

FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

NOVEMBER 5, 2019

COUNCIL CHAMBERS

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

ABSENT: Slough

President of Council Monday noted that Councilman Slough is ill and unable to attend tonight's meeting. Councilman Russel moved to excuse Councilman Slough, seconded by Councilman Harrington. All were in favor.

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 October 15, 2019 Public Hearing meeting minutes to rezone 640 Davis Street via Ordinance No. 2019-083, Councilman Hellmann seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Harrington moved to accept the October 15, 2019 Public Hearing meeting minutes to rezone Speedway Drive via Ordinance No. 2019-082, Councilman Wobser seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Harrington moved to accept the October 15, 2019 Regular Session City Council meeting minutes, Councilman Hellmann seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

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

ADD-ON:

- Ordinance No. 2019-097 (LEGISLATION section) – Cedar Valley RLF
 - Added RLF Statement of Account

PROCLAMATIONS: none

RECOGNITION/RETIREMENT RESOLUTIONS: none

PETITIONS: none

ORAL COMMUNICATIONS: none

WRITTEN COMMUNICATIONS: none

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Human Resources Director Donald Essex – Firefighter Exposure to Environmental Elements Grant (Project No. 31994800)

City Council previously authorized under Ordinance No. 2017-121, the expenditure of \$10,092.50 of an awarded \$15,000.00 Ohio BWC Firefighter Exposure to Environmental Elements Grant to purchase particulate blocking firefighter hoods. The Findlay Fire Department has \$4,907.50 remaining and is now requesting permission to submit an application to utilize \$4,023.75 of that remaining balance to purchase a turnout gear washer/extractor. The local match required is \$804.75 which will be taken from the existing Fire Department budget.

The Bureau of Workers' Compensation (BWC) uses the Firefighter Exposure to Environmental Elements Grant (FEEEG) Program to partner with Ohio employers to minimize exposure to dangerous environmental elements. Eligible employers may receive up to fifteen thousand dollars (\$15,000) for the duration of the FEEEG Program. The program is available to eligible Ohio employers who wish to purchase the following qualified/allowed items for optimal protection against these exposures:

- Diesel Exhaust System
- **Extractors/washing machines for turn out gear**
- Hoods with barrier protection
- Washable gloves

Legislation to authorizing the Safety Director to apply for said grant funds is requested. Ordinance No. 2019-095 was created.

FROM: BWC FEEEG Grant application	\$ 4,023.75
FROM: Fire Department #21014000-other	\$ 804.75
TO: 2019 BWC FEEEG Project No. 31994800	\$ 4,828.50

Filed.

Treasurer's Reconciliation Report – September 2019. Filed.

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Amigos Exitosos LLC, dba Olers Bar & Grill, 1st Floor and Patio, located at 708 Lima Avenue, Findlay, Ohio for a D5 and D6 liquor permit. This requires a vote of Council.

John E. Dunbar, Chief of Police – Amigos Exitosos LLC, dba Olers Bar & Grill, 1st Floor and Patio, located at 708 Lima Avenue, Findlay, Ohio. A check of the records shows no criminal record on the following:

- Neeli Oler
- Christine Keller

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

City Planning Commission agenda –November 14, 2019; **minutes** – October 10, 2019. Filed.

Service Director/Acting City Engineer Thomas – SR 12 and Davis Street Sewer Repairs (35691800)

The original plan was to line a dead end sanitary sewer at Davis Street and Fox Street and add a manhole at the end of the sewer. Upon further investigation, it was determined that the condition of the sewer will not allow it to be lined. Engineering put together a quick plan and sent it to two (2) contractors for quotes to replace the sewer and add a manhole. One (1) contractor replied that he did not want to bid the job because of his current work load and the second contractor submitted a price of forty-eight thousand seven hundred sixty-one dollars (\$48,761). After fixing the sewer on SR 12, there will be sixteen thousand ninety-five dollars and seven cents (\$16,095.07) remaining in the project. An additional thirty-five thousand dollars (\$35,000) is requested to be appropriated to the project for sewer replacement. This will cover the additional cost and will allow for a small contingency in the event that something unforeseen arises. Legislation to appropriate funds is requested. Ordinance No. 2019-096 was created.

FROM: Sewer Fund	\$ 35,000.00
TO: SR 12 and Davis Street Sewer Repairs #35691800	\$ 35,000.00

Discussion:

Councilman Russel asked if there is a priority on getting this done. Safety Director Schmelzer replied that Service Director/Acting City Engineer Thomas had asked him to try and foster this through so that the contractor can avoid a mobilization charge. The contractor has finished up another project early and is ready to start this project. Filed.

