

FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

MARCH 3, 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 February 18, 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 replace and add-on the following on tonight's agenda, seconded by Councilman Shindledecker. All were in favor. Motion carried. Filed.

REPLACEMENTS:

- Agenda
 - transposed proposed and presently zoned classifications (229 Howard Street rezone) (**PETITIONS** section)

- Ordinance No. 2020-028 - farmland lease (Airport, Reservoirs, Carlin St (**LEGISLATION** section))
 - Removed "APPROXIMATELY SIXTY-FOUR (64) ACRES IN THE VICINITY OF THE RESERVOIR" from the header.
 - Changed "three (3) years, beginning in calendar year 2020" to now be one (1) year for calendar year 2020" in SECTION 1
 - Changed "farming season to run through calendar years 2020." to now be "spring planting season."

- Ordinance No. 2020-033 - Airport hanger lease agreement (**LEGISLATION** section)
 - Replaced "Toledo Port Authority" in the header, first and second WHEREAS, and SECTION 1 to now be "Blanchard Valley Port Authority"

ADD-ONS:

- Letter from Service Director/Acting City Engineer Thomas – Country Club Drive Slope Rehabilitation Project No. 32593900 (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS** section)

- Ordinance No. 2020-035 – Country Club Drive Slope Rehabilitation Project No. 32593900 (**LEGISLATION** section)

PROCLAMATIONS:

American Red Cross Month – presented by Mayor Muryn.

WHEREAS: March is American Red Cross Month, a time when we recognize the humanitarian organization that eases people's suffering during life's emergencies in Hancock County, across the United States, and around the world. The North Central Ohio Chapter has a long history of helping our neighbors in need by: delivering shelter, care and hope during disasters; making our community safer through its lifesaving Home Fire Campaign; providing lifesaving blood; teaching skills that save lives; and supporting military, veterans, and their families. During this Red Cross Month, we thank and honor the selfless volunteers, dedicated employees and generous supporters who make this compassionate work possible; and

WHEREAS: Last year, North Central Ohio Chapter volunteers responded to 111 local disasters. In addition, volunteers helped 127 families affected by home fires by addressing their urgent needs like food and lodging and providing recovery support. Meanwhile, when large disasters, such as coastal hurricanes and Midwest tornadoes and floods devastated families in other parts of the country last year, volunteers from Findlay and Hancock County were among the nearly 9,000 Red Cross workers – 90 percent of them volunteers – who left their homes to work alongside partners to provide refuge, food, relief items, emotional support, recovery planning, and other assistance; and

WHEREAS: Meanwhile, the Red Cross continues to work with its partners to prevent fire tragedies through its national Home Fire Campaign, which installed its 2 millionth free smoke alarm last year and has saved hundreds of lives across the country since launching five years ago. In the North Central Ohio Chapter, Red Cross volunteers and local partners have installed 4,000 free smoke alarms and made 2,000 households safer from the threat of home fires;

WHEREAS: Additionally, in the North Central Ohio Chapter Red Cross Service to the Armed Forces provided 358 services to members of the armed forces and local military families; Red Cross Training Services trained over 3,000 people in First Aid, CPR and other lifesaving skills; Red Cross volunteers trained more than 500 people how to be prepared for disasters through the Pillowcase Project and Be Red Cross Ready program; We recognize the volunteer heroes who make this work possible to help our neighbors when they need a helping hand; and

WHEREAS: Every day, people in our community depend on the American Red Cross, whose lifesaving mission is powered by the devotion of volunteers, generosity of donors and partnership of community organizations. We dedicate the month of March to all those who support its vital work to prevent and alleviate human suffering in the fact of emergencies.

NOW THEREFORE, I, Christina M. Muryn, Mayor of the City of Findlay, Ohio, do hereby proclaim March 2020, as:

AMERICAN RED CROSS MONTH

In Findlay, and encourage all Americans to support this organization and its noble humanitarian mission.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Findlay, Ohio, to be affixed this March 2020.

Discussion:

Mayor Muryn presented a copy of the Proclamation to Red Cross Representative Todd James (from the audience).

RECOGNITION/RETIREMENT RESOLUTIONS: none

PETITIONS:

Zoning amendment request – 229 Howard St

Brad Brogan, BFB Properties LLC would like to change the zoning of 229 Howard Street to R4 Duplex/Triplex. It currently is zoned as R2 Single Family Medium Density. Referred to CITY PLANNING COMMISSION and PLANNING & ZONING COMMITTEE.

ORAL COMMUNICATIONS:

