

FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

NOVEMBER 19, 2019

COUNCIL CHAMBERS

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

ABSENT: none

President of Council Pro-Tem Russel noted that Mayor Muryn is not present tonight as she is out-of-the county on business.

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

President of Council Pro-Tem Russel received notice just now that there is an issue with the recording of tonight's meeting, therefore, City Council will take a brief intermission until it is fixed. Councilman Harrington moved to adjourn into intermission, seconded by Councilman Slough. All were in favor. City Council adjourned out of regular session City Council and into intermission at 7:03pm. Councilman Harrington moved to adjourn out of intermission and back into regular session City Council at 7:05pm, seconded by Councilman Wobser. All were in favor. Filed.

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

Councilman Slough moved to accept the November 5, 2019 Regular Session City Council meeting minutes, Councilman Harrington seconded the motion. All were in favor. Motion carried. Filed.

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

PROCLAMATIONS: none

RECOGNITION/RETIREMENT RESOLUTIONS: none

PETITIONS:

Zoning amendment request – 0 Birchaven Ln

Blanchard Valley Health System Director Bridgett Munday on behalf of Blanchard Valley Health Association would like to change the zoning of 0 Birchaven Lane to M2 Multiple Family, High Density. It currently is zoned as C1 Local Commercial. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

ORAL COMMUNICATIONS: none

WRITTEN COMMUNICATIONS: none

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Findlay Police Department Activities Report – October 2019. Filed.

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

Findlay Municipal Court Activities Report – October 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 October 31, 2019
- Financial Snapshot for General Fund as of October 31, 2019
- Open Projects Report as of October 31, 2019
- Cash & Investments as of October 31, 2019

Filed.

President Pro-tempore Russel – Ad-Hoc Committee for 2020-2021 Council Committee Assignments & Rules of Procedure Review

Pursuant to his authority as President Pro Tempore of Findlay City Council, he is appointing the following to serve on an Ad-Hoc Committee to recommend Council committee assignments for the 2020-2021 term and to review Council’s current Rules of Procedures.

Grant Russel, Chairman

Dennis Hellmann, John Harrington

Both recommendations will be presented to the full Council at the January 7, 2020 Regular Session of Council for approval.

Discussion:

Councilman Harrington asked if this requires confirmation by Council. President of Council Pro-Tem Russel replied it does not. Filed.

Findlay Fire Department Activities Report – October 2019. Filed.

Service Director/Acting City Engineer Thomas – Areas B-4 & B-6 Sewer Separation, Phase 1, Project #32556000; Areas B-4 & B-6 Sewer Separation, Phase 2, Project #32556100

This two-phase project had multiple grant funding sources and the City’s share of the project was split between the Sewer Fund, Stormwater Fund, and the Capital Improvement Fund. There was an error made in the process of appropriating funds from all of those different sources which resulted in an over-appropriation of grant funds and an under-appropriation of City funds. In order to close the project, an additional appropriation is needed. Legislation to appropriate funds is requested. Ordinance No. 2019-104 was created.

FROM: Sewer Fund	\$ 41,176.82
FROM: Sewer Fund – Stormwater Restricted Account	\$ 41,176.82
TO: Areas B-4 & B-6 Sewer Separation, Phase 1, Project #32556000	\$ 82,353.64
FROM: Sewer Fund	\$ 38,241.71
FROM: Sewer Fund – Stormwater Restricted Account	\$ 44,300.29
TO: Areas B-4 & B-6 Sewer Separation, Phase 2, Project #32556100	\$ 82,542.00

Discussion:

Councilman Russel asked Service Director/Acting City Engineer Thomas if there is any reason to have this passed tonight or if it can go through all three (3) readings. Service Director/Acting City Engineer Thomas replied that it needs to be done by the end of the year. The Deputy Auditor would probably prefer if it could be passed tonight so that it does get taken care of before the end of the year. Filed.

Board of Zoning Appeals minutes – August 8, 2019 and October 10, 2019. Filed.

COMMITTEE REPORTS:

The **APPROPRIATIONS COMMITTEE** to whom was referred a request to discuss the Blanchard Street and Lincoln Street project no. 32876000 options.

