

## FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

APRIL 7, 2020

COUNCIL CHAMBERS

### ROLL CALL of 2020-2021 Councilmembers:

**PRESENT:** Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser

**ABSENT:** none

President of Council Harrington 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 March 3, 2020 Regular Session City Council meeting minutes, Councilman Niemeyer seconded the motion. All were in favor. Motion carried. Filed.

### ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

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

### ADD-ONS:

- Letter from Mark Hollingsworth, Jr., Bishop of Ohio – proposed parking lot for sale via Ordinance No. 2020-027 (**WRITTEN COMMUNICATIONS** section)

### REPLACEMENTS:

- Ordinance No. 2020-037 AS AMENDED - CR 180 drainage plan #35594100 (**LEGISLATION** section)
  - Changed header and SECTION 1 to add bidding requirements and contracting

**PROCLAMATIONS:** none

**RECOGNITION/RETIREMENT RESOLUTIONS:** none

### PETITIONS:

#### **Zoning amendment request – 701-708 Adams St/700-714 Putnam St**

W. Anthony Scanlon on behalf of G & H Enterprises, LLC would like to change the zoning of 701-708 Adams Street/700-714 Putnam Street to R4 Duplex/Triplex High Density Residential District. It currently is zoned as M2 Multiple Family Residential District. Referred to City Planning Commission and Planning & Zoning Committee. Filed.

**ORAL COMMUNICATIONS:** none

### WRITTEN COMMUNICATIONS:

#### **David Feldman, CEO Nickolas Asset Management, LLC – Argyle/City lot project (letter)**

Mr. Feldman is providing his strong support for the Argyle/City lot project. In terms of growth, nothing is more important than attracting more residents to live in our city since many already make the commute every day. A vibrant downtown will only enhance the overall area. The income tax generated, future property tax generated and the robust infusion of discretionary spending into our downtown as a result, will benefit all in a win/win proposition. Filed.

#### **Jim Heck – Argyle Lot (email)**

Mr. Heck would like to congratulate the City of Findlay for generating the interest of outside developers to invest in the downtown area. The end goal is to contribute to the success of downtown Findlay. In order to help the project along during the negotiations, there needs to be a guarantee to provide for the parking needs of the existing users of the parking lot. Existing property owners and tenants have made investments based on the current parking provided by the City. The City needs a "win-win" that will take care of the current users of the City lot plus the new proposed apartments. New development must not come at the expense of long-term property owners and tenants. As the downtown becomes busier, existing private parking lots could be used after business hours to alleviate on street parking demand. He would consider this with his private parking lots. The main goal should be to cooperate to make the downtown a success. Filed.

**Dan Matheny, owner or Wine Merchant – Argyle project (letter)**

Mr. Matheny was hired for his first and only teaching position in Findlay in 1976 when he was told that to criticize or suggest changes for Findlay would be highly inappropriate, until he had lived here a minimum of twenty-five (5) years. He has been in Findlay for forty-three (43) years now both as an educator and now as a local business owner where he has participated in discussions and has occasionally spoke to community interests, but today’s question seems rather simple. The Argyle fire eight (8) years ago was devastating to many, most obviously to the residents, however for he and the Weavers, there was a serious question as to whether their buildings could remain as stand-alone, thankfully, they have remained. Less than a week after the fire, he was asked to discuss the possibility of creating an in-build on what has become the Argyle lot. Those discussions have continued for over eight (8) years to no avail. Over the past several years, downtown Findlay has seen many investments by the public and private sectors that provide small business owners like Mr. Matheny the opportunity to be successful. Mr. Matheny is a neighbor of the proposed Argyle Development and is very supportive of the development as proposed to City Council by Mr. Oxley. The addition of downtown residents will continue to enhance the vibrancy of downtown Findlay. He is appreciative that City Council and Mr. Oxley are working together to ensure that public parking remains within the footprint of the project after it is completed. City Council has created an environment that allows this type of proposed development to be constructed. Filed.

**Richard Kirk, CEO Kirk Corporation – Argyle project (letter)**

Mr. Kirk believes that forefront of a vibrant community is the shaping and defining the character of downtown Findlay and providing opportunities to accommodate a wide variety of demographics. Public entities cannot put tax dollars at risk, therefore, communities are dependent on private investors who are willing to take on economic risk which will have a positive impact on Findlay’s downtown revitalization. When private developers invest in downtown development, the long-term fiscal return benefits the community for many years to come. Some of those benefits include:

- A substantial increase in tax base
- An increase in property values for other downtown properties
- Inspiration to other private investors to invest in the downtown area
- Providing community support and stability to current downtown businesses
- Aesthetically improving the appearance of our downtown footprint

It would be remiss of community leaders to dismiss the proposed Argyle development. It is a legitimate development opportunity as proposed by the Elvis Oxley Group. The community has an economic obligation to support Mr. Oxley’s proposal for development of that parcel. Mr. Oxley has a sincere and vested interest in downtown Findlay. His plan includes retail, office, residential space and parking, all of which are so desperately needed and desired by the citizens of Findlay and Hancock County. Thriving communities have thriving downtowns. Mr. Kirk is encouraged by the talent and enthusiasm brought forth by Mr. Oxley’s Group and believes the Argyle development will give a substantial economic boost to the City of Findlay. Filed.

**John Drymon, Reverend of Trinity Episcopal Church – Argyle project (email)**

Rev. Drymon is unsure if the third (3<sup>rd</sup>) reading of Ordinance No. 2020-027 will take place on Tuesday, March 17, 2020 due to the COVID-19 pandemic, but wanted to voice his concerns publicly. This week, City Council will be copied on a letter addressed to Law Director Rasmussen from the Bishop of Ohio describing the legal status of their Trinity Parish and explaining the fact that the Diocese of Ohio holds a one hundred percent (100%) beneficial interest in all properties under Trinity, Findlay’s title. The diocese itself holds this interest in trust for the Protestant Episcopal Church in the United States of America. The Bishop’s letter is being sent at the request of their Diocese and Chancellor and Canon to the Ordinary, Mr. William Powel, Chief Legal Counsel, for the Diocese and Assistant Chancellor Ms. Amy Kellogg, partner in the firm of Baker and Hostetler. Rev. Drymon has been in regular contact with both of those Diocesan Attorneys over the last several weeks acquainting them with this situation.

There are also several issues that are of concern to the Diocesan Attorneys, as well as to his parishioners and to Rev. Drymon. While they do not want to be obstructionist, they insist on due diligence with respect to the issues they have raised both at City Council meetings, and in email communications with Councilmembers. Their issues of concerns are:

1. Compliance with Ohio Revised Code 723.121 concerning the conveyance of “lands not needed for municipal purposes: which requires City Council to make and enter into the minutes a formal determination that the property is no longer needed before it may be conveyed. City Council must take such action with respect to the City parking lot before it may take action on Ordinance No. 2020-027.