Service Director/Acting City Engineer Thomas – Blanchard Street & Lincoln Street Project #32876000

Engineering has looked at all of the comments that were received on the project and came up with a couple of options that would address some of the concerns that were raised. Possible options in an attempt to see what affect the options would have on the amount of grant funding received for this project were reviewed with the Ohio Department of Transportation (ODOT). Grant funds have not been appropriated to the project, therefore, an appropriation of funds is requested. Needs to be referred to the Appropriations Committee for explanation of options, what affect the options would have on the project and to get a direction from the Committee on how to proceed with legislation to appropriate grant funding is requested.

Discussion:

Councilwoman Frische asked what some of the options are that are being proposed by ODOT. Safety Director Schmelzer replied he talked with Service Director/Acting City Engineer Thomas about what should be done from an appropriation perspective, but at that time, he did not have all the information and knew that by the time of the APPROPRIATIONS COMMITTEE meeting, he would have it then. Councilwoman Frische asked if it is not available now. Safety Director Schmelzer replied that he does not have that information right now, but Service Director/Acting City Engineer Thomas will have the information by the time of the APPROPRIATIONS COMMITTEE meeting. Councilwoman Frische asked Mayor Muryn if she has any information. Mayor Muryn replied that she has not seen the specific responses from ODOT, but that the Administration provided all the citizen comments to ODOT and asked them to provide different configurations to address left turns and be able to add signals while not decreasing the entire length of the corridor and looking at different buffers between the traffic. Bicycle lanes were also brought up to them. She has not seen the responses from ODOT. Councilwoman Frische asked if the Administration is asking for the appropriation to go forward as planned and if ideas will be gone over in an APPROPRIATIONS COMMITTEE meeting. Mayor Muryn replied that is correct. Safety Director Schmelzer added that the idea is to go over the options at the APPROPRIATIONS COMMITTEE meeting, and if there is a desire to move forward, that committee will provide that recommendation to Council.

Councilman Harrington pointed out that the letter requests that it be referred to the APPROPRIATIONS COMMITTEE, but has not been referred yet. Council President Monday referred this request to the APPROPRIATIONS COMMITTEE. Filed.

Service Director/Acting City Engineer – Howard Street Sewer Separation (35577600)

This project was included in the Capital Improvement Plan and was awarded Community Development Block Grant funds. The grant has been awarded and the grant monies now need to be appropriated into the project. Legislation to appropriate funds is requested. Ordinance No. 2019-099 was created.

FROM: CDBG Grant Funds	\$ 202,000.00
TO: Howard Street Sewer Separation #35577600	\$ 202,000.00

Filed.

Findlay Revolving Loan Fund Administrator Cordonnier – City of Findlay Revolving Loan Fund request for appropriation – overpayment of loan

On September 17, 2019, Cedar Valley completed payment on the City of Findlay Revolving Loan Fund loan that was opened in 2010. Cedar Valley has been making extra principal payments and the payoff occurred ahead of schedule. Due to the early payoff, Cedar Valley overpaid by \$685.48. The attached RLF statement of account details each principal and interest payment made by Cedar Valley. Legislation to appropriate funds to refund the Cedar Valley overpayment is requested. Ordinance No. 2019-097 was created.

FROM: City of Findlay Revolving Loan Fund	\$ 685.48
TO: General Expense #21010000 (Cedar Valley – Loan #2)	\$ 685.48

Filed.

Service Director/Acting City Engineer Thomas – Memorandum of Understanding with Hancock Public Health

The database that the Hancock Public Health uses for tracking of isolation backflow and plumber licenses is out of date and needs an overhaul. The Hancock Public Health would like to use the City’s Utility Billing software to track the isolation backflow addresses, testing requirements and keep the data up to date for them. The billing software has the capacity to perform these functions with no additional costs to the City for upgrades. Legislation allowing the Mayor of the City of Findlay to enter into a Memorandum of Understanding with Hancock Public Health is requested. Ordinance No. 2019-098 was requested. Filed.

Mayor Muryn – 3rd qtr 2019 Key Performance Indicators (KPIs)

The second quarter Key Performance Indicators of “KPIs” have been compiled. They are the performance measurements that are monitored for each department on a continuous basis. The KPI document “Findlay Performs” can also be found on the City website:

<https://www.findlayohio.com/governmetn/transparency-performance>).

Highlights:

- General Fund spending is below budget at a .90 spend rate.
- Lost days related to worker’s compensation is higher than target related to two (2) specific ongoing claims.
- Overtime is above the five (5) year average due to the timing of leaves and some staff transitions in Police, Fire and Dispatch.
- Zoning permit violations remain low as compared to the prior year.
- Unaccounted for water dropped from levels over twenty percent (20%) to below the eighteen percent (18%) target in the third quarter. Concerted efforts are being made to bring this down to acceptable levels.