We recommend to proceed with Option 1 “as planned”. Ordinance No. 2019-105 was created.

Councilman Wobser moved to adopt the committee report, seconded by Councilman Harrington.

Discussion:

Councilman Wobser noted that the Blanchard Street remodel was a good discussion. He appreciates the options on what can be done that the Service Director and the Safety Director put together. As noted on the committee report, he voted against the recommendation because Council needs to do something between option 1 and doing nothing. While everyone agrees that things on Blanchard Street need to be fixed, how those get fixed is up for debate. There is legislation on the agenda tonight for its first reading and there will be two (2) more readings to allow for further discussion. It would be beneficial for Councilmembers to look at all the options that the Service Director/Acting City Engineer provided so that a decision on where everyone is at can be made. He will be offering an amendment to the legislation for a different solution. Council will not be approving Option 1 tonight to allow time to think about it. He recommended Councilmembers talk with their constituents about this and then make an informed decision.

Councilman Shindledecker will be voting nay on the acceptance of this committee report which will not change anything. While there is no requirement for a quorum for the report, there still were three (3) committee members present during the committee meeting. He explained why he was not at the committee meeting as there was a letter to the editor, phone calls and emails on his absence. He and his wife were on an out-of-country vacation that had been scheduled and paid for six (6) months ago that was scheduled at a time when he would avoid missing any formal Council meetings. Two (2) subcommittee Council meetings were scheduled during that time that he missed. Councilman Russel pointed out that the committee consists of five (5) members, so there was a quorum during that meeting. Councilman Harrington informed him that afternoon because of the inclement weather and because of his wife being out-of-town, he could not get back into town to attend. He knew there would be three (3) committee members attending to meet quorum, so since the meeting was already scheduled, it took place.

Councilman Hellmann pointed out that he respects Councilman Wobser’s opinion, but suggested that if he has an amendment in mind to bring it forward as soon as possible.

Councilman Niemeyer asked how Councilman Shindledecker and Councilman Harrington voted since they were not in attendance at the meeting and asked if Councilman Harrington wanted to provide any comments on his opinion. Councilman Harrington replied that he will comment during the legislation portion of tonight’s meeting.

Councilwoman Frische is in agreeance with Councilman Shindledecker and Councilman Wobser and that she received additional information from Service Director/Acting City Engineer Thomas of emails between him and the Ohio Department of Transportation (ODOT). Options were given, but ODOT has never stated that these numbers would good numbers. Those emails from ODOT will make a contingency for wider lanes even though it is not their preference as they cause confusion with traffic which is why they have the bike lane. She does not see where ODOT ever presented the seven (7) options as their options, but were presented by the Administration at the beginning of October. While the options are available, the City has not received an actual financial commitment of grant funds. Service Director/Acting City Engineer Thomas replied that is correct because he is unsure yet if Council is approving to do this or not. Councilwoman Frische she would like to have a give-and-take for this. Council needs hard numbers to go off of. She would like to look at another option of fifty percent (50%) life of the road. It is on the regular capital budgeting planning within the next five (5) years. She asked what grant options there are that do not require the stipulations that these grant dollars have. She asked how much funding the City can get. She asked if this project can be done in stages. Paving seems to be the biggest concern. While it will be great to get the paving done on pennies to the dollar, there are restrictions and citizen upset. She would like to see give-and-take or move on.

Councilman Wobser feels that something needs to be done with the Sandusky intersection. While the Service Director/Acting City Engineer has a good plan to do that, it narrows it down to one lane until past that intersection and then opens back up to two (2) lanes. Service Director/Acting City Engineer Thomas agreed. Councilman Wobser replied that he feels that is what needs to be fixed. That will be the amendment he will request. It will be a reasonable half-way point between where this is at and where the citizens think it needs to be.