2. Compliance with the City of Findlay Codified Ordinance Chapter 147 which legally requires the Municipal Parking Authority to make quarterly reports to City Council on parking needs and parking lot use. After making a public records request for recent City of Findlay Parking Authority reports, they were informed that the parking authority has not met since 2011, so there are not quarterly reports. City Council needs a report from the Parking Authority assessing the need for the parking lot before making a determination that the parking lot is not needed.
3. Compliance with the restrictions on the deed is needed which donated the property to the City and that requires the City of Findlay to offer the successor or assigns of Kirk Realty a repurchase option of the lot at \$13,500 before the City may legally alienate it. Rev. Drymon has fielded a number of calls over the last several days from concerned local realtors (none of whom are his parishioners) offering to help pay for advertisements to try to track down any individual(s)/corporations that may have recourse to this legal right and may have standing should they decide either to claim it or bring suit against the City should they not be given explicit public notice.
4. Compliance with ORC 121.22, namely that the ordinance being left off the publicly available agenda for the meeting where it received its first reading, might render the first reading out of order under the Ohio Open Meetings Act. Those in the parish now know that this was an oversight and they commend Councilman Russel for his apology at the last meeting. They cannot, however, keep their Diocesan Attorneys from bringing it up should they choose to do so.
5. The need for formal recognition of an alley on the east side of the Trinity, Findlay building, between the church property and the existing parking lot which requires a new City Ordinance. They ask City Council to take action on the creation of the alley before any conveyance of the parking lot.
6. The need for written assurance, binding on the Blanchard Valley Port Authority or the ultimate private developer, stipulating church access to parking for Sunday services and other church events such as weddings or funerals on other days of the week. They ask City Council to include this stipulation in any agreement to convey the property.
7. The need for written assurance, binding on the Blanchard Valley Port Authority or the ultimate private developer, promising that the east side of their facilities will be cleaned, and if necessary, repaired after any construction in the parking lot. They ask City Council to include this stipulation in any agreement to convey the property.

Filed.

**Semro Henry & Barga Ltd. Attorney Jeffrey Stopar – Ordinance No. 2020-026 (letter)**

Mr. Stopar has been asked by Mayor Muryn and Law Director Rasmussen for his legal opinion regarding the legality of the proposed amendments to the Findlay Zoning Code on duplexes and triplexes. He has no concerns regarding the legality of the proposed text amendment and the proposed map amendment.

Mr. Stopar's background includes: fifteen years of practice in the area of local government litigation, zoning and land use, and constitutional law. He has presented to the Ohio Township Association and the Ohio Planning Association on multiple occasions. He has presented to both local governments and private entities in zoning matters, so he is capable of viewing land use issues from both the governmental and private perspectives. He has performed legal work on a variety of zoning-related matters involving extensive consultation with Hancock Regional Planning Commission Director Matt Cordonnier, as well as Law Director Don Rasmussen since 2017, recently meeting with them in October and November of 2019 where he provided input on legal issues raised by duplexes and triplexes in the City. He has reviewed the proposed changes via Ordinance No. 2020-026, as well as the proposed map amendment, and is offering the following opinions:

- The ordinance changes the setbacks for new construction in R1, R2, and R3. They are designed to make the front yard setbacks for new construction harmonious with the adjacent lots. It is an appropriate and standard land use planning device that has no legal problems.
- The proposed ordinance makes duplexes and triplexes conditional use in the R3 District. That change does not prohibit duplexes or triplexes in any district in which they are permitted. Under current law, the only district in which duplexes and triplexes are permitted, either as of right or conditionally, is the R4 District in which they are permitted used (see section 1124.02 of the Findlay Codified Ordinances). He has no concerns making duplexes and triplexes conditional uses in the R3 District.
- Duplexes and triplexes are not currently permitted in R1, R2, or R3 Districts, therefore, any existing duplexes/triplexes must be nonconforming uses in order to be legal (see Chapter 1162 of the Findlay Codified Ordinances). A conditional use permit is a preferred use to a non-conforming use because once a landowner has a conditional use permit, that use is permitted subject to its express conditions (see Sections 1161.15 and 1151.151 of the Findlay Codified Ordinances).

Basic law for non-conforming uses has been well established for decades:

Non-conforming uses, like common-law marriages, are not favorites of the law. The reason for their disfavored position is clear: if the segregation of buildings and uses, which is the function of zoning, is valid because of the beneficial results which this brings to the community, to the extent this segregation is not carried out, the value of zoning is diminished and the public is thereby harmed. Non-conforming uses are allowed to exist merely because of the harshness of and the constitutional prohibition against the immediate termination of a use which was legal when the zoning ordinance was enacted. Young, *The Regulation and Removal of Nonconforming Uses* (1961), 12 *Western Res.L.Rev.* 681, 686 (hereinafter "Young"). The rights of a non-conforming user are limited, and the clear intent and purpose is to eliminate such non-conforming uses as rapidly as possible. See *Curtiss v. Cleveland*, supra, 170 Ohio St. at 130-131, 10 O.O.2d at 87, 163 N.E.2d at 685.

*City of Kettering v. Lamar Outdoor Advert., Inc.*, 38 Ohio App. 3d 16, 18, 525 N.E.2<sup>nd</sup> 836, 839 (1987). See, also *Ledford v. Bd. of Zoning Appeals*, 171 Ohio App.3d 24, 32. Nonconforming uses "may be regulated, and even girded to the point that they wither and die." *City of Columbus v. Union Cemetery Assn.*, 45 Ohio St.2d 47, 49 (1976).

Based on the foregoing limitations on nonconforming uses, and the significant power cities have to regulate and eliminate them, it is a benefit to any existing duplex/triplex owner to have the zoning designation changed to allow duplexes and triplexes as conditional uses.

Some concerns have been raised suggesting that there may be civil rights issues regarding zoning Ordinance No. 2020-026 and the proposed zoning map amendment. It is unclear how allowing duplexes/triplexes as conditional uses, rather than nonconforming uses, raises a constitutional concern, either under the U.S. or Ohio Constitutions. Zoning has been approved repeatedly by the U.S. Supreme Court and the Ohio Supreme Court. See *Village of Euclid v. Amber Realty*, (1926), 272 U.S. 365, 395 (a landowner must prove that the zoning regulation was "clearly arbitrary and unreasonable, having no substantial relation to the public health, safety, morals or general welfare.") and *Goldberg Cos. V. Richmond Hts.* (1998), 81 Ohio St.3d 207, 210. Moreover, **the burden is on the landowner to demonstrate a constitutional claim "beyond fair debate," which is similar to the "beyond reasonable doubt standard" in criminal cases.** *Goldberg*, 81 Ohio St.3d at 213; and *Cent. Motors Corp. v. Pepper Pike*, 73 Ohio St.3d 81, 584 (1995). In sum, neither the proposed text nor map amendments give rise to a viable constitutional claim.