Pastor John Drymon – Ordinance No. 2020-027

Pastor Drymon is the Director of the Trinity Episcopal Church whose property abuts the City-owned parking lot on Hardin Street. He is before Council tonight to again speak on the development of that property and to discuss not only his concerns, but also many in his congregation. He is disappointed that none of them realized that the first reading of this Ordinance was to take place during the last City Council meeting. Some of his parishioners would have been present at that meeting had the Ordinance been on the agenda that was published just four (4) days prior to that meeting that he accessed on the City's website where he would have determined whether or not he and his parishioners needed to be present that meeting. He is unsure if this issue just came up over the course of the long weekend which separated the public notification of that agenda from the meeting that followed. He lives in a community that values transparency, but this does not, as the young people say provide "a good look". The concerns as a worshiping community remain unchanged since last year. They remain concerned about their community partners having access to adequate parking, not only on Sundays, but also for weddings, funerals, parish events, recovering meetings and also for a whole host of activities that his church provides throughout the week. Just counting last week, they had twelve (12) church services, a parish meal, a Christian education offer, a choir rehearsal, a service project, five (5) recovery group meetings, a leadership retreat, and a meeting of dioceses and clergy, all on church grounds. Nineteen (19) of these twenty-three (23) services require parking. It is not a Sunday only concern. Parking needs to be available to the church seven (7) days a week. He spoke with Mr. Oxley yesterday about some of his concerns whose response to the parking issue left him a little cold. His response was that he imagined tenants of the proposed building might be able to park at their workplace across the street. A suggestion that Mr. Youngpeter's attorney had also made to him a year ago, but Mr. Oxley admitted to him that talks along those lines had not been held. It came to his attention recently that Ohio Revised Code (ORC) 723.121 requires a municipality to make the determination before alienating a public property when said property is no longer needed. A reading of Ordinance No. 2020-027 fails to state that such a determination has been made.

Making such a determination, especially in light of the continual refrain at these very meetings that parking is indeed needed, seems to lack common sense. They remain concerned about having access to emergency services and garbage collection on the east side of their church, particularly since they have not seen any indication from the developer's intention of how close the building would come to the side of their building which runs right up to the property line. Last week's COMMITTEE OF THE WHOLE meeting left many under the impression that there is an alley between their church's east property line and the parking lot.

President of Council Harrington informed Mr. Drymon that his four (4) minutes were up, but that he will allow him to finish up.

Mr. Drymon continued stating that they are concerned about the possibility of having one hundred plus (100+) units empty in their backyard. During the last City Council meeting that he attended and spoke, he was asked if the goal is to have one hundred (100) parishioners. While that is a very nice thought, he is more concerned with one hundred (100) potential empty units, especially considering the need in Findlay is for affordable housing. He does not see how an eighteen million dollar (\$18,000,000) project would make back its investment renting for affordable housing determined by the median income in Findlay, Ohio which would be approximately eleven hundred dollars (\$1,100) a month. There are nine (9) units on available to rent on West Street with a cost of between fifteen hundred dollars to two thousand dollars (\$1,500-\$2,000) a month of which only three (3) had been rented, and he is unsure if any have been occupied. Six (6) remain completely vacant, so he is concerned about adding an additional one hundred (100) potentially vacant properties.

Discussion:

Councilman Wobser noted that Mr. Drymon brought up two (2) topics. He will address the second (2nd) topic first. Mr. Drymon's comments appear as though he is now getting into the real estate business. Mr. Drymon replied that he is not. Councilman Wobser replied that is what he just brought up when he mentioned rent, and what is needed and what is not, which is a total different topic than what he had thought Mr. Drymon was going to discuss about the property where the church is. Councilman Wobser asked Law Director Rasmussen to speak to the comment Mr. Drymon brought up about the property needing to be deemed unusable so that it can be sold under this rule. Law Director Rasmussen replied that it is in the statute, but does not require anything in particular to be done. In another words, Council would not have to call a meeting and discuss that issue. The fact that the City is willing to sell concludes that they made that decision. Mr. Drymon pointed out that by statute in the Ohio Revised Code, it does require that a determination be made that parking is no longer needed and that it be explicitly entered into the minutes of City Council. He is unsure if that explicitly has been determined by anyone per the statute. Law Director Rasmussen replied that he is referring to what happens after they make that decision. There is no particular way that decision has to be made or arrive at Mr. Drymon's answer. Mr. Drymon replied that the statement that the parking is no longer needed for its present use by Ohio Revised Code needs to be entered into the minutes of this City Council meeting. Law Director Rasmussen replied that Council and the Administration will do what they need to do. They will look at it, but there is no particular way to enter it in. It could be a decision of City Council or it could be Council asking the executives to sell it. Mr. Drymon replied that he is asking that it be entered explicitly into the minutes of City Council in accordance with Ohio Revised Code. Law Director Rasmussen replied that it will be done by law.

Councilman Wobser noted that Mr. Drymon had mentioned the timeframe of the current offer that has been brought to Council, but it is not really an offer at this point, but merely a discussion. He too was surprised that it came up as a first reading before Council had the chance to discuss it. With that said, Council will not move forward with this until they are completely secure with what they will move forward with and what they will be voting on. The last time this came before Council last year, the legislation was tabled until Council received the answers they needed. That may happen again here. Council has received some information back from Mr. Oxley and his group. Council does not have everything they need and will not be pushing it through until it is well vetted.

Mayor Muryn asked for the specific ordinance that Mr. Drymon has a concern with so that they can follow up on it. Mr. Drymon replied it is Section 723.121

Councilman Hellman noted that the amount of events that take place at the church are more significant than he realized. He asked that in light of the fact of the amount of events the church has and in light of the fact that this came up about a year ago to be purchased by another developer, if the church has ever considered purchasing or leasing the lot from the City to protect the church's parking rights/availability. Mr. Drymon replied that he cannot speak to that because their property is owned by the Diocese of Ohio and are represented by the Chancellor of the Diocese of Ohio. It was considered a part of the strategy should this come back up again and may be considered again. His conversations with the Chancellor were geared toward the desire to maintain a space not just for them alone, but also for the City of Findlay when they believed that an element was no longer going to take that space. They did not want to take ownership of it and deprive other business owners/community partners' access to that lot. They do not believe another developer would find development on that lot to be feasible.