Councilwoman Frische asked Councilman Wobser if he is proposing a million dollars (\$1,000,000) spent on the City's side for just the Sandusky intersection and not all intersections. Councilman Wobser replied that is correct. If only the Sandusky Street intersection is upgraded, it will be that dollar amount. He asked if ODOT funding ends up increasing if it will cover other items such as crossings. Service Director/Acting City Engineer Thomas replied that is what the emails that he forwarded to Councilwoman Frische from ODOT stated. The TAP funding was to add the bicycle lanes/off-road trails. If a sharrow lane is done instead of the bike lane, they would provide funds for that. They have not provide a dollar amount because it is up to the City to come up with the plans. He currently does not have plans because it has not been determined by Council yet what they want to do, therefore, he cannot come up with an estimate for their approval. He divided the estimate by half because the road is currently four (4) lanes so that if ODOT is only going to pay for two (2) lanes, that will be their part of it. ODOT wants bike lanes because there have been some bicycle accidents on that street, but will still look at funding improvements at the end of intersections. ODOT did not provide dollar amounts because the City does not have plans yet, so he took the current plans with the traffic information at the intersections and used that for a cost. The costs are listed as a maximum because the plans are not set in stone yet. Once the plans are finalized, the costs can be determined by the quantities for it. Estimates can be done without plans, but that allows for leeway because it would be working on something without a plan.

Councilman Wobser believes there is a misconception about what is going to happen with Lincoln Street. Some are under the impression that the sidewalk on the north side of Lincoln Street is going to disappear and be turned into a bicycle lane, which is not the case. There will not be a normal-width sidewalk. It will be a wide sidewalk or a multi-purpose trail. All that will be done is widening the sidewalk and renaming it to a multi-purpose trail that will be available for pedestrians. The asked if there will be a sidewalk on both sides of the street. Service Director/Acting City Engineer Thomas replied that is correct. Parking will not be affected. The curb lanes will not be changing. It will be just widening out the sidewalk.

Councilwoman Frische asked if the City picks an option that is listed if that has to be submitted to ODOT for them to agree with the numbers. Service Director/Acting City Engineer Thomas replied that he would want to do that. Councilwoman Frische asked if that would need to be done before he can give Council a number on costs. Service Director/Acting City Engineer Thomas replied that Council will not get a hard number to bid it. When Council decides which option they want to go with, he will then let ODOT know and they will then provide a hard number. Councilwoman Frische asked if Council needs to decide which option yet this year, or if that can be decided the beginning of next year. Service Director/Acting City Engineer Thomas replied it does not have to be done by the end of this year, but if he does not have an idea by the end of this year, it will get pushed back during construction season. Councilwoman Frische noted that at the COMMITTEE OF THE WHOLE meeting, she had asked Mayor Muryn if she was willing to have a public meeting, with a question and answer session, to which she stated she would need to get that coordinated with ODOT. Councilwoman Frische asked for the status of that meeting. Service Director/Acting City Engineer Thomas replied that to have a public meeting, it has to be advertised for at least two (2) weeks and then there has to be thirty (30) days for the public to submit comments. Councilwoman Frische asked if it would have to go through the process again. Service Director/Acting City Engineer replied that yes it would have to go through the entire process again. Councilwoman Frische asked if the Mayor leads the meeting if it has to go through the entire process. Service Director/Acting City Engineer Thomas replied if anyone from the City leads it, it has to go through the process.

Councilman Wobser asked if the goal is to have this done by the end of the year or it will interfere with ODOT's planning for next year. There are three (3) City Council meetings, including tonight's first reading, to make an informed decision.

Councilman Watson thanked Service Director/Acting City Engineer Thomas for putting all the options together. Option 1 is the Traffic Engineer's option, which is who does this for a living. He has said that this is the safest and most cost-effective way to do this, so the other options are arguing against reality. If Council chooses another option, it would be disagreeing with the Traffic Engineer and the entire State. If Council later disagrees with that option, it can be repainted and all of Blanchard would be redone. Option 1 leverages the City's dollars in the best way possible. Not only is it reality based on all the studies that have been done, it also makes sense financially.