These KPIs are a critical tool used to measure service delivery and operational effectiveness. They allow the City to see the progress towards goals set for continuous improvement. Filed.

COMMITTEE REPORTS: none.

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 024-2019 (*walkable community*) requires three (3) readings

second reading

A RESOLUTION SUPPORTING THE UNITED STATES SURGEON GENERAL'S CALL TO ACTION TO PROMOTE WALKING AND WALKABLE COMMUNITIES.

Second reading of the Resolution.

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. 2019-086 (*salary ordinance*) requires three (3) readings

third reading - adopted

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.

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-086 and is hereby made a part of the record.

ORDINANCE NO. 2019-093 (*large meter testing/calibration*) requires three (3) readings

second reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2019-094 (*performance audit*) requires three (3) readings

second reading

AN ORDINANCE AUTHORIZING THE AUDITOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A PERFORMANCE AUDIT AGREEMENT WITH THE AUDITOR OF THE STATE OF OHIO FOR AN AUDIT OF THE WATER AND SEWER DEPARTMENTS, FOR THE CITY OF FINDLAY.

Second reading of the Ordinance.

ORDINANCE NO. 2019-095 (*BWC Safety Intervention Grant (FFD)*) requires three (3) readings

first reading - adopted

AN ORDINANCE AUTHORIZING THE SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO FILE AN APPLICATION FOR THE OHIO BUREAU OF WORKER'S COMPENSATION FIREFIGHTER EXPOSURE TO ENVIRONMENTAL ELEMENTS GRANT (FEEEG), ALONG WITH THE CITY OF FINDLAY'S MATCH, TO PURCHASE A DIESEL EXHAUST SYSTEM, EXTRACTORS-WASHING MACHINES FOR TURN OUT GEAR, HOODS WITH BARRIER PROTECTION, AND WASHABLE GLOVES FOR THE FINDLAY FIRE DEPARTMENT, 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 Watson. Ayes: Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Watson, Wobser, Frische. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Watson.

Discussion:

Councilwoman Frische asked what the dollar amount is for this grant. Safety Director Schmelzer replied available grant amount is around fifteen thousand dollars (\$15,000). Ten thousand dollars (\$10,000) was previously awarded, leaving five thousand dollars (\$5,000).

Ayes: Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Watson, Wobser, Frische, Harrington. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-095 and is hereby made a part of the record.

ORDINANCE NO. 2019-096 (*SR 12 and Davis St sewer repairs #35691800*) requires three (3) readings

first reading - adopted

AN ORDINANCE APPROPRIATING 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 Wobser. Ayes: Niemeyer, Ostrander, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Shindledecker. Ayes: Ostrander, Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-096 and is hereby made a part of the record.

ORDINANCE NO. 2019-097 (*Cedar Valley RLF*) requires three (3) readings

first reading - adopted

AN ORDINANCE APPROPRIATING AND TRANSFERRING 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: Russel, Shindledecker, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer, Ostrander. The Ordinance received its second and third readings. Councilwoman Frische moved to adopt the Ordinance, seconded by Councilman Hellmann.

Discussion:

Councilman Wobser congratulated Cedar Valley on doing a great job with the property. It is a property that has not done well in the past, but they have done a great job.

Ayes: Shindlecker, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-097 and is hereby made a part of the record.

ORDINANCE NO. 2019-098 requires three (3) readings

(MOU with Hancock County Combined General Health District)

first reading

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE HANCOCK COUNTY COMBINED GENERAL HEALTH DISTRICT, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2019-099 *(Howard St sewer separation)* requires three (3) readings

first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

UNFINISHED BUSINESS:

OLD BUSINESS

Councilman Wobser asked if the Memorandum of Understanding (MOU) with Hancock Public Health via Ordinance No. 2019-098 is something that was discussed previously with Council. Mayor Muryn replied that it was discussed at the end of 2018 and the process of taking over started early 2019. This is the official solidification of that process. Councilman Wobser asked if this has already been started. Mayor Muryn replied that it has. Councilman Wobser pointed out that the MOU has a termination clause that can be executed at any time by either party without cause, so anyone can cancel the contract at any time, and feels that there really isn't a contract and there really is no need for one. Mayor Muryn replied that it is good to have the process outlined of when they are providing services of the City's backflow testing. Both entities already work together and want to operate as one public health entity regardless of the contract. It is just dotting the I's and crossing the T's to make sure there is an understanding of who is responsible for what. Councilman Wobser asked who the data belongs to if they leave. The City has had the database since we started running it through the City's billing system. Mayor Muryn replied it would be their data. Councilman Wobser replied that it is not mentioned in the MOU. Safety Director Schmelzer noted that it would be matter of public record. Councilman Wobser asked if the City has to give the data to them if they do not want to. Safety Director Schmelzer replied that the City would have no choice. The City would have a choice in how the data is expedited. Any public records request can be associated with the Fair Cost For Acquisition. Councilman Wobser asked if the City could charge them for the data. Safety Director Schmelzer replied they can. It is important to articulate a financial arrangement for the services regardless of when one can cancel it which is what this is really for.