Mayor Muryn clarified that was discussed in the COMMITTEE OF THE WHOLE meeting that many here tonight were also in attendance for that meeting and that they want to protect the public parking access to that lot which is of utmost importance to the success of downtown businesses. Council and the Administration do not want to see an investment in the downtown not be sustainable. As part of the agreement that Council is discussing, just as it was with Mr. Youngpeter previously, there are specific contingencies in the agreement (i.e. long term agreement with the City of Findlay to ensure that those spaces are available to the public), the City wants to make sure that there is public parking available for the community as a whole and also to the church's parish. There currently is no alleyway there. If the alley that is currently on the east side of the church's lot is impacted, it would be requirement to maintain a safety access and access for emergency services to relocate that alleyway which is what has been referenced along the east side of the church. Many conversations take place as part of the site plan review, as well as a Safety-Services review to ensure that appropriate access is maintained and that safety is of utmost importance on any future development.

Sue Ann Sandusky – Ordinance No. 2020-027

Ms. Sandusky is a 5th Ward resident and a Senior Board Member of the Trinity Episcopal Church in which she is the primary lay reader and the principle liaison. As Father Drymon just mentioned, the parishioners have been informed about the proposed project next to the church and how it will affect their church life. They are concerned about the proposal and if it will satisfy the need for low-income housing. She would like an understanding of how some of the assumptions were made to gain an understanding of how the concept is going to work. She would like to make sure that provisions of the Ohio Revised Code are followed as it clearly states that the determination of the property is determined to be not necessary for the City. While the church does not need the property, they do need the parking spaces. People care about transparency, accountability, and not play games when deciding whether or not it is or is not necessary. The Parishioners would like to know if there are any revisions planned to prevent the structures to allow natural light through the stain-glass windows of the church. They just spent a lot of money recently getting them refurbished. Beyond the physical impact of this project, there are ascetic issues, as well as spiritual impacts for many of the Parishioners that feel a genuine spiritual uplift in the mornings from the stain-glass windows.

Discussion:

Councilman Russel moved for a five (5) minute recess to work on the microphone system. The podium microphone for tonight's speakers is not picking up and cannot be heard by those watching on television, seconded by Councilman Wobser. Council adjourned into recess at 7:29pm. Council reconvened at 7:33pm.

Michael McCoy – Ordinance No. 2020-027

Mr. McCoy lives in the second (2nd) Ward. He is a member of the Trinity Episcopal Church and a retired City Planner. He has a lot of experience in the public and private sectors regarding development processes. He concurs with what the previous speakers have said. His main concern is with the design and the attributes to the building that is being proposed that he knows very little about (i.e. the square footage it will be, how many units, height, the parking of the church area, how it will impact parking for other businesses and the general overbuilt nature of the project that he has heard through rumor and notes). He thinks it is too much and will hurt the church.

Marna Weaver – Ordinance No. 2020-027

Ms. Weaver is speaking on behalf of her husband Kent Weaver and herself. They own the Riecks block with one of their buildings abutting up to the parking lot. They were part of the initial negotiations with Mr. Oxley as being a part of the project and could not come to terms with a purchase price, so they are no longer part of that. Having said that, it does not mean that they do not want that property developed as they are very much in favor of having the lot be developed as it will only help their building. Their concern is a lack of what they do not know. She has asked for renderings and drawings, but have not received anything. She would like to know how this project will affect the north/south and east/west alleys, and how it will affect their access into their parking lot. If they would have to change the access into their parking lot, it could be costly and affect the value of their property. She would like to know how this project will affect them. She is not against the project and just wants to know how it will affect them. She wants to assure that deliveries will be able to come through. They are in the process of selling their building and want to be able to inform potential buyers of the unknown on how it will affect them and their ability to sell the building.

Discussion:

Councilman Niemeyer asked where Ms. Weaver’s Building is located. Ms. Weaver replied they are the Riecks block next to the empty Argyle lot.

WRITTEN COMMUNICATIONS: none

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control for Kelly & Panth Incorporated, dba Gas & Express Mart, located at 535 West Trenton Avenue, Findlay, Ohio for a C1 and C2 liquor permit. This requires a vote of Council.

John E. Dunbar, Chief of Police – Kelly & Panth Incorporated, dba Gas & Express Mart, located at 535 Trenton Avenue, Findlay, Ohio. A check of the records shows no criminal record on the following:

- Dhruv A. Patel
- Lilaben S. Patel

Councilman Slough moved for no objections be filed, seconded by Councilman Hellmann. All were in favor. Filed.

Mayor Muryn – Shade Tree Commission appointment

Mayor Muryn is appointing Amy Wellman to the City of Findlay Shade Tree Commission to fill an unexpired term. Her appointment will be effective through December 31, 2020. This appointment does not require Council confirmation. Filed.

Service Director/Acting City Engineer Thomas – 3rd Capital Improvement appropriation

The equipment list and projects for the third (3rd) 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. 2020-029 was created.

FROM: Water Fund	\$ 175,000.00
TO: Water Treatment #25050000-other	\$ 25,000.00
TO: Utility Billing #25072000-other	\$ 45,000.00
TO: Water Distribution #25053000-other	\$ 105,000.00
FROM: Sewer Fund	\$ 15,000.00
TO: WPC #25061000-other	\$ 15,000.00
FROM: Water Fund	\$ 10,000.00
TO: 2020 Water Valve Adjustment Program #35700900	\$ 10,000.00
FROM: Sewer Fund	\$ 40,000.00
FROM: Sewer Fund – Stormwater Restricted Account	\$ 35,000.00
TO: 2020 Manhole Adjustment Program #3560100	\$ 75,000.00

Filed.