Councilman Hellmann agrees with Councilman Watson. He asked if Council proceeds with Option 1 and tries to accommodate Councilman Wobser's concern about Sandusky Street, which ends up being a problem that doesn't get remedied, if it would get added on in the process. Service Director/Acting City Engineer Thomas replied that the current plan addresses Sandusky Street because there will be left turn lanes and signals added. Option 1 will take care of the accidents caused by left-turning vehicles at Sandusky Street. Councilman Hellmann replied that he did not realize that left-turning lanes will be on both sides of the street and asked if Councilman Wobser is citing a problem that does not exist. Councilman Wobser replied that option 1 provides turn lanes off of Blanchard onto Sandusky. Left-turn lanes are not there now. Option 1 turns Blanchard into a one-lane street both directions, and gains a turning lane at all intersections. Option 1 takes care of the problem. The question is how to get turn lanes to Sandusky in the most economical way possible.

Ayes: Harrington, Hellmann, Ostrander, Russel, Slough, Watson. Nays: Frische, Niemeyer, Shindledecker, Wobser. Filed.

The **APPROPRIATIONS COMMITTEE** met on November 12, 2019 to continue discussions from the October 8, 2019 meeting on an emergency training center for Findlay and Hancock County's First Responders. *We recommend to allocate \$250,000 to the construction of an emergency training facility. Legislation to be presented to Council at the November 19, 2019 meeting. Ordinance No. 2019-102 was created.*

Councilman Harrington moved to adopt the committee report, seconded by Councilman Hellmann.

Discussion:

Councilwoman Frische asked for an explanation of what the two hundred fifty thousand dollars (\$250,000) will cover. Service Director/Acting City Engineer Thomas replied the total project consists of two (2) phases. The first phase is estimated at a cost of approximately seven hundred thousand dollars (\$700,000) with two (2) private organizations agreeing to donate funds, one wanting to do so by the end of the year. Before they donate the money, they want to make sure the City is committed to move forward with the project, which includes the City paying their portion. The requested total is two hundred fifty thousand dollars (\$250,000). Fundraisers will take place seeking additional funding. If funding comes in better than expected and the entire two hundred fifty thousand dollars (\$250,000) is not spent, it will go back into the fund.

All were in favor. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to review the proposed zoning map revisions.

We recommend to table and recommend 2020/2021 City Council reconsider.

Councilman Harrington moved to adopt the committee report, seconded by Councilman Slough.

Discussion:

Councilman Harrington pointed out that there was some confusion whether or not there would be legislation on this tonight. It is not ready for legislation because input from the PLANNING & ZONING Committee, the CITY PLANNING COMMISSION, and the public is still needed. The committee tabled it with the anticipation of bringing it forward after the beginning of the year.

Councilman Russel noted that even though the PLANNING & ZONING Committee is recommending that it be tabled does not mean that process will stop. The new Council will take up the matter. Citizens want to see what the zoning changes will be and how it will or will not affect their property. A searchable database is available on the City's website. Property owners can enter in their address to see what their current zoning is and what it may change to and what that change means.

Councilman Harrington pointed out that any documents on the City's website for this are in draft form and not finalized.

All were in favor. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to review the proposed zoning text revisions making duplexes and triplexes a conditional use in R3 residential zoning districts.
We recommend to table and recommend 2020/2021 City Council reconsider.

Councilman Harrington 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 Ralph Vandervlucht to rezone 2321 North Main Street from C2 General Commercial to R3 Single Family, High Density.
We recommend to approve as requested. Ordinance No. 2019-103 was created.

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

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 024-2019 (*walkable community*) **requires three (3) readings**
third reading – tabled after third reading on 11/19/19

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

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

Discussion:

Councilman Russel informed Council that he provided additional information on this to Councilmembers, including an extensive amount of items that are a part of the program. The Step-It-Up program involves more than just approving legislation. He had some brief conversations with Mayor Muryn today about what this would mean for the City. There are some plans for sidewalks that are being taken into consideration. Until the full Council knows what this means and what the City's plans are to support this, this Resolution should be tabled for another meeting.

Councilman Russel moved to table the Resolution, seconded by Councilman Wobser.

Discussion:

Councilman Hellmann noted that there was a motion to adopt this Resolution before this motion to table was given. Councilman Russel replied that a motion to table supersedes.

Ayes: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Wobser. Nays: Watson. The Resolution was tabled.

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. 2019-093 (*large meter testing/calibration*) **requires three (3) readings**

third reading - adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Harrington moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Watson, Wobser, Frische. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-093 and is hereby made a part of the record.