Moreover, to the extent that an owner of a duplex/triplex wants to continue as a non-conforming use, rather than a conditional use, it should be remembered that the burden is on the property owner to show that there is a valid non-conforming use of the property. See *Barnes v. Koon*, 5<sup>th</sup> Dist. No. 08-CA-14, 2009-Ohio-277, at ¶ 17, citing *Dublin v. Finkes*, 83 Ohio App.3d 687, 690 (1983); and *State ex rel. Bailey v. Madison*, 10<sup>th</sup> Dist. No. 12AP-284, 2012-Ohio-4950 at ¶ 15, citing *State v. Teachout*, 11<sup>th</sup> Dist. No. 2004-T-0129, 2005-Ohio-05119, at ¶ 13. Thus, once the City's records demonstrate that no duplex/triplex was lawfully established on a specific zoning lot, then that owner would be at risk for future enforcement for an unlawful use. The City, however, should be receptive to any valid documentation that would establish a valid non-conforming use.

His experience as an attorney practicing in land use and eminent domain law, he has relied on appraisers in both administrative and court proceedings. Based on those discussions, from a valuation standpoint, once a property has received a permit as a permitted use or a conditionally permitted use, that permit is far preferable to a non-conforming use because of the limitations placed on expanding or remodeling a non-conforming use. Based on his land use litigation experience, when the highest and best use of a lot is a duplex/triplex, and approved conditional use generally enhances value more than a non-conforming use.

The proposed zoning text and map amendments do not raise any legal concerns. Filed.

#### **Elvis Oxley, Oxley Consulting, LLC – Argyle update (email)**

As a follow up to his conversation with Mayor Muryn on Wednesday, April 1, 2020, as well as the conversations the three (3) partners have had together, as well as with their finances and real estate network, Mr. Oxley is requesting that the sale of City-owned parking lot Ordinance No. 2020-027 be tabled due to our nation in a pandemic crisis and with the tenuous economic conditions at hand that could become grim in the near future. There have been well over one hundred (100) conversations with bankers, lenders, and private investors over the past week, most of which have indicated a stoppage of investment in new projects and several noted they were cutting real estate valuations by thirty percent (30%) across the board on properties they had already invested in and across the U.S. market in general. While they will not be investing in the City lot at this time, they would like to be considered first in line when this situation begins to clear up.

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

**Mark Hollingsworth, Jr., Bishop of Ohio – proposed parking lot sale via Ordinance No. 2020-027 (letter)**

Mr. Hollingsworth Jr. is writing in his capacity as Bishop of the Episcopal Diocese of Ohio in connection with proposed Ordinance No. 2020-027 that will adversely affect parking access for a parish in the Diocese: Trinity Church, 128 West Hardin Street, Findlay, Ohio. Under Title I, Canon 7, Section 4 of the General Canon of The Episcopal Church (aka the Protestant Episcopal Church in the United States of America), “[a]ll real and personal property held by or for the benefit of any Parish, Mission or Congregation is held in trust for this Church and the Diocese thereof in which such Parish, Mission or Congregation is located.” In other words, all of the real and personal property of the parish is held in trust for the benefit of the diocese.

Mr. Hollingsworth Jr. is also writing in his capacity as the Chief Pastor of the Diocese to express the importance for the parish to maintain access to adequate parking for those who worship at Trinity, in addition to those who comes to the church to attend support group meetings and other ministries that benefit the community. It is his hope that City Council will work with the Rector and lay leaders of Trinity Church to find a parking solution that allows the parish to continue to serve its members and those community members who use its space. Filed.

City Auditor Staschiak asked Council if there were any questions about the budgetary report he submitted – no questions from Councilmembers were asked. As follow up from the comments from the last meeting, he reviewed what Council needs to know to prepare themselves for what needs to be done about the City’s debt. At this point of time, the Administration is not requesting a de-appropriation of any funds from the budget that was adopted which means the burden is on Council to regulate spending and to reserve a cash balance of what the year started with and what amount the year will end with. This is a complex issue in that he has not seen as many State and Federal rule orders change on a daily basis that impact a lot of things and many more are anticipated to come. His greatest concern are State tax revenues (local government funds, gas tax, capital dollars) that are in one form or another in jeopardy. City departments that are subsidized (i.e. Streets, Airport, Parking) may not have revenues come in as expected. Whether they are subsidies or State agencies, revenues will have a direct impact on the City’s General Fund if the City continues to spend at the budgeted appropriated levels that are the City’s individual departmental line items. Currently, the City’s Recreation Department is not bringing in any revenue. A budget brief is disbursed throughout the City and is a reference document for Council. On the second page of that brief, the section entitled “where does the money come from” lists the City Income Tax Department as being seventy-five percent (75%) of the City’s revenue and fees, licenses and others make up the rest. All of these will be impacted. At this point, real estate tax should not be impacted. Operations are down for Municipal Court fees and fines with traffic revenue down at least twenty-five percent (25%). Operator transfers, as well as, hotel/motel taxes are down. Four (4) of the City’s six (6) revenue categories on the budget brief will have an impact on revenue and will affect the City’s spending. It can no longer be presumed that expected funds from the State and other agencies will come in and cover the City’s funds, nor can it be presumed that the Federal Government will reimburse the City for any of the costs the City incurs for the COVID-19 crisis. In one of the Ohio Municipal League (OML) weekly newsletters, an article noted that because of the size of our City (less than 100,000 residents), any funds that were expected by the State and other agencies to the City will be allocated by the State at their discretion, so there is a political component to it. Because of non-spending and non de-appropriating of funds, and because of dropping revenues at the same time, cash balances will fall quickly and will now begin to have a significant impact on the City’s Water and Sewer Funds. Major businesses, schools, restaurants, etc. are closed which affect those funds. A large percent of the workforce is working from home. Approximately fifty to sixty percent (50%-60%) of those that work in Findlay do not live here, so those individuals are not using the facilities within the city limits that normally use them during the work day. Billing is sixty (60) days in arrears, so there is a window of time where the City will have to wait and see what will happen while monitoring revenues coming in. He is probably the only Auditor within the state of Ohio that does not have direct access to City Income Tax information. Council originally reviewed the budget at the end of last year/beginning of this year, not showing the City Income Tax Administrator’s projection of the income tax being reduced to seven and a half million dollars (\$7,500,000). If that is correct, it will reduce the City’s General Fund revenue by six million dollar (\$6,000,000) and the Capital Improvements revenue by one and a half million dollars (\$1,500,000). The City needs to balance long-term thinking with short-term needs. Council needs to monitor tax information by sector. The Income Tax Board discussed and agreed to that several years ago, but is not doing it. Council should know how manufacturing, restaurant, and business sectors are doing with income tax revenues. By monitoring how the sectors are doing, the Administration will have a better idea of which ones are doing badly, which are on track, which are coming back and which one are not. The City should also require business cost justifications for all capital expenditures. No such justification is typically done in a formal business type model, but should start. Just because something is in a plan does not mean the City should move forward and do it. Projects need to be evaluated along the way in order to protect cash balances.