Service Director/Acting City Engineer Thomas – City of Findlay Rutherford Avenue 6-inch waterline project #35795200

By authorization of Ordinance No. 2020-006, a bid opening was held for this project on February 19, 2020. Bids were received from eight (8) potential contractors with bid amounts ranging from \$99,671.95 to \$136,473.49. The lowest and best bid was received from Hohenbrink Excavating, LLC of Findlay, Ohio. The project is included in the 2020 Capital Improvements Plan. The total project estimate is within the budgeted amount. One thousand dollars (\$1,000) was previously appropriated to the project for design and startup. An additional appropriation is needed for construction, inspection and contingency. Legislation to appropriate funds is requested. Ordinance No. 2020-030 was created. Filed.

FROM: Water Fund	\$ 119,000.00
TO: Rutherford Avenue 6-inch Waterline Project, <i>Project No. 35795200</i>	\$ 119,000.00

Filed.

Traffic Commission minutes – February 18, 2020. Filed.

City Planning Commission agenda – March 12, 2020; **minutes** – February 13, 2020. Filed.

Fire Chief Eberle – SIG program

The Ohio Bureau of Worker’s Compensation (BWC) offers financial assistance to employers through a Safety Intervention Grant (SIG) program which aims to reduce employees’ exposure to potential injuries. The program allows Ohio BWC to pay for 75% of certain items with the remaining twenty-five percent (25%) being a local match. Legislation authorizing to apply for this grant program in order to purchase the following items is requested:

1. An automatic hose rolling and moving system which helps avoid back injuries to firefighters when moving large diameter hoses. Each hose section can weigh in excess of one hundred pounds (100 lbs) and this system will increase safety and productivity. Total cost of this system is eight thousand five hundred thirty-five dollars (\$8,535.00).
2. A vehicle stabilization kit with lift attachments which is used on various emergency scenes for stabilization such as overturned vehicles or structurally damaged buildings. It increases safety for responders and helps to avoid injury. Cost for this system is eleven thousand five hundred dollars (\$11,500.00).

Total cost for both items is twenty thousand thirty-five dollars (\$20,035.00). The Ohio BWC will provide seventy-five percent (75%) of this or fifteen thousand twenty-six dollars and twenty-five cents (\$15,026.25). Local match is expected to be five thousand eight dollars and twenty-five cents (\$5,008.25). Legislation to allocate three thousand dollars (\$3,000.00) from the General Fund to help cover this local match with the remaining two thousand eight dollars and twenty-five cents (\$2,008.25) to be allocated from the existing Fire Department budget is requested with approval no later than the March 17, 2020 City Council meeting as the application period closes at the end of March is requested. Ordinance No. 2020-031 was created. Filed.

Safety Director Schmelzer – Airport hanger lease agreement

Marathon Petroleum Company and the Blanchard Valley Port Authority have begun examining the possibility of adding hanger space at the Findlay Airport. Legislation to initiate discussion about the project and a potential land lease to the Port Authority is requested. It is anticipated that MPC and BVPA will want a meeting in March to go over the details of this concept. Ordinance No. 2020-033 was created.

Discussion

President of Council Harrington noted that Jerry Arkebauer with the Blanchard Valley Port Authority is in the audience and asked if he would come to the podium and provide a brief synopsis of this project. While it is in its early stage, an update on what Marathon is planning would be helpful. Jerry Arkebauer (from the audience), noted that he is the Administrative Consultant to the Blanchard Valley Port Authority (BVPA).

BVPA has been in discussions with Marathon for some time now about some improvements that Marathon wishes to make at the Findlay Airport that would involve leasing land at the airport to the Port Authority who would then be constructing, owning and financing some improvements that would then be subleased to Marathon Petroleum. Don Malarky is here tonight to explain what Marathon has in mind.

Don Malarky (from the audience) noted that the matter before Council is to introduce a potential project by Marathon, in partnership with the Blanchard Valley Port Authority, is evaluating (at the Findlay Airport) to construct a new private hanger facility and associated infrastructure to support Marathon's company aircraft. The next steps in their project development process include permitting, bidding, and the completion of commercial agreements all necessary to provide Marathon Petroleum Company with the necessary information to support a decision to proceed with the construction of the project. They will be submitting plans to the CITY PLANNING COMMISSION and will be working on a draft development lease agreement with the City in support of the project. Additional details will be made while working through the process with the City.

Councilman Wobser asked if will be awhile until there are more details on what will be built at the center. Mr. Malarky replied that is correct. Councilman Wobser asked what the timeframe is on this project. Mr. Malarky replied that the plan is to bid it in mid-March, with bid results in by mid-April and ready to make decisions by late April into May with a start date in June. Councilman Wobser asked if this will require Council to pass legislation on the leases of public property. He asked if something is going to happen with the current lease. Mr. Malarky replied that is correct. Councilman Wobser asked if this should be discussed at a COMMITTEE OF THE WHOLE or an APPROPRIATIONS COMMITTEE meeting. Safety Director Schmelzer suggested having a subcommittee meeting sometime after the next City Council meeting. Additional details could be brought to the next City Council meeting to see what it looks like and have some discussion at that meeting, and if Council would like to have some more in-depth discussions, a COMMITTEE OF THE WHOLE meeting could then be scheduled. They will have site plans ready for submittal and will have draft agreements back. There will be a lot more information for Council to consider at that time. Even though agreements and site plans are not complete at this time, it was prudent to start discussions now. BVPA and Marathon are open to any conversations Council wants to have about this project.