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

third reading – tabled after third reading on 11/19/19, then adopted during OLD BUSINESS

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.

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

Discussion:

Councilman Harrington noted that he has asked several times for the cost of this audit, but has not received an answer. He will be making a motion to table this until that number is determined.

Councilman Harrington moved to table the Ordinance, seconded by Councilman Slough. Ayes: Hellmann, Niemeyer, Ostrander, Russel, Shindledecker, Slough, Harrington. Nays: Watson, Wobser, Frische. The Ordinance was tabled.

ORDINANCE NO. 2019-098 requires three (3) readings
(MOU with Hancock County Combined General Health District)

second 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.

Second reading of the Ordinance.

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

second reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2019-100 (County software licenses) requires three (3) readings

first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2019-101 (digital sign bids) requires three (3) readings

first reading

AN ORDINANCE AUTHORIZING THE PLACEMENT OF AN ADVERTISEMENT IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE MUNICIPAL CORPORATION TO SOLICIT BIDS FOR AN ELECTRONIC ADVERTISING SIGN ALONG THE INTERSTATE IN FINDLAY, OHIO, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2019-102 (STRICT FFD training facility) requires three (3) readings

first reading

AN ORDINANCE AUTHORIZING THE SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO MANAGE PROCUREMENT OF MATCHING FUNDS THROUGH PUBLIC, PRIVATE, AND JOINT SOURCES, AND AUTHORIZE PROFESSIONAL SERVICES AS REQUIRED FOR A REGIONAL TRAINING FACILITY TO BE UTILIZED BY PROFESSIONAL AND VOLUNTEER FIREFIGHTERS OF HANCOCK COUNTY, OHIO, APPROPRIATING FUNDS THERETO, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO 2019-103 (2321 North Main Street rezone) requires three (3) readings

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 2321 NORTH MAIN STREET REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL" TO R3 SINGLE FAMILY, HIGH DENSITY.

First reading of the Ordinance.

ORDINANCE NO. 2019-104 requires three (3) readings

Areas B-4 & B-6 Sewer Separation, Phase 1 (project #32556000); Areas B-4 & B-6 Sewer Separation, Phase 2 (project #32556100)

first reading - adopted

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Slough. Ayes: Ostrander, Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Shindledecker. Ayes: Russel, Shindledecker, Slough, Watson, Wobser, Frische, Harrington, Hellmann, Niemeyer, Ostrander. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-104 and is hereby made a part of the record.

ORDINANCE NO. 2019-105 (*Blanchard St/Lincoln St project*) requires three (3) readings

first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

UNFINISHED BUSINESS:

OLD BUSINESS

Councilwoman Frische noted that she missed the last Income Tax Board meeting and asked for an update on the projected revenue amount for next year. City Auditor Staschiak replied that the approval of the budget was given which is a regular course of business. Also, the Income Tax Administrator provides his projections for the income tax collections for the following years which is a 2-year budget. With the ending of the income tax deferral (aka waived estimated payments), there was a significant increase in the projected business tax component. The income tax generates between three and four million dollars (\$3,000,000-\$4,000,000) per year as part of the income tax collection. A one-time return next year is projected in excessive of seven million dollars (\$7,000,000) which is a one-time, one-off amount which will be about double of what is normally seen. It is expected to come in at a larger amount due to payments being pushed out. With the development in the community, the private sector's wage increases, the W2 (payroll portion of the income tax) is projected to only increase 1.2 to 1.3% this year and only 1.5% next year. He encourages the current Council, as well as the next 2020-2021 Council to explore why those income tax receipts, particularly on the W2 income, are not growing with the growth in the community, the economic development, the success in the community, and with the low unemployment rate.

Councilman Hellmann asked if growth outside the corporate limits has anything to do with it. City Auditor Staschiak replied that those that work in Findlay pay taxes in Findlay regardless of where they live. It is Findlay proper as Findlay is a destination. People come from up to eighteen (18) different counties to work here. If they work in the city limits for a company in the city, one percent (1%) income tax is due. Someone living in Toledo and works in Findlay for more than twenty (20) days per year still pays income tax. Councilman Hellmann asked how it is handled for corporations that are outside the city limits.