There is a four hundred thousand dollar plus (\$400,000+) request for a welding signal building, but the City already has an adequate building to do welding of traffic signal functions and asked if that will be a prudent expenditure. Council will need to answer that and should do that through a business cost justification. A concern of his that was voted on during the last recession is that it does not look good to the community or employees if City employees are driving around new City vehicles or building new facilities while at the same time are stating that there is a revenue expense emergency due to the Covid-19 crisis or a possible recession. The City needs to create and project cash balance thresholds that trigger budget actions. If the City Income Tax Administrator's projection of reducing six million dollars (\$6,000,000) cash from the General Fund revenue, the projected year-end balance will go from fourteen million dollars (\$14,000,000) to eight million dollars (\$8,000,000) which is only three (3) months of operating expenses. If the City Income Tax Administrator's projections are correct, the City is already at its threshold in light of the fact that Council is not de-appropriating money and the full budget is available to be spent through the appropriations that has been provided.

This is not just Findlay, but is world-wide. Daily deposits are way down. Money is not coming in like it used to. While we are all in this together, the statutory burden is on Council to regulate spending and preserve a cash balance since the full budget remains appropriated.

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

**City Income Tax Monthly Collection Report** – February and March 2020. Filed.

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control** for Chalky Billiards LLC, dba Chalkys & Patio & Fenced Area, located at 1851 Tiffin Avenue, Findlay, Ohio for a D5 and D6 liquor permit. This requires a vote of Council.

John E. Dunbar, Chief of Police – Chalky Billiards LLC, dba Chalkys & Patio & Fenced Area, located at 1851 Tiffin Avenue, Findlay, Ohio. A check of the records shows no criminal record on the following:

Ken Caligiuri

Councilman Russel moved for no objections be filed, seconded by Councilman Palmer.

Discussion:

Councilman Hellmann asked if this is the same location that had received neighbor complaints in the past of noise and music coming from that establishment. Councilman Wobser replied it is. Councilman Hellmann asked if it is prudent for the City to let this liquor permit continue which would appear as though the same kind of nuisances will continue. The liquor permit includes a patio and fenced in area. Safety Director Schmelzer replied that he dealt with that issue quite a bit last time. The issues with the last operator was the rock concerts that were being booked and the extreme amount of bass that was unable to be contained. He went to the area many times and talked with the residents and also stood out there with a sound meter. The City will have very little patience with those issues with this new operator. There are many establishments in Findlay that operate without annoying their neighbors. If this new establishment is going to operate in that same fashion, he would be opposed to it. Councilman Hellmann replied that the City had a lot of issues with the last operator. He asked if the Administration is just taking this new operator's word. Safety Director Schmelzer replied that is correct. It is the same process they have gone through for every operator that the City has given a license to for a business within the City of Findlay. The City has to work within the rules they have. At the time of the last operator, the City was seriously thinking of altering the rules for that individual, but never quite got to that point. He suggested that if someone is operating a business and is not operating within clear rules, the rules may have to be modified which is the position the City was put in the last time. The last operator did alter his behavior with the rules the City had in place, so it did get better, but never got to the point where every resident was satisfied. The City talked to several residents that stated the City's actions made a significant difference in what was going on.

Ayes: Greeno, Haas, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser. Nays: Hellmann. Filed.

**Findlay Municipal Court Activities Report** – February 2020. Filed.

**Findlay Police Department Activities Report** – February 2020. 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 February 29, 2020
- Financial Snapshot for General Fund as of February 29, 2020
- Cash & Investments as of February 29, 2020
- Open Projects Report as of February 29, 2020

Filed.

**Findlay Fire Department Activities Report** – February 2020. Filed.

**Design Review Board agenda** – March 11, 2020; **minutes** – February 12, 2020. Filed.

**Service Director/Acting City Engineer Thomas – 2020 CUBE parking lot repairs #31900300**

By authorization of Ordinance No. 2020-006, a bid opening was held for this project on February 19, 2020. Bids were received from six (6) potential contractors with the base bid amounts ranging from \$108,892.45 to \$123,730.75. The lowest and best bid was received from M&B Asphalt Co. Inc. of Tiffin, Ohio. This project is included in the 2020 Capital Improvements Plan with an estimate cost of \$150,000.00. \$1,000 was previously appropriated to this project. An additional appropriation for construction, inspection, and contingency is now needed to complete the project. Legislation to transfer and appropriate funds is requested. Ordinance No. 2020-036 received its first reading during the 3/31/20 Special Session City Council meeting.

FROM:	CIT Fund – Capital Improvements Restricted Account	\$ 132,000.00
TO:	2020 CUBE Parking Lot Repairs #3190300	\$ 132,000.00

Filed.

**Service Director/Acting City Engineer Thomas – CR 180 drainage plan #35594100**

This County project is to install an additional storm sewer that will run along County Road 180, cross State Route 568, and outlet into the Blanchard River which will reduce the stormwater that crosses State Route 568 and County Road 180 so that those roadways will be able to remain open during larger flood events. Per the Memorandum of Understanding that was signed, the City is responsible for bidding the project and providing inspection during construction while the County will pay all design and construction costs. The City has received a check from the County Commissioners for the construction costs and now the funds need to be moved into the project so that contracts can be signed and the project can start. Legislation to transfer and appropriate funds is requested. Ordinance No. 2020-037 received its first reading during the 3/31/20 Special Session City Council meeting. Ordinance No. 2019-077 was adopted during the 10/1/19 City Council meeting to appropriate and transfer \$1,000 for bidding of this project.

FROM:	Hancock County Commissioners	\$ 89,916.00
TO:	County Road 180 Drainage Plan #35594100	\$ 89,916.00

Filed.

