street, so they still have their equipment here and would be convenient to have the Fishlock Avenue work completed now, if possible, thus eliminating a mobilization cost of moving the equipment to a different municipality. The contractor will just be doing the boring work itself and Water Distribution will be connecting the bored pipe to the existing waterlines on each side. Legislation to appropriate funds for construction, material, inspection and contingency is requested. Ordinance No. 2019-092 was created.

FROM: Water Fund	\$ 55,000.00
TO: East Main Cross (Osborn Bridge and Creek Bore) and Fishlock Avenue (Creek Bore) <i>Project #35791000</i>	\$ 55,000.00

**COMMITTEE REPORTS:**

The **WATER AND SEWER COMMITTEE** met on September 17, 2019 to discuss lime removal. *We recommend that Jason Phillips’ request of \$250,000 down from \$400,000. We recommend approval of \$250,000. Ordinance No. 2019-080 received its first reading during the September 3, 2019 City Council meeting, its second reading during the September 17, 2019 City Council meeting and is being amended to reflect the dollar amount change for its third reading during the October 1, 2019 City Council meeting.*

Discussion:

Councilman Hellmann asked how this request went from \$400,000 down to \$250,000. Service Director/Acting City Engineer Thomas replied that it was all based on weight and so they had to guess what spent lime weighs. Because it was older and had set out, it was drier and did not weigh as much and will not need as much to get rid of it. So, instead of asking for the full \$400,000 and returning the difference in a couple of months, the amount of how much is needed to get rid of the lime yet this year is less and is changing the amount now.

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

**LEGISLATION:**

**RESOLUTIONS:** none.

**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. 2019-071** (*mid-year budget appropriations*) requires three (3) readings

***third reading - adopted***

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Harrington. Ayes: Frische, Harrington, Hellmann, Niemeyer, Russel, Shindledecker, Slough, Watson, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-071 and is hereby made a part of the record.

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

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

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Harrington. Ayes: Harrington, Hellmann, Niemeyer, Russel, Shindledecker, Slough, Watson, Wobser, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-072 and is hereby made a part of the record.

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

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

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Hellmann, Niemeyer, Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-073 and is hereby made a part of the record.

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

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

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Niemeyer, Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-076 and is hereby made a part of the record.

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

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

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

Discussion:

Councilwoman Frische asked what this entails. Service Director/Acting City Engineer Thomas replied that it is a Memorandum of Understanding (MOU) between the City and County on a County drainage project. This project will install an additional storm sewer for runoff water at County Road 180 and Sandusky Street that will go to the ditch instead of building up and going across CR 180 and ending up in Hunters Creek. As part of the MOU, the County is doing the plans and the City will bid and inspect the project. This Ordinance is requesting funds to advertise for bidding.

Ayes: Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-077 and is hereby made a part of the record.

**ORDINANCE NO. 2019-080, AS AMENDED** (*Lime Hauling for Water Treatment*) requires three (3) readings  
***third reading - adopted***

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-080 and is hereby made a part of the record.

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

Second reading of the Ordinance.

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

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

Second reading of the Ordinance.

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

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY 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".

Second reading of the Ordinance.

**ORDINANCE NO. 2019-084** (*PD donation from Hancock County 911 Fund*) requires three (3) readings  
***second reading – adopted during the September 17, 2019 City Council meeting***

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

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

*THIS ORDINANCE WAS INCORRECTLY PLACED ON THE AGENDA. IT WAS ADOPTED DURING THE SEPTEMBER 17, 2019 CITY COUNCIL MEETING.*



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

Second reading of the Ordinance.