City Auditor Staschiak replied that their employees that live in Findlay also pay income tax. Findlay has mandatory filing for those that live or work in Findlay. They are required to have filed an estimate of their taxes. Part of the discussion at the Income Tax Board meeting is to formally develop and review what processes and procedures that the Income Tax department is using to ensure that they are reviewing, whether it be social media, new businesses in town, or a van of items they are selling, the City wants them to be successful. The City wants them to come here, thrive, and be successful. A formal process needs to be developed that lists what steps the Income Tax Administrator takes with what is going on around town. Many transactions take place electronically. He is unsure if those pay income taxes. The Board needs to ensure that the proper process is in place to make sure that the Income Tax Administrator is checked.

Councilwoman Frische asked to discuss Ordinance No. 2019-094. Councilman Russel replied that Ordinance is tabled and cannot be discussed. Councilwoman then stated that as Chair of the WATER AND SEWER COMMITTEE, there was a request for a performance audit that is vitally important to the community, but Councilman Harrington had objections and sent an email to all of Council wanting to table the Ordinance. President of Council Pro-Tem Russel interrupted stating that the Ordinance is tabled and not open for discussion. Councilwoman Frische continued stating that if a Councilmember has a question about an Ordinance, to be arrogant and table the Ordinance without discussion is improper. President of Council Pro-Tem Russel interrupted stating that Councilwoman Frische's comments do not pertain to the Ordinance. Councilwoman Frische continued stating that she wants reconsideration to untable the Ordinance. President Pro-Tem Russel asked if she is providing a motion to do so. Councilwoman Frische replied that she would like to finish her statement first. President Pro-Tem Russel replied by asking if there is a motion to reconsider tabling the Ordinance. Councilwoman Frische replied that she is asking for a reconsideration.

Councilwoman Frische move to lift Ordinance No. 2019-094 from the table, seconded by Councilman Wobser. Ayes: Frische, Hellmann, Niemeyer, Slough, Watson, Wobser. Nays: Harrington, Ostrander, Russel, Shindledecker. The Ordinance is lifted from the table.

Discussion:

Councilwoman Frische asked what the budgeting cost was and asked City Auditor Staschiak what numbers he came back with for this audit. City Auditor Staschiak replied that Councilman Harrington had emailed him with questions on the audit, because of the way the questions were asked. He was concerned with emailing and starting a discussion with Council if it would be in violation of Ohio's open meetings rules, so he is answering those questions now in an open forum setting. In speaking with the State Auditor's Office, a cost of twenty thousand dollars (\$20,000) per fund was discussed. In 2012, ten thousand dollars (\$10,000) was quoted, he believes per fund, but does not recall, with a total maximum cost of forty thousand dollars (\$40,000) subject to discussing an available start date and discussing more project specific details and ultimately signing an agreement not to exceed forty thousand dollars (\$40,000). This is the City's largest source of revenue outside of the General Fund Income Tax. Eighteen million dollars (\$18,000,000) a year is coming into the Water and Sewer Fund. Those funds are almost debt-free. Forty thousand dollars (\$40,000) is less than two-tenths (0.2) of one percent (1%) of one (1) year's revenue. A very insignificant price to pay. The reason he was not able to affirm the details is because the individual he works with on this was on vacation for a week, and he had a family matter the following week to take care of.

He will share the details with Service Director/Acting City Engineer Thomas before he signs the agreement, if Council authorizes him to do so, so that everyone is on the same page because consideration for this audit to be done is very important.

Councilman Wobser noted that he has been in favor of this since conversations started on it as it is something that vitally needs to be done. It is one of two largest funds for the City. The maximum amount is a drop in the proverbial bucket to make sure that the correct things are being done and the right things are happening with those two (2) funds. It is money well-spent and needs to be done.

Councilman Harrington noted that the reason he asked to table this Ordinance had nothing to do with whether or not it was necessary or warranted, and does not know where Councilwoman Frische got that idea. He requested it be tabled in response to what he had asked when the legislation was presented and has asked several times since on what the cost is going to be. He has not received an answer, so before the third (3rd) reading and before it is approved, he would like an answer. It was the only question he had. He does not have an alternative motive for this. He is in favor of the audit. It is important. This is one of the City's largest revenue streams. As a steward of the City's money, taxpayer's money, he would like to know what it is going to cost. He felt that was an appropriate question to ask.