**Service Director/Acting City Engineer Thomas – fourth Capital Improvement Appropriation**

The equipment list and projects for the fourth Capital Improvement allocation of the year is attached. Legislation authorizing the Service Director to advertise for bids and enter into contracts for construction and to appropriate and transfer funds is requested. Ordinance No. 2020-038 received its first reading during the 3/31/20 Special Session City Council meeting.

FROM:	CIT Fund – Capital Improvements Restricted Account	\$119,000.00
TO:	Police #21012000-other	\$ 56,000.00
TO:	Park Maintenance #21034000-other	\$ 46,000.00
TO:	Streets #22040000-other	\$ 17,000.00
FROM:	CIT Fund – Capital Improvements Restricted Account	\$ 20,000.00
TO:	Logan Avenue Phase 3 #32894300	\$ 20,000.00
FROM:	Sewer Fund	\$ 40,000.00
TO:	WPC Clarifier 3 & 4 Rehab #35601300	\$ 20,000.00
TO:	Blue Bonnet and Bittersweet	\$ 20,000.00
	Sanitary Sewer Improvements #35601200	

Filed.

**Treasurer's Reconciliation Report** – February 29, 2020. Filed.

**Board of Zoning Appeals minutes** – November 14, 2019. Filed.

**Service Director/Acting City Engineer Thomas – Olive Street Waterline Replacement #35793300**

A bid opening was held for this project on March 4, 2020. Bids were received from two (2) potential contractors with bid amounts ranging from \$421,000.00 to \$430,826.10. The lowest and best bid was received from Helms and Sons Excavating, LLC of Findlay, Ohio. This project is included in the 2020 Capital Improvements Plan. An appropriation of funds for construction, inspection and contingency is needed to complete the project. Legislation to accept bid results, authorizing the Service Director to enter into a contract or contracts, and to appropriate funds is requested. Ordinance No. 2020-040 was created.

FROM:	Water Fund	\$ 420,145.00
TO:	Olive Street Waterline Replacement <i>Project No. 35793300</i>	\$ 420,145.00

Filed.

**Service Director/Acting City Engineer Thomas – Sixth Street Waterline Replacement #35795300**

By authorization of Ordinance No. 2020-006, a bid opening was held for this project on March 11, 2020. Bids were received from four (4) potential contractors with bid amounts ranging from \$477,982.50 to \$543,465.10. The lowest and best bid was received from JDR Excavating, Inc. of Findlay, Ohio. The project is included in the 2020 Capital Improvements Plan. The bid price is slightly higher than what is listed in the Capital Plan. It was decided that since the project would require a bore under the railroad, it made sense to install a larger line for the bore. This will eliminate the need for any additional bores in the future when the Water Department wants to extend a larger line from Blanchard Street to serve the area west of the railroad. The cost of the actual railroad permit for the waterline boring also came in higher than expected (\$19,350.00). \$1,000 was previously appropriated to the project for design and startup. An appropriation of funds is needed at this time for construction, inspection, and contingency in order to complete the project. Legislation to appropriate funds is requested. Ordinance No. 2020-041 was created. Ordinance No. 2020-006 was adopted during on 01/07/2020 appropriating and transferring \$1,000 for bidding.

FROM:	Water Fund	\$ 554,430.00
TO:	Sixth Street Waterline Replacement <i>Project No. 35795300</i>	\$ 554,430.00

Filed.

**Service Director/Acting City Engineer Thomas – Rehabilitate Taxiway A (Taxiway A4 to A6) Project No. 35293400**

The consultant is finalizing the construction drawings for this project. Legislation authorizing the Service Director to bid the project and enter into a contract or contracts is requested. Ordinance No. 2020-043 was created. Filed.

**City Planning Commission agenda** – April 9, 2020; **minutes** – March 12, 2020. Filed.

**Precipitation and Reservoir levels report** – first (1<sup>st</sup>) quarter January-March 2020. Filed.

**Mayor Muryn – Hancock County Commissioners' share of advertising cost for 2020 Census**

The City of Findlay received five thousand dollars (\$5,000.00) from the Hancock County Commissioners to go toward shared advertising cost for the 2020 Census. The funds have been deposited in the General Fund. Legislation to appropriate funds is requested. Ordinance No. 2020-044 was created.

FROM:	General Fund	\$ 5,000.00
TO:	Mayor's Office #21002000-other	\$ 5,000.00

Filed.

**COMMITTEE REPORTS:**

The **WATER AND SEWER COMMITTEE** met on March 11, 2020 to discuss a rotary waiver for 708 Milton Street. We recommend a reduction in the rotary fee of 50% bringing it to \$880. Legislation will be available at a future City Council meeting.

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



The **WATER AND SEWER COMMITTEE** met on March 11, 2020 to discuss updates to the rotary policy.  
*We recommend that more discussion is needed on these updates to the rotary policy.*

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

The **WATER AND SEWER COMMITTEE** met on March 11, 2020 to continue September 17, 2019 and March 13, 2019 discussions on water and sewer billing software upgrades.  
*We received an update on the project and when updated information is available, it will be presented at that time.*

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

The **WATER AND SEWER COMMITTEE** met on March 11, 2020 to discuss updates to the water meters and transmitter project.  
*We received an update on the project and will receive more information in future.*

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from BFB Properties LLC Brad Brogan to rezone 229 Howard Street from R2 Single Family Medium Density Commercial to R4 Duplex/Triplex.  
*We recommend approval to R4 from R2 as requested. Ordinance No. 2020-039 was created.*

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

**LEGISLATION:**

**RESOLUTIONS:**

**RESOLUTION NO. 013-2020** (no PO) requires one (1) reading **first reading - adopted**

A RESOLUTION APPROVING THE EXPENDITURES MADE BY THE AUDITORS OFFICE ON THE ATTACHED LIST OF VOUCHERS WHICH EITHER EXCEED THE PURCHASE ORDER OR WERE INCURRED WITHOUT A PURCHASE ORDER EXCEEDING THE STATUTORY LIMIT OF THREE THOUSAND DOLLARS (\$3000.00) ALL IN ACCORDANCE WITH OHIO REVISED CODE 5705.41(D).

Councilman Slough moved to adopt the Resolution, seconded by Councilman Hellmann. Ayes: Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser. The Resolution was declared adopted and is recorded in Resolution Volume XXXIV, and is hereby made a part of the record.

**ORDINANCES:**

**ORDINANCE NO. 2020-022** requires three (3) readings **third reading-adopted**

(social media accounts public records requests)

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2020-022 and is hereby made a part of the record.