**ORDINANCE NO. 2019-086** (*salary ordinance*) requires three (3) readings  
*first reading*

AN ORDINANCE ESTABLISHING JOB CLASSIFICATIONS, PAY RANGES, SALARY SCHEDULES AND OTHER MATTERS THAT MAY AFFECT PAY, FOR ALL NON-ELECTED OFFICERS AND EMPLOYEES OF THE CITY OF FINDLAY, OHIO, AND REPEALING ORDINANCE NO. 2018-123 AND ALL OTHER ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

**ORDINANCE NO. 2019-087** (*RLF Administration*) requires three (3) readings  
*first reading - adopted*

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilwoman Frische moved to suspend the statutory rules of Council and give the Ordinance its second and third readings, seconded by Councilman Wobser. Ayes: Wobser, Frische, Harrington, Hellmann, Niemeyer, Russel, Shindledecker, Slough, Watson. The Ordinance received its second and third readings. Councilman Slough moved to adopt the Ordinance, seconded by Councilman Wobser. Ayes: Frische, Harrington, Hellmann, Niemeyer, Russel, Shindledecker, Slough, Watson, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-087 and is hereby made a part of the record.

**ORDINANCE NO. 2019-088** requires three (3) readings  
(*Ohio Attorney General Law Enforcement Diversion Program*)

*first reading - adopted*

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilwoman Frische moved to suspend the statutory rules of Council and give the Ordinance its second and third readings, seconded by Councilman Hellmann. Ayes: Harrington, Hellmann, Niemeyer, Russel, Shindledecker, Slough, Watson, Wobser, Frische. The Ordinance received its second and third readings. Councilwoman Frische moved to adopt the Ordinance, seconded by Councilman Slough.

Discussion:

Councilwoman Frische asked if the Ordinance could be corrected to reflect the correct Ordinance number. It is numbered as 2018-088 and should be 2019-088. Council Clerk DeVore replied that she will correct it before it is signed.

Councilwoman Frische asked what the Quick Response team needs under the equipment part of the City's budget. Safety Director Schmelzer replied that they participate in the program with Officers who are part of a response team. It will be funded through the Family Center. The intent is to intervene on behalf of the Family Center and the Findlay Police Department in the hopes of getting individuals pointed in the right direction of recovery and rehabilitation in an attempt to reduce recidivism.

Ayes: Hellmann, Niemeyer, Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-088 and is hereby made a part of the record.

**ORDINANCE NO. 2019-089** (2019 CUBE parking lot repairs) requires three (3) readings

***first reading - adopted***

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

Councilman Watson moved to suspend the statutory rules of Council and give the Ordinance its second and third readings, seconded by Councilman Shindledecker. Ayes: Niemeyer, Russel, Shindledecker, Slough, Watson, Wobser, Harrington, Hellmann. Nays: Frische. The Ordinance received its second and third readings. Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Slough.

Discussion:

Councilman Wobser asked if there is a reason why this is being pushed through. Councilman Watson replied that per the letter from Service Director/Acting City Engineer Thomas who stated that the comparison price is one thousand dollars (\$1,000) and it would save money and time if passed tonight. Service Director/Acting City Engineer Thomas added that this project was purposely not bid at the same time as the street project so that they would not interfere with each other. Now the asphalt contractors are getting caught up from the wet spring we had. When it was bid, a completion date for the end of November was given as well as the end of May as an alternate. The low bid was around one thousand two hundred dollars (\$1,200) and would be a little cheaper if it is done by the end of November because it is not certain what their asphalt prices will be next year. If Council passes it tonight, it can be done cheaper. If Council wants to wait to pass it, the asphalt will still be the same. He'll use some of the contingency funds to cover it if there is a difference in cost. Councilman Wobser added that the weather has been cooperating lately to extend the asphalt season.

Councilman Harrington noted that he spends a lot of time at the CUBE for hockey and noticed that the parking lot is long overdue.

Councilwoman Frische asked if the original requested amount was one hundred thousand dollars (\$100,000) and if the extra thirty-four thousand dollars (\$34,000) is for contingency. Service Director/Acting City Engineer Thomas replied that he included some funds for contingency and also included funds as an alternate for the contractor to do some striping of parking spots instead of having the Street Department do it. It takes a lot of time to do the striping. If the contractor does it on the driveway part, they put sheets of plastic down which lasts a lot longer and does not have to be redone every year.