Councilman Hellmann agreed that Councilman Harrington's question was reasonable to find out what the cost of the audit would be and is surprised that was not answered prior to going through this tonight, which is kind of an embarrassment.

Councilwoman Frische pointed out that this Ordinance is vital in conducting the performance audit. It takes approximately six (6) months to get through an audit. The WATER AND SEWER Committee had met and discussed proposed meter software. The Ordinance for that was tabled in August and should not have come to Council when they were not prepared for it. She is glad that the Auditor's Office and the Engineering Office are working together to find a compatible software that will work for the City. If there are no additional comments or questions on this, she would like to move the Ordinance forward so that the process can be completed.

Councilman Russel asked if the WATER AND SEWER Committee recommended this audit, and if so, when that was. Councilwoman Frische replied that the audit recommendation came from Councilman Wobser and Councilwoman Frische because it requires two (2) members of Council to request legislation. Councilman Russel then asked if there was a reason why the WATER AND SEWER Committee did not give a recommendation for it. Councilwoman Frische replied that the reason was because the committee did not get the information they requested from the Administration on the first Ordinance No. 2019-051 for meters and software, and were looking at a fifteen million dollar (\$15,000,000) projected cost. Without those meetings, the Ordinance was not able to move forward. When large amounts come through the WATER AND SEWER Committee, it is in the City's best interest to move forward with a performance audit. It is no different than what was done in 2011 on the General Fund. Tonight's COMMITTEE OF THE WHOLE meeting explained why the performance audit should be done. Councilman Russel noted that he is surprised that the WATER AND SEWER Committee did not make the recommendation.

Councilman Russel asked City Auditor Staschiak if funds to pay for this audit come out of Water and Sewer Funds or if it comes out of the General Fund and what year the expenditure will come out of. City Auditor Staschiak replied that this Ordinance gives him the authority to enter into the agreement and work with the State Auditor's Office to create the draft agreement. It would be budgeted for this year or will be the first Ordinance next year. It will be for twenty thousand dollars (\$20,000) from the Water Fund and twenty thousand dollars (\$20,000) from the Sewer Fund. It would create the spending authority to move forward. There is no appropriation in this Ordinance.

Councilman Harrington asked if it is a performance audit of the Water Department and the Sewer Department, or just the Water Department. City Auditor Staschiak replied both.

Councilman Russel asked if the PLANNING & ZONING Committee should postpone discussions on this and let the new Council authorize the changes. Councilwoman Frische replied no and asked why that would be necessary when the fifteen million dollars (\$15,000,000) is still tabled via Ordinance No. 2019-051. She is unclear why that should not be budgeted instead of moving forward with it.

Councilman Harrington asked how many total meters are in the City of Findlay. He does not believe the correct needed amount for Ordinance No. 2019-051 would equal fifteen million dollars (\$15,000,000) if it is divided by how many meters there are. He has no problem with conducting a performance audit, but needs to know what the scope of the audit is and what it entails. He asked if they will determine whether new meters will be needed, if the department is running efficiently, and/or if the billing software is in need of upgrading. He asked if they will make recommendations on what software is to be used. There are a lot of unanswered questions. When the Ordinance was originally proposed, he asked why it did not go to committee, what the scope of the audit will be, if it is necessary, and what it is going to cost. He is still waiting on answers for two (2) of those three (3) questions.

City Auditor Staschiak read from his email from the State Auditor's Office: *the objective of the engagement is to review and analyze selected areas of the City's operations in relation to the water and sewer operations. We are supported and will identify recommendations for approved economy, efficiency and/or effectiveness.* The State Auditor's Office will conduct the performance audit and will determine what those mean. The amount of recommendations from the 2012 audit was phenomenal and saved the City thousands of dollars at that time. Once the audit is completed, a report is provided in writing to the City. The City is not required to make the recommended changes. They are given as potential operational changes or recommendations of changes for improving and enhancing the efficiencies of those operations as compared to the City's peers around the state. He understands why the debate on this tonight is going on. Council is responsible for allocating all the funds that were spent on two (2) funds that total in excess of almost nineteen million dollars (\$19,000,000) a year. Very few understand all the aspects of that and to have an outside organization that is a fiduciary of the state offer come in and take a look at everything that is an expert for less than two-tenths (.02) of one percent (1%) of one year's revenue in a one-time offering to state that based on what they see compared to the City's peers around the state and offer some changes to be considered that might create some efficiencies down the road. They will also attach a dollar value for a cost benefit analysis.