Councilman Russel asked Mr. Malarky when this project is scheduled to be discussed at the CITY PLANNING COMMISSION. Safety Director Schmelzer replied that they are submitting the request in March for the April meeting. Filed.

Hancock Regional Planning Commission Lizzy Essinger – Community Housing Improvement Program (CHIP) Program 2020

Hancock Regional Planning Commission and Great Lakes Community Action Partnership are applying for a Community Housing Improvement Program (CHIP) Program 2020 on behalf of Hancock County in partnership with the City of Findlay. The CHIP 2020 Program will provide seven hundred fifty thousand dollars (\$750,000.00) in grant funding to the community to put towards housing-related activities including emergency home repair and remodeling for low and moderate income persons. The partnership agreement that is required to be executed between the City and the County is attached. In addition to the necessary legal counsel and signatures, a resolution is required to be passed approving the agreement. Legislation authorizing the execution of a partnership agreement between the City and County waiving the statutory rules of Council and be passed on an emergency basis is requested. Ordinance No. 2020-034 was created. Filed.

Mayor Muryn – 2020 revenue projections

Mayor Muryn is providing additional information and clarity for the updated 2020 Revenue Projections for the City of Findlay. During the December budget hearings, she provided information on the previously waived estimated payments for tax year 2019 that would be received in 2020 would be significantly lower than originally projected. Due to the variance, along with the fact that this would also impact the estimate payments that would be received in 2020 for 2020, the Tax Administrator recommended changing the total income tax revenue projection from twenty-nine million two hundred forty-five thousand dollars (\$29,245,000) to twenty-four million five hundred fifty thousand dollars (\$24,550,000) which is a decrease of four million six hundred ninety-five thousand dollars (\$4,695,000).

With this new information, she anticipates that City Auditor Staschiak will be providing a new revenue projection in the near future. Unfortunately, this is a significant variance that could not be foreseen given the continued volatile and dependent nature of municipal income tax on businesses' net profits. Since receiving this news, the Administration team has been working diligently with the departments to ensure expenses are managed accordingly and have put a hold on any new hires, delayed capital purchases where appropriate, and are monitoring revenues closely. Mayor Muryn is not recommending any significant changes to City operations at this point and will continue to be wise stewards of our community's tax dollars. Because of a conservative approach toward the City's operating budgets, the City is appropriately positioned to absorb this shortfall. A graph showing historical income tax revenue by category is included.

Updated revenue reports and projections will be received on or about April 27, 2020, June 22, 2020, and August 3, 2020 which will be shared to keep Council apprised of the City's position well in advance of the next budget season.

Discussion:

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

City Auditor Staschiak voiced some concerns he had from when he attended the INCOME TAX BOARD meeting in that the amount of money for deferrals or waivers (estimated payments) for 2019 were reported to be approximately two million eight hundred thousand dollars (\$2,800,000) almost throughout the entire year. The Income Tax Administrator is the only one who really knows what is going on with the business tax. There is no one else that has insight to it. City Auditor Staschiak does not know any more than what is in this letter. The Income Tax Administrator reported that the City would receive seven million fifty thousand dollars (\$7,050,000) in projected in business tax, then right after that reduced that amount to about two million four hundred thousand dollars (\$2,400,000) for 2020 which generated some significant concerns for him. He can only say that it is volatile. He is probably the only Auditor in the State of Ohio that does not have access to the information that he needs in order to have a better understanding of what is going on in that department because that department does not work for the Auditor of the City of Findlay like they do in many other cities. His other concern that he learned during that INCOME TAX BOARD meeting is that all the money for the waivers/deferrals would be paid as that program ended in February of 2020. The INCOME TAX BOARD meeting was purposely delayed to the end of February in order to get a handle on how much of that two million eight hundred thousand dollars (\$2,800,000) of waived estimated payments actually did come in. It was learned at that meeting that a number of extensions have been filed and will not see that money until April. The City has a major gap in the ability to look at what is happening with business tax. He does not know if any time in the history of the City that payments were allowed to be delayed similar to the Federal Government where the money wasn't paid, but the paperwork was filed on the extension. It is his understanding that the money has always been due. The City is in a difficult situation that he will continue to monitor. He will have a better insight on what is going on in April when the money is in. He watches the Income Tax daily (i.e. how it is coming in, where the numbers are) and will continue to update Council on what he knows. He sees strength in the withholding because of the same projections that were provide by the Income Tax Administrator for business tax and were told not to expect growth in withholding greater than seven and a half percent (7.5%) this year, but is coming in right now at twelve to thirteen percent (12 - 13%) projections.

There are a lot of things going on that are very complex that he does not want to muddy the water on other than that he will keep Council apprised on what is going on. If it gets to a point there is an issue, he will make Council aware of it. The best thing going for the City is that City departments turned in a million dollars (\$1,000,000) more than what was stated would be turned in when the budgets were started. 2019 ended/2020 started in excess of thirteen million dollars (\$13,000,000) in the General Fund. The City is in a strong position to weather any challenges moving forward. If this is going to be something long term, Council is in the position to make informed decisions and adequate time to do so.