Councilman Russel asked if there is any benefit to doing in in November and if it has to cure any longer. Service Director/Acting City Engineer Thomas replied that he would prefer it be done now versus next year.

Councilwoman Frische asked if there were issues when the Main Street project was paved late in that season. She recalls tar was getting on vehicles. Service Director/Acting City Engineer Thomas replied that was not a paving project. There were some issues when beet juice de-icer was put down on city streets last winter season. Councilwoman Frische asked if it was a combination of the beet juice and the tar that was put down for the paving project. Service Director/Acting City Engineer Thomas replied that testing was done to find out why it happened and turned out that it just strangely happened that year.

Ayes: Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-089 and is hereby made a part of the record.

**ORDINANCE NO. 2019-090** (*insurance payment on damaged Engineering truck*) requires three (3) readings  
***first reading - adopted***

**AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.**

Councilman Watson moved to suspend the statutory rules of Council and give the Ordinance its second and third readings, seconded by Councilman Harrington. Ayes: Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer, Russel. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer, Russel, Shindledecker. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-090 and is hereby made a part of the record.

**ORDINANCE NO. 2019-091** (*Cimarron Court drainage project*) requires three (3) readings  
***first reading – adopted during OLD BUSINESS***

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

**ORDINANCE NO. 2019-092** requires three (3) readings  
(*E Main Cross (Osborn Bridge and Creek Bore) and Fishlock Avenue (Creek Bore)*)

***first reading – adopted during OLD BUSINESS***

**AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.**

**UNFINISHED BUSINESS:**

**OLD BUSINESS**

Councilwoman Frische moved to reconsider Ordinance No. 2019-091, seconded by Councilman Slough. All were in favor. Councilman Wobser moved to suspend the statutory rules of Council and give the Ordinance its second and third readings, seconded by Councilman Slough. Ayes: Wobser, Frische, Harrington, Hellmann, Niemeyer, Russel, Shindledecker, Slough, Watson. The Ordinance received its second and third readings. Councilwoman Frische moved to adopt the Ordinance, seconded by Councilman Wobser.

**Discussion:**

Councilwoman Frische asked who the contractor is for this project. Service Director/Acting City Engineer Thomas replied it is not known yet. Pricing is not in yet, but will be less than what is on the Ordinance.

Councilwoman Frische noted that there are a lot of areas in the city that have water drainage backup issues. She asked if this project will make all the water in that area (Cimarron Court) go away. Service Director/Acting City Engineer Thomas replied that there have been water complaints for Cimarron Court, but he has not received any complaints on other streets in that area. He would like to be notified of any other water drainage issues. There have been some complaints in the Cimarron Court area for a couple of years.

Ayes: Frische, Harrington, Hellmann, Niemeyer, Russel, Shindledecker, Slough, Watson, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-091 and is hereby made a part of the record.

Councilwoman Frische moved to reconsider Ordinance No. 2019-092, seconded by Councilman Hellmann. Ayes: Russel, Slough, Watson, Wobser, Frische, Hellmann, Niemeyer. Nays: Shindledecker, Harrington.

Councilman Shindledecker asked for a point of order, seconded by Councilman Harrington. Councilman Shindledecker asked if the motion to reconsider needs to be from a Councilmember who voted within the majority and if so, if there was such a vote. The only Councilmember who can make a motion to reconsider has to be from someone who voted within the majority. Council President Pro-Tem Russel replied that there was no vote.

Roll call vote for the motion to reconsider is needed. Ayes: Hellmann, Niemeyer, Slough, Watson, Wobser, Frische. Nays: Harrington, Russel, Shindledecker. The Ordinance is reconsidered.

**Discussion:**

Councilman Wobser asked what the reason is to suspend the rules and give this its second and third readings and if there is a time element on this. Service Director/Acting City Engineer Thomas replied that the contractor that is going to be doing the work is the same one that did the boring for the Blanchard Street project, so the equipment is still in town. If the Ordinance is adopted now, he does not have to wait for them to come back and bring their equipment back, so it will save some project cost.