It will create a legacy for the City even if a Councilmember will not be here when the audit is done, and will also create an opportunity and a very strong basis for making decisions and sharing with the community. He does not see a downside other than that Council has to wait for it and cannot see the money why they are waiting.

Councilman Harrington called the question.

Ayes: Frische, Harrington, Hellmann, Niemeyer, Ostrander, Russel, Shindlecker, Slough, Watson, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2019-094 and is hereby made a part of the record.

NEW BUSINESS

Councilman Slough informed Council that December 11, 2019 and December 12, 2019 are scheduled for budget hearings and asked what times they should start. He asked if the first day could start at 3:00pm. President Pro-Tem Russel asked if the times need to be set tonight or if the Mayor should weigh in on it. Councilman Slough replied that it will be whatever Council President Pro-Tem Russel deems necessary. Council President Pro-Tem Russel replied that the times will be set after discussions have taken place with Mayor Muryn. Final times will be sent to Councilmembers via email. Service Director/Acting City Engineer Thomas added that the Administration had assumed it would start at 5:00pm both nights, the time they started last year. The Mayor will be in Columbus during the day on the 12th, so starting later that day will give her more time to get back. It is up to Council what time they want to start each day. He can discuss start times with the Administration and get back with Council. President Pro-Tem Russel replied that he will discuss this with Mayor Muryn and will get back with Council on final plans.

Councilman Harrington asked for clarification on the rezone request from the Blanchard Valley Health Association for Birchaven Lane. It was referred to the CITY PLANNING COMMISSION and also the PLANNING & ZONING Committee who will discuss it during their December meeting. He asked how this request will be affected by the change of new Councilmembers beginning January 1, 2020 in that all unpassed 2019 legislation becomes null and void at that time. He asked if it should receive its first (1st) reading in December, or if it should be held off until January. If it is to wait until January, the requestor should be notified of the delay. Law Director Rasmussen replied that if the request is approved by both committees, then the first reading of the Ordinance will be during the first meeting in January. It will be on the December 12, 2019 CITY PLANNING COMMISSION and the PLANNING & ZONING Committee agenda.

City Auditor Staschiak reminded Council that there are items that need to be cleaned up because of governmental accounting and requirements of the State when working on the budgets. He asked for confirmation that there will be a quorum of Councilmembers at the last two (2) meetings of this year. There will be two (2) pieces of legislation, one (1) for the first (1st) December meeting, and the other for the second (2nd) meeting with the request to be passed on an emergency so that the clean-up legislation is done at the end of the year in order to be compliant with Ohio finance Law. Council President Pro-Tem Russel asked Council if there will be at least six (6) present for the two (2) December meetings. A nod of Councilmember heads confirm there will be at least six (6) in attendance.

Councilman Wobser asked if the law has changed where each elected official is required to take the Sunshine Law training instead of designating someone to do the training for all of City Council like it was done before. Law Director Rasmussen replied he is unsure if it has changed or not. Councilman Harrington noted that when someone logs onto the Sunshine Law training, it gives the option to designate others. He did not choose a designee because he is moving to an administrative roll as Council President starting next year, so he decided to take it himself.

Councilman Wobser noted that there were good discussions at today's COMMITTEE OF THE WHOLE meeting about strategic planning and where the City wants to go with it. He will wait to provide details until Mayor Muryn and Safety Director Schmelzer have been updated as they were not in attendance due to the meeting being scheduled when they were out of town. He wants to make sure everyone is on the same page and then move forward from there.

Council President Pro-Tem Russel adjourned City Council at 8:10pm.

CLERK OF COUNCIL

COUNCIL PRESIDENT PRO-TEM

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