Safety Director Schmelzer added that no one has a crystal ball including the Income Tax Administrator as he relies heavily on the information that is provided to him by corporations who estimate their revenues that are directly reported to Council at the request of Council. Some time ago, the deferrals were totaled. That was the report Council received based on the information that the Income Tax Administrator receives from the corporations. The information that were provided by those corporations indicated that their estimated earnings were not what they thought they would be. It has been stated for at least the last eight (8) years that the City needs to be better prepared for this circumstance. He is glad the City is in a good cash position. There are individuals that are monitoring it and now have wages that are tied to actual revenue. He commends City departments for prudent spending of their budgets. The City will be able to manage this situation, will not be as positioned as well as predicted, and will have to make reinvestments in Capital, but he feels relatively confident in the City's position at this point despite the drastic down turn in expected revenue.

Mayor Muryn clarified how the different payments will be made in the next couple of months. Because of the way the estimated payments were being reported at different times throughout the year, it had been decided to end that process in order to not make them have multiple payments at once and instead, when it came up to their regular payment, that is when they would fall off which was in the original letter that was sent to Council last year explaining that. She can send that letter out again to Council for their review. As the City Auditor stated, that was happening when the estimated payments rolled off. The Administration will have a better understanding after the estimated payments are made in April. There will be some spikes throughout the year. She will provide more information on the situation as the year goes forward.

Councilman Wobser added that Council needs to be very diligent with the City's finances. The City has been very lucky over the last eight (8) years to have a surplus of funds and has not had to have tough conversations about cuts and/or had to ask the Administration to cut back in their budgets very often, if at all because it has been managed relatively well, but now things are starting to get a little iffy. He asked Council to continue to be diligent on this and keep up on what is going on because these conversations are going to continue throughout the rest of this year. They are not fun conversations and are very complicated conversations, but is encumbering upon Council to keep up with it to understand what is going on. Filed.

Service Director/Acting City Engineer Thomas – Country Club Drive slope rehabilitation project no. 32593900

By authorization of Ordinance No. 2019-063, a bid opening was held for this project on February 26, 2020. Bids were received from five (5) potential contractors with bid amounts ranging from \$195,000 to \$249,000. The lowest and best bid was received from Helms and Sons Excavating of Findlay, Ohio. \$98,731 was previously appropriated to this project for design, bidding and construction inspection. An additional appropriation is now needed for construction and contingency to complete the project. The trees on the slope need to be cleared by the end of March or the project will have to wait to proceed until fall. It is Service Director/Acting City Engineer Thomas's preference to start the project now so that the work can be completed in drier months when the water in the river is lower. Legislation to appropriate and transfer funds is requested. Ordinance No. 2020-035 was created.

FROM:	CIT Fund – Capital Improvements Restricted Account	\$ 234,000.00
TO:	Country Club Drive Slope Rehabilitation <i>Project No. 32593900</i>	\$ 234,000.00

Discussion:

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

Councilman Russel thanked Service Director/Acting City Engineer Thomas for informing Council during the last meeting that this would be an add-on tonight and that he would like it to be passed tonight so that they can start clearing trees in favorable conditions before the deadline. Service Director/Acting City Engineer Thomas replied that if the trees cannot be cleared by the end of March, they will not be able to start until late fall. His preference would be to get it approved tonight so that he can get contracts sent out tomorrow. He is monitoring it. The slide is not getting any closer to the road, but is still going down. He prefers to get it fixed instead of waiting another nine (9) months to even start.

Councilman Wobser asked how long it will take to get it done. Service Director/Acting City Engineer Thomas replied that he will have to check their schedule. He does not have their schedule yet, so he does not know when they will be starting, but assumes it will be a three (3) week process if the weather stays nice and does not rain. He is unsure when that three (3) weeks will start. Councilman Wobser asked if that road will need to be shut down at any time. Service Director/Acting City Engineer Thomas replied that it should not have to be shut down, but may be reduced to one (1) lane with flaggers since it is by a curve.

Councilman Shindledecker asked if there are any EPA restrictions or any by federal agencies. He asked if the tree removals are EPA restrictions or if it is by City choice. Service Director/Acting City Engineer replied it is not City choice. Filed.

COMMITTEE REPORTS:

A **COMMITTEE OF THE WHOLE** meeting was held on Thursday, February 27, 2020 to discuss the sale of City-owned property (parcel number 600001008730 and via Ordinance No. 2020-027) for the development of apartments, retail space, offices and a parking garage.

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

LEGISLATION:

RESOLUTIONS: none

ORDINANCES:

ORDINANCE NO. 2020-017 (*AFG grant*) requires three readings

second reading - adopted

AN ORDINANCE AUTHORIZING THE SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO FILE AN APPLICATION FOR THE DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTER'S GRANT (AFG), ALONG WITH THE CITY OF FINDLAY'S TEN PERCENT (10%) MATCH, TO PURCHASE MOBILE AND PORTABLE RADIOS FOR THE FINDLAY FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.

Councilman Greeno moved to suspend the statutory rules of Council and give the Ordinance its third reading, seconded by Councilman Russel. Ayes: Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser. The Ordinance received its third reading. Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Haas. Ayes: Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXII, Page 2020-017 and is hereby made a part of the record.