**ORDINANCE NO. 2020-026** (*zoning text amendments*) **requires three (3) readings**  
**third reading- adopted, not effective until after 5/19/20 public hearing**

AN ORDINANCE REPEALING SECTIONS 1121.05, 1122.05, 1123.03, 1123.05, AND 1124.05 OF THE CURRENT ZONING CODE AND IN ITS PLACE, ENACTING AMENDED SECTIONS 1121.05, 1122.05, 1123.03, 1123.05, AND 1124.05 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

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

Discussion:

Councilman Russel noted that letter from Attorney Stopar addressed the concerns raised by Mr. Ross at an earlier City Council meeting. This attorney's opinion upheld the validity and legality of this ordinance. This ordinance changes some setback requirements for development and also makes duplexes and triplexes a permitted use in R3 districts. This is an addition to the code, one that the PLANNING AND ZONING COMMITTEE specifically asked that it be brought to a vote ahead of the zoning code map changes because it has benefits for our citizens that could be enjoyed immediately. He strongly supports this ordinance and asked Council to do the same.

Council Clerk DeVore asked if this requires a public hearing before the ordinance can be adopted. Law Director Rasmussen from the audience replied not for amendments. After the City Council meeting, he confirmed that this does need a public hearing before it can be effective, so it will not be effective until after the May 19, 2020 public hearing.

Ayes: Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2020-026 and is hereby made a part of the record.

**ORDINANCE NO. 2020-027** (*sale of City-owned parking lot behind Argyle bldg (Main St)*) **requires three (3) readings**  
**tabled after third reading on 4/7/20, but then removed from the agenda during OLD BUSINESS.**

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT WITH THE BLANCHARD VALLEY PORT AUTHORITY FOR THE SALE OF A CITY-OWNED PARKING LOT LOCATED IMMEDIATELY WEST OF 524 SOUTH MAIN STREET, AND DECLARING AN EMERGENCY.

Councilman Russel moved to table the Ordinance, seconded by Councilman Haas. Ayes: Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas, Hellmann. The Ordinance is tabled (later removed from the agenda during OLD BUSINESS).

**ORDINANCE NO. 2020-032** (*2019 Ordinances & Resolution changes*) **requires three (3) readings** **second reading**  
AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE FINDLAY CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

**ORDINANCE NO. 2020-033** (*Airport hanger lease agreement*) **requires three (3) readings** **second reading - tabled**  
AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO NEGOTIATE AND ENTER INTO A NEW LAND LEASE AGREEMENT WITH THE BLANCHARD VALLEY PORT AUTHORITY FOR PURPOSES OF CONSTRUCTING A PROPOSED HANGER FACILITY AT THE FINDLAY AIRPORT FOR USE AND OPERATION BY MARATHON PETROLEUM CORPORATION.

Councilman Russel moved to table the Ordinance, seconded by Councilman Greeno. Ayes: Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer. The Ordinance is tabled.

**ORDINANCE NO. 2020-036** (*2020 CUBE parking lot repairs*) **requires three (3) readings** **second reading**  
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

**ORDINANCE NO. 2020-037, AS AMENDED** (CR 180 drainage plan) requires three (3) readings

**second reading**

AN ORDINANCE ACCEPTING BIDS AS RECEIVED AND AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT OR CONTRACTS AS REQUIRED FOR THE COUNTY ROAD 180 DRAINAGE PLAN PROJECT NO. 35594100, APPROPRIATING, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel asked if the contractor is waiting for passage of this ordinance to get started. Service Director/Acting City Engineer Thomas replied that he has been notified by the contractor that they are currently working in some other communities who are stopping construction, so they would like to get here as soon as possible so they can get started on it. It would be nice to get it approved tonight, but does not have to be. Councilman Russel replied that he will be confirming that each project coming through Council needs completed now until he gains a better understanding of the City's financial situation. He asked why 2020 would be better for this project instead of 2021. Service Director/Acting City Engineer Thomas replied that the only City funds involved for this are to bid it. Everything else is funded through the County.

City Auditor Staschiak added that Deputy Sampson in the City Auditor's Office is the City's checks and balances of each project to ensure that the City is in compliance with Ohio Law requirements for audits on contracts for the finance perspective of them and not the legal perspective of them. He asked Council not to rush this through until he and the Law Director are able to work through some unresolved issues to make sure that Deputy Sampson is comfortable with it so she can recommend that he sign the document. Councilman Russel asked what those issues are. City Auditor Staschiak replied they are process related and are clean up of a couple of other ordinances. Both the Service Director/Acting City Engineer and the Mayor have been involved with it. After this ordinance is finished, those issues should be resolved. When a contract comes to the Auditor's Office, they have a checks and balances process to go through where if everything is not in place, it prevents him from signing a document which has happened a couple of times. Councilman Russel asked if that is what needs modified with this ordinance or if that is with every ordinance on tonight's agenda. City Auditor Staschiak replied that two (2) of the three (3) have been corrected, but he is unsure if the third one is the format that it is correct. He wants to confirm that the Deputy Auditor has approved it with the Law Director so that there is no issue with the County.

Second reading of the Ordinance.

**ORDINANCE NO. 2020-038** (4<sup>th</sup> Capital Improvement appropriation) requires three (3) readings

**second reading**

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR AND THE SAFETY DIRECTOR OF THE CITY OF FINDLAY, TO ADVERTISE FOR BIDS WHERE REQUIRED AND ENTER INTO CONTRACTS FOR VARIOUS PROJECTS, APPROPRIATING AND TRANSFERRING FUNDS FOR SAID CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel asked if the first part of the ordinance is for a vehicle purchase for Police, Streets, and Parks Maintenance departments. Service Director/Acting City Engineer Thomas replied that since there were limited funds in the Capital funding at the beginning of the year, he limited what he is asking for. With the Police vehicles, there is the cost of the vehicle and the equipment (i.e. light bar, cages, etc.). With dump trucks, there is the cost of the chassis (frame) which has a long lead time, so he is asking for those funds now and will ask for the rest of it later. At the top of this ordinance, it lists the equipment at the top that was already asked for in the beginning. The Police cars have already been ordered. This ordinance is to get the equipment. The frames for the dump trucks have already been ordered. This is to get the beds and the equipment for it. The appropriation for the three (3) projects listed within the ordinance are to have funds available in the projects so that survey work can be done so he can get the plans done so that Engineering can get the projects going. Just because he has the plans done this year does not mean it has to be bid this year. There are no issues with waiting to see how revenues come in. A list of projects that may not happen this year have already been distributed. He does not plan to do everything in the Capital Plan this year just because it is in there.

Second reading of the Ordinance.