NEW BUSINESS

Councilman Russel mentioned that the South Main Street Neighborhood Association met last night and complimented the City's Public Works Department about the work done on the alleys around Main Street and also on how well cleanup went after the Halloween parade. It was one of the quickest and best cleanups that they can remember. It was nice to sit in as a City Councilmember and hear the compliments. He passed those compliments on to the Public Works Superintendent. He appreciates the services the Public Works Department provides as a front-line service provider to our citizens.

Councilman Wobser: ~~STRATEGIC PLANNING COMMITTEE meeting on November 19, 2019 at 5:30pm in the first floor conference room of the Municipal Building (CR1).~~ Councilman Wobser changed this meeting to be a COMMITTEE OF THE WHOLE meeting so that all Councilmembers could attend and provide input. Brian Cooper and Mark Miller (Municipal Advisors from Baker Tilly Virchow Krause, LLP) and 2020 elected Councilmembers are invited to attend. Baker Tilly Virchow Krause, LLP is a full-service Municipal Advisory firm that advises public sector clients on matters related to issuance of debt, economic development, capital and financial planning, credit rating, etc. They currently are doing business with the City of Dublin, Westerville, New Albany, and Worthington Mason. He has been discussing with them how their services will work into a strategic plan. He recommended Council listen to their suggestions on how to go about this. Baker Tilly Virchow Krause, LLP is already a fiduciary for the City, so they have the City's best interest at heart. He would like to expand this committee meeting to be a COMMITTEE OF THE WHOLE and invite all current Councilmembers as well as all of the newly elected Councilmembers as this will be a part of their term. Councilman Wobser moved to make this meeting a COMMITTEE OF THE WHOLE meeting, seconded by Councilman Russel. All were in favor.

Councilman Wobser: **COMMITTEE OF THE WHOLE** meeting on November 19, 2019 at 5:30pm in the first floor conference room of the Municipal Building (CR1).

Councilman Russel: APPROPRIATIONS COMMITTEE meeting on November 12, 2019 at 4:00pm in the first floor conference room of the Municipal Building (CR1).

agenda: 1. Blanchard Street
2. funding for fire training facility

Mayor Muryn informed Council that she met with Governor DeWine about flood mitigation and on-going efforts to obtain state funding to help with projects. She provided him with a status update and what the City is hoping to do. She will keep Council informed as she receives further information.

Councilman Russel asked if funds have been released for the project down south. Mayor Muryn replied they have not yet. The Controlling Board met last week and there are some final ODNR contract reviews to go over, then those funds will be released to the Conservancy District.

City Auditor Staschiak reminded Council that all elected officials are required to complete a 3-hour Sunshine Law training during their term. That training can be completed online. Verification of that training is checked on as part of an audit and is a citable issue. He only has proof that one Councilmember has completed the online training. The training needs to be completed by all elected officials even if they are leaving office the end of this term/end of this year. Councilman Wobser asked City Auditor Staschiak if he could forward the link to him.

An executive session at the end of the November 5, 2019 Regular Session City Council meeting was requested to discuss an advertising contract and the purchase of property. Councilman Russel moved to adjourn into executive session at 7:26pm, seconded by Councilman Harrington. Ayes: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Watson, Wobser. Councilman Russel moved to adjourn out of executive session and back into regular session at 7:54pm, seconded by Councilman Wobser. Ayes: Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Watson, Wobser, Frische. Filed.

President of Council Monday adjourned City Council at 7:55pm.

CLERK OF COUNCIL

COUNCIL PRESIDENT

City Auditor Staschiak reminded Council that all elected officials are required to complete a 3-hour Sunshine Law training during their term. That training can be completed online. Verification of that training is checked on as part of an audit and is a citable issue. He only has proof that one Councilmember has completed the online training. The training needs to be completed by all elected officials even if they are leaving office the end of this term/end of this year. Councilman Wobser asked City Auditor Staschiak if he could forward the link to him.

An executive session at the end of the November 5, 2019 Regular Session City Council meeting was requested to discuss an advertising contract and the purchase of property. Councilman Russel moved to adjourn into executive session at 7:26pm, seconded by Councilman Harrington. Ayes: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Watson, Wobser. Councilman Russel moved to adjourn out of executive session and back into regular session at 7:54pm, seconded by Councilman Wobser. Ayes: Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Watson, Wobser, Frische. Filed.

President of Council Monday adjourned City Council at 7:55pm.


CLERK OF COUNCIL


COUNCIL PRESIDENT