ORDINANCE NO. 2020-018 (*American Tower – Fire Station 3 lease*) requires three (3) readings

second reading – adopted

AN ORDINANCE AUTHORIZING THE SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO RENEGOTIATE AND EXTEND TERMS OF AN EXISTING LEASE AGREEMENT WITH A TOWER MANAGEMENT COMPANY FOR A RADIO TOWER AT FINDLAY FIRE STATION #3.

Councilman Wobser moved to suspend the statutory rules of Council and give the Ordinance its third reading, seconded by Councilman Hellmann. Ayes: Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas. The Ordinance received its third reading. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Hellmann.

Discussion:

Councilman Wobser pointed out that the letter from Safety Director Schmelzer listed three (3) options for this lease. He agrees with Safety Director Schmelzer that Option 3 with a longer term lease and with profits over a longer period of time is the best way to go. He asked what the next step is and if Council needs to pick one of the listed options and amend the legislation accordingly. Safety Director Schmelzer replied that the next step is to pass the legislation as presented, and that discussion would be entered into the record that Council wants him to pursue option 3 with a lower monthly payment, but a higher growth rate, and fifteen percent (15%) of any future revenue. He asked Law Director Rasmussen if it is appropriate to use the discussion as guidance for entering into a contract. Law Director Rasmussen replied that is correct. The letter that was submitted to Council from Safety Director Schmelzer clearly outlines the terms of option 3. If Council wants to go with option 3, it will be added if passed.

Councilman Wobser noted that the other reason Council suspended the statutory rules and gave the ordinance its third reading tonight was because if the City goes with American Tower Company, the company who currently has the lease, it will allow them to sublease an agreement with another party allowing for better negotiating. It will put the City in a better position to get a better deal long term. He asked Safety Director Schmelzer if he agrees. Safety Director Schmelzer replied he agrees with the stipulation that he does not know if there is an imminent deal. There was a question about the timeframe and how long this was going to take which lead him to believe that there was some pressure. The investment in these towers run for decades which is why they are asking for an extended term and without at least ten (10) years remaining so they do not lose clients which is why they are interested in a timeframe on it.

Councilman Wobser feels the lease extension via option 3 puts the City in a good position for the long term with this property. The City has had a cell tower there for a long time. This ordinance is just extending it out making the lease more amenable to the City. He urged Council to approve the ordinance.

Ayes: Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXII, Page 2020-018 and is hereby made a part of the record.

ORDINANCE NO. 2020-019 (*W Melrose Ave 12-inch waterline replacement*) **requires three (3) readings** **second 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 third reading, seconded by Councilman Haas. Ayes: Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer. The Ordinance received its third reading. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXII, Page 2020-019 and is hereby made a part of the record.

ORDINANCE NO. 2020-020 **requires three (3) readings** **second reading**
(*Annual Street Resurfacing/Curb Repairs 2020 Project No. 32894500*)
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2020-021 **requires three (3) readings** **second reading - adopted**
(*Howard Street Sewer Separation, Project No. 35577600; Howard Street Waterline Replacement, Project No. 3579100*)
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules of Council and give the Ordinance its third reading, seconded by Councilman Greeno. Ayes: Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel. The Ordinance received its third reading. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Shindledecker.

Discussion:

Councilman Hellmann is in favor of expediting this project, but asked if Council is setting a precedent for construction projects when they come in the late winter/early spring. He asked if it will always be requested to expedite them to get them started in early spring. Safety Director Schmelzer replied that he hopes so. Service Director/Acting City Engineer Thomas added that whether or not Council wants to expedite this is up to Council. In this case, it will include two (2) projects. One will be replacing the waterline from Main Street to behind Walmart. The other part of the project is for curb work and sewer work between Cory Street and Broad Avenue. They were bid together so that it would not interfere with the contractor's schedule. It is a lot of work and will take a lot of time. The contractor was told they will not be allowed to work during graduation weekends. If they start later, they may run into college move-ins. It will take most of the summer to get these projects done. His preference is to start early, not work through graduation weekend, work over the summer and have the projects completed before school starts again in the fall.

Councilman Hellmann noted that he has no issue with starting early. He noticed that the emergency request is on the ordinance. Safety Director Schmelzer clarified that the emergency clause on legislation is so that it is effective immediately upon passage. It does not mean the requestor is requesting Council to suspend readings.

Ayes: Slough, Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker. The Ordinance was declared adopted and is recorded in Ordinance Volume XXII, Page 2020-021 and is hereby made a part of the record.

ORDINANCE NO. 2020-022 (*social media accounts public records requests*) **requires three (3) readings** **second reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2020-025 (*second Capital Improvement appropriation*) **requires three (3) readings** **second reading - adopted**

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.

Councilman Russel moved to suspend the statutory rules of Council and give the Ordinance its third reading, seconded by Councilman Hellmann. Ayes: Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough. The Ordinance received its third reading. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Wobser. Ayes: Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke. The Ordinance was declared adopted and is recorded in Ordinance Volume XXII, Page 2020-025 and is hereby made a part of the record.

ORDINANCE NO. 2020-026 (*zoning text amendments*) **requires three (3) readings** **second reading**

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.

Second reading of the Ordinance.

ORDINANCE NO. 2020-027 (*sale of City-owned parking lot behind Argyle bldg (Main St)*) **requires three (3) readings** **second reading**

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.

Second reading of the Ordinance.