**ORDINANCE NO. 2020-039** (229 Howard St rezone) requires three (3) readings

**first reading**

AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 229 HOWARD STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY MEDIUM DENSITY" TO R4 DUPLEX/TRIPLEX.

First reading of the Ordinance.

**ORDINANCE NO. 2020-040** (*Olive St waterline replacement*) **requires three (3) readings** *first reading - adopted*  
AN ORDINANCE ACCEPTING BIDS AS RECEIVED AND AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT OR CONTRACTS AS REQUIRED FOR THE OLIVE STREET WATERLINE REPLACEMENT PROJECT NO. 35793300, 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 Slough. Ayes: Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer. The Ordinance received its second and third readings. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXII, Page 2020-040 and is hereby made a part of the record.

**ORDINANCE NO. 2020-041** (*Sixth St waterline replacement*) **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 Greeno. Ayes: Slough, Warnecke, Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker. Nays: Wobser. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough. The Ordinance was declared adopted and is recorded in Ordinance Volume XXII, Page 2020-041 and is hereby made a part of the record.

**ORDINANCE NO. 2020-042** (*Country Club Dr*) **requires three (3) readings** *first reading - adopted*  
AN ORDINANCE REPEALING ORDINANCE NO. 2020-035 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, AND IN ITS PLACE, ENACTING THIS ORDINANCE TO ACCEPT BIDS AS RECEIVED AND AUTHORIZE THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT OR CONTRACTS AS REQUIRED FOR THE COUNTRY CLUB DRIVE SLOPE REHABILITATION PROJECT NO. 32593900, 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 Haas. Ayes: Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke. The Ordinance received its second and third readings. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Niemeyer. Ayes: Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXII, Page 2020-042 and is hereby made a part of the record.

**ORDINANCE NO. 2020-043** (*Rehabilitate Taxiway A – Taxiway A4 to A6*) **requires three (3) readings** *first reading - adopted*  
AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT OR CONTRACTS WHERE REQUIRED FOR THE TAXIWAY A (TAXIWAY A4 TO A6) REHABILITATION PROJECT NO. 35293400, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel asked if this ordinance gives the City the ability to bid the project and asked what the process is. Service Director/Acting City Engineer Thomas replied that the project has to be bid, then the bid tabs are submitted with the grant application. The consultants are finishing up the plans. This ordinance gives him permission to bid it and enter into a contract later. It will be bid with those bid results submitted with the application to the FAA who verify that the dollar amounts are correct. This will be funded at one hundred percent (100%) instead of the usual ninety percent (90%).

Councilman Russel moved to suspend the statutory rules of Council and give the Ordinance its second and third readings, seconded by Councilman Haas. Ayes: Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno. The Ordinance received its second and third readings. Councilman Palmer moved to adopt the Ordinance, seconded by Councilman Wobser. Ayes: Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas. The Ordinance was declared adopted and is recorded in Ordinance Volume XXII, Page 2020-043 and is hereby made a part of the record.

**ORDINANCE NO. 2020-044** requires three (3) readings

*first reading – adopted*

*(Hancock County Commissioners' share of advertising cost for 2020 Census)*

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

Discussion:

Councilman Russel pointed out that since this is simply moving from one fund to another, he is going to request that this be adopted tonight.

Councilman Russel moved to suspend the statutory rules of Council and give the Ordinance its second and third readings, seconded by Councilman Greeno. Ayes: Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas, Hellmann. The Ordinance received its second and third readings. Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Slough. Ayes: Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXII, Page 2020-044 and is hereby made a part of the record.

**UNFINISHED BUSINESS:**

**OLD BUSINESS:**

Councilman Wobser noted that Ordinance No. 2020-027 (Argyle parking lot) was tabled per the request of the contractor's letter. He asked if this should be removed from the agenda. If it is left on the agenda as tabled, it may limit anyone else from coming in and expressing an interest in the property.

Councilman Russel noted that he feels the same way. If it is going to happen, he will want it to go through all three (3) readings instead of tabling it and giving it consideration at one meeting. He asked Law Director Rasmussen if the ordinance could be removed from the agenda. Law Director Rasmussen replied it can be with a motion, second, and roll-call vote.

Councilman Hellmann asked if Council does remove it from the agenda if Mr. Oxley should be given the first right of refusal since he has the interest in the project. Law Director Rasmussen replied that he does not have the authority to do so, but that Council does have the right to remove it from the agenda. President of Council Harrington asked Law Director Rasmussen to explain how that is done. Law Director Rasmussen replied it is done by a motion.

Mayor Muryn does not recommend adding right of refusal at this point. That would be for them to formally request. The City has not seen an agreement from them. At this point, the plan was to table it. It is not an extraordinary timeline to work through the process for them to bring this back for consideration with more detail.

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

Discussion:

Councilman Russel asked for a point of order. The ordinance is currently tabled and it was asked if it should be untabled first. President of Council Harrington replied that it can be removed from the agenda by letter or motion. A letter would have to come from two (2) Councilmembers and be on the agenda for the next City Council meeting and voted on then. Law Director Rasmussen added that is correct as well as a motion for removal at the next meeting. Councilman Russel asked a motion to remove it from the agenda could be done now. Law Director Rasmussen replied yes it can be.

Councilman Wobser withdrew his motion to reconsider the ordinance and instead remove it from the agenda, seconded by Councilman Russel. Ayes: Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno. The Ordinance was removed from the agenda.

Mayor Muryn is wearing a "Findlay Has Heart" t-shirt from Flag City Clothing, a downtown Findlay business. A lot of businesses in the community have stepped up over the last couple of weeks, including Flag City Clothing who are selling t-shirts with a portion of the proceeds going to another business or non-profit organization of the buyer's choosing. Councilman Wobser asked how much the t-shirts are and how to go about purchasing one. Mayor Muryn replied that they are available on FlagCityClothing.com for \$24 with \$10 of that going towards another organization.

Mayor Muryn hopes to have an update on Council's future meeting plans. Plans are looking more towards a virtual meeting. An email will be sent with details and training on it.

Mayor Muryn followed up on City Auditor Staschiak's comments about the city appropriations. As of right now, the Administration is not asking for any de-appropriation of funds because they would like to move forward with all of the items that have been requested so far as they believe they are still prudent to do so. Other projects that are in Capital Plan are not necessarily things that they will move forward with at this time and are things that the Administration entrusts the department heads to work with the Administration on and bring forward to Council. They have already looked into cutting approximately one million five hundred thousand dollars (\$1,500,000) from this year's Capital Plan that has already been shared with Council. The Administration does understand that there are going to be significant impacts to the City's revenue that are being closely monitored and will adjust accordingly. The City has been managing funds appropriately over the last number of years to have both a reserve, as well as funds in the Rainy Day Fund in order to weather such storms without having to make knee-jerk reactions. She has had conversations about this with many of the Councilmembers, and can reassure them that the City is spending wisely, acting appropriately, being good stewards, and are being evenly shipped in this storm. The City needs to continue to do business and provide services to its citizens that they contribute their tax dollars towards.