Councilman Wobser asked if both time and money will be saved by passing the Ordinance now. Service Director/Acting City Engineer Thomas replied that is correct.

Councilman Hellmann asked if this is not adopted tonight and adopted after all three (3) readings, if the winter weather will interfere with it and if it will cause any issues. Service Director/Acting City Engineer Thomas replied that the contractor will go somewhere else to do other work, so he is unsure how long that other work will take the contractor and could delay them on this project.

Councilwoman Frische noted that there was some backup water issues on Fishlock and asked if that was because of the drainage project on Williams and Fishlock. Service Director/Acting City Engineer Thomas replied no. This is to replace the waterline. It was stopped on each side of Lye Creek because of the rock they were going to hit while digging, so nothing will be done with the drainage on the other side.

Councilman Wobser moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilwoman Frische. Ayes: Hellmann, Niemeyer, Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Hellmann.

Discussion:

Councilman Shindledecker feels this took a convoluted way of getting adopted. He only wanted to know if there were any time considerations on this project, which that took roundabout way to get the answer.

Ayes: Niemeyer, Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann, The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-092 and is hereby made a part of the record.

## **NEW BUSINESS**

Councilman Hellmann pointed out that there have been some articles in the press and media about cyber-attacks and Ransomware. He held up a copy of a Wall Street Journal article about it. He asked if the City has any concerns about it and asked if the City is well-protected. Safety Director Schmelzer replied that the City is as protected as it can be. A lot has been done by the City's Computer Services Department to protect employees from phishing, which is one of the largest sources for the cyber-attacks. They also do a lot with web-sensing to restrict access to websites that are suspicious in nature. It may seem like a hassle to employees when they are trying to do something online and has to be screened by the City's Computer Services before getting to the site they want. City employees also go through an internal training of fake messages so that they become familiar with what cyber-attack emails look like. If an employee happens to click on one, they have to go through an internal training process. The City is continually training their employees to protect themselves from those types of attacks. The City has also increased their insurance coverage for cyber-attacks and City records. Every municipality is concerned with cyber-attacks, but the City of Findlay is taking steps in the right direction to protect themselves.

City Auditor Staschiak added that he regularly attends seminars and meetings to keep ahead of what types of cyber-attacks are out there. The banks continually work with the City and make recommendations to the City's system and the banking the City does with them. Those seminars are not only attended by local officials, but also the FBI, and others. All a cyber-attacker needs is a human individual on the other end to not recognize the attack and allow the Malware to attack the City's software. A day does not go by that the City Auditor's Office is not concerned about cyber-attacks. He has had some conversations with the City's Computer Services Department about how quickly the City could recover from a cyber-attack. Emails and software programs go through a cloud to protect from cyber-attacks which is part of the hold up with the replacement water billing system. The City wants to make sure that they are in a position to not only protect themselves, but also on how to survive it. It is not just a couple of individuals working on it. It is a City-wide effort.

Councilman Russel: **APPROPRIATIONS COMMITTEE** meeting on October 8, 2019 at 4:00pm in the third floor conference room beside the Mayor's Office (CR1).

agenda: emergency training center

Safety Director Schmelzer added that any Councilmember that is not on that committee are also welcome to attend who are interested in hearing about the idea. At the meeting, they do not plan on asking for an appropriation, but since this does involve a potential capital project and does involve community interest, they would like to discuss it at this committee meeting.

Councilwoman Frische noted that a few weeks ago, she brought up the discussion for a performance audit for water and sewer. The meters project is tabled and still on hold, so she would now like to request legislation, seconded by Councilman Wobser.

City Auditor Staschiak informed Council that he will post the pre-budget information online in the morning and will provide a copy to Council of what is put online.

Council President Pro-Tem Russel adjourned City Council at 7:49pm.

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CLERK OF COUNCIL

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COUNCIL PRESIDENT PRO-TEM

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