Mayor Muryn has had constant communications at the State and Federal levels. In fact, she was on a call today with Senator Portman about the CARES Act and the different resources that are available for direct payments to citizens, as well as to businesses through the small business applications, as well as the paycheck protection program. The Economic Development, The Chamber, as well as Mayor Muryn are putting together a lot of that information. Questions from business owners and/or citizens can be directed to either the City of Findlay website or The Chamber's website that have a combination of resources for businesses and have done a couple of email blasts out to businesses to help them weather the storm. She will continue to provide information to Council and will put together an update on the conversations the group have had. The Director to Citizen Payments is a tax credit towards next year's taxes. It is something to apply when reporting taxes next year. It will not count against anyone, but is an advance. It is very convoluted as many things to do with taxes are. Information on it needs to be communicated to citizens as she does not want citizens to view this as free money that they spend right now and are hit later because they did not realize the impact it would have on them. It is a great stimulus, a great opportunity for citizens to have money now that they need, but the long-term implications of how it will impact them when they file their taxes in 2021 needs to be understood.

Mayor Muryn noted that Census day already happened with fifty-three percent (53%) of Hancock County already submitting their Census information online. Those that have not done so can go to [my2020census.gov](https://my2020census.gov) and fill it out. It only takes a couple of minutes that is very important to the community. Census Bureau workers are estimated to begin canvassing households that have not completed the Census in mid-May. She asked Councilmembers to continue to push it because it is much needed information, especially in this time of the pandemic where it will continue to be pushed back when Census Bureau workers will be out canvassing. Complete data is needed in order to be accurate.

Councilman Shindledecker pointed out that many higher learning institutions have closed down for the year which has an impact on communities, particularly those such as Bowling Green, as well as Findlay with the University of Findlay where students have gone home. He asked how that should be factored in the Census. Mayor Muryn replied that for the first time ever, the Census has instructed that college students are counted for at their place of education. Higher education institutions can do a mass report for the students that are living on campus. She has been working with the University of Findlay who has an Excel spreadsheet that they have exported from their database to provide to the Census Bureau. She has a contact for group housing that she is working with that will apply to other housing organizations such as assisted living facilities depending on their designation as well as some other facilities in the community. She assumes Bowling Green is doing the same. Students that live off campus are responsible for doing their own. She has worked with the University of Findlay to provide information to them to put on social media. Many college students have stayed here if they are renting since they are paying their rent here locally.

Councilman Wobser asked how it is ensured that those students are not double-counted for in the Census. Mayor Muryn replied that there always is a chance that they could be double counted. They try to make it very clear that the Census is based off of where you are living the majority of the time. The Census report asks enough distinguishing information to determine if matching information is already in the database.

Councilman Russel noted that his ninety-five (95) year old mother complete her census form over the telephone that took less than five (5) minutes. It was a very easy process.

Councilman Shindledecker added that he did his a couple of weeks ago. He had heard horror stories about those trying to get ahold of unemployment offices and anticipated the Census reporting to be the same, but that did not happen. He suggested filling it out if anyone has not done so yet.

Councilman Wobser received an email from a constituent asking how it will work the virus mandate will work with the green waste site now being open. Mayor Muryn replied that she has also fielded some questions on it. The green waste site opened today. Additional signage was put up this afternoon as reminders that they need to continue the social distancing practice in place. City employees there will continue to monitor it and help move the flow as much as possible. Many residents are home right now and have the time and ability to do yard work, and the weather has been nice as well. The City would have liked to have opened it a little sooner, but that was not feasible to do. Residents can easily come in, drop off their items, and leave safely without interacting with anyone else, which is how the City would like it to happen. When entering the area, if there are others already there, they are asked to patiently wait until they clear out so that the next patron can move up and be out of harms way. It is a lower risk environment because it is outside that the City can provide that space for visitors. If over the next couple of day, it is observed that visitors are not being prudent using their own judgment in managing that, the City will have to close it down. The City would like to keep it open. In order to do so, those visiting will have to self-monitor themselves and others.

Councilwoman Warnecke noted that school playgrounds have been shut down and asked anyone is there if that should be reported anywhere. Mayor Muryn replied that it is up to each individual on how they want to handle it. Signage is currently up at all of the City's parks and she has fielded some calls on that already. In some cases, an Officer has been sent out to give them a reminder that they shouldn't be there. It is one thing to see one parent and a child on a swing where they can safely sanitize the handles and seat versus running around on the entire playground. The City would like to keep individuals away from high-touch surfaces. Councilwoman Warnecke replied that in this case, it was a mother who had looked around to see if anyone was there, then let her three (3) kids out to play while she sat in the car. There was also six (6) guys playing frisbee on the other side. Mayor Muryn replied that the City can be notified, but that it will be hard to go there right at that instant, but can add additional signage if needed. She plans to do a public service announcement (PSA) because she has had quite a few instances, mainly because today was a nice afternoon, where mandate violations had occurred. The PSA will remind of the mandate and will add additional barriers if they can, but would pose a safety hazard. There is a lot to be said to giving gentle reminders. It can be stated that you care about their safety and that the recommendation is that they should not be playing on those surfaces because they are high-touch and that it would be best if they find another way to enjoy the outdoors. While the City wants residents to be outside as it is good for their mental and physical health and do not want anyone to go stir-crazy, but may have to be reminded that this pandemic is something to take seriously and that there are ways to be outside and have fun without spreading germs and touching high-risk surfaces. She encourages everyone to have friendly conversations where appropriate, and not to hesitate letting her know if a problem arises.

Councilman Wobser: **STRATEGIC PLANNING COMMITTEE** meeting on April 21, 2020 at 5:30pm in the third floor conference room (CR1).

Councilman Russel: **PLANNING & ZONING COMMITTEE** meeting on April 9, 2020 at 12:00pm. This will be a virtual meeting and will not take place here in the Municipal Building. Those wanting to listen and/or watch can do so by going to the calendar on the City's website and then go to the PLANNING & ZONING COMMITTEE meeting link.

agenda: 701-708 Adams St/700-714 Putnam St rezone

**NEW BUSINESS:**

Councilman Wobser moved to adjourn, seconded by Councilman Hellmann. All were in favor. Meeting adjourned at 8:13pm.

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CLERK OF COUNCIL

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COUNCIL PRESIDENT