ORDINANCE NO. 2020-028 (*farmland lease (Airport, Reservoirs, Carlin St)*) **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 LEASE AGREEMENT(S) TO FARM APPROXIMATELY ONE HUNDRED EIGHTY-ONE (181) ACRES IN THE VICINITY OF THE AIRPORT AND APPROXIMATELY TWENTY-THREE (23) ACRES AT THE CARLIN STREET LOCATION, ALL OWNED BY THE CITY, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel asked if there is a need to suspend the statutory rules of Council and give this ordinance its second and third readings tonight. City Auditor Staschiak replied that he has been working with Law Director Rasmussen about not receiving payments from the lease agreement that are currently in place. It would be prudent to pass this ordinance tonight as it allows the City to rebid it for another individual or corporation to farm the ground allowing the City to mitigate a loss of approximately ninety thousand dollars (\$90,000.00) from the Airport Fund which would be subsidized this year. It is time-sensitive because of the bid stipulation so that there is time to plan.

Councilman Russel moved to suspend the statutory rules of Council and give the Ordinance its second and third readings, seconded by Councilman Niemeyer. Ayes: Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser. The Ordinance received its second and third readings. Councilman Wobser 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 XXII, Page 2020-028 and is hereby made a part of the record.

ORDINANCE NO. 2020-029 (*3rd Capital Improvement Appropriation*) **requires three (3) readings** **first 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.

First reading of the Ordinance.

ORDINANCE NO. 2020-030 (*Rutherford Ave 6-inch waterline*) **requires three (3) readings**

first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2020-031 (*BWC Safety Intervention Grant program – FFD*) **requires three (3) readings**

first reading - adopted

AN ORDINANCE AUTHORIZING THE SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO TO FILE AN APPLICATION FOR THE OHIO BUREAU OF WORKER'S COMPENSATION (BWC) SAFETY INTERVENTION GRANT (SIG) PROGRAM, ALONG WITH THE CITY OF FINDLAY'S TWENTY-FIVE PERCENT (25%) MATCH, TO PURCHASE VARIOUS ITEMS AIMED TO REDUCE EMPLOYEES' EXPOSURE TO POTENTIAL INJURIES FOR THE FINDLAY FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules of Council and give the Ordinance its second and third readings, seconded by Councilman Hellmann. Ayes: Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXII, Page 2020-031 and is hereby made a part of the record.

ORDINANCE NO. 2020-032 (*2019 Ordinances & Resolution changes*) **requires three (3) readings**

first reading

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE FINDLAY CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2020-033 (*Airport hanger lease agreement*) **requires three (3) readings**

first reading

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.

First reading of the Ordinance.

ORDINANCE NO. 2020-034 (*CHIP program 2020*) **requires three (3) readings**

first reading - adopted

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO PARTNER WITH HANCOCK COUNTY BY ENTERING INTO A PARTNERSHIP AGREEMENT FOR THE ADMINISTRATION OF THE COMMUNITY HOUSING IMPACT AND PRESERVATION (HEREINAFTER REFERRED TO AS "CHIP") PROGRAM FOR THE PURPOSE OF ADDRESSING LOCAL HOUSING NEEDS WITHIN HANCOCK COUNTY, OHIO, 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: Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Hellmann.

Discussion:

Councilman Wobser asked if there was a reason to suspend the statutory rules and give this ordinance its second and third readings tonight. Councilman Russel replied that the letter for this from the Hancock Regional Planning Commission requests that the ordinance be passed tonight, so he made the motion to suspend statutory rules and give it its second and third readings so it could be passed tonight. Councilman Wobser asked if there a timeline involved with this. Mayor Muryn replied that it is an annual renewal of their program maintenance.

Ayes: Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXII, Page 2020-034 and is hereby made a part of the record.

ORDINANCE NO. 2020-035 (*Country Club Dr slope rehabilitation*) **requires three (3) readings**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

first reading - adopted

Councilman Russel moved to suspend the statutory rules of Council and give the Ordinance its second and third readings, seconded by Councilman Palmer. Ayes: Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Slough, Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker. The Ordinance was declared adopted and is recorded in Ordinance Volume XXII, Page 2020-035 and is hereby made a part of the record.

UNFINISHED BUSINESS:

OLD BUSINESS:

Safety Director Schmelzer had answered Councilman Hellmann's question about the Howard Street sewer separation and the waterline replacement project with sarcasm because he appreciates Council's willingness to move some projects forward. These projects sometimes sit on the Capital Improvement Plans for many years before discussing them and are put forward for conversation and public review. The Engineering Department goes above and beyond with the GIS System making the public even more aware of timelines for schedules and costs for projects. By the time years go by that these projects can be accomplished, it is prudent that no objections are given after a reading and that some consideration is given.

Councilman Wobser noted that most of the legislation that comes before Council has the emergency clause in it which means that after the Mayor signs it, it goes into effect immediately. If the emergency clause is not in the legislation, it is not effective until thirty (30) days after the Mayor signs it. Law Director Rasmussen replied that is correct. It would be a thirty (30) day referendum period.

Councilman Russel: **PLANNING & ZONING COMMITTEE** meeting on March 12, 2020 at 12:00pm in the first floor Council Office of the Municipal Building (CO).

agenda: 229 Howard Street rezone

Councilman Russel noted that it is time for renewal of the National League of Cities membership. Cost is four thousand dollars (\$4,000.00). Council joined the NLC about two (2) or three (3) years ago. During the time of Council's membership, no City Council Representative has been sent to any of their conventions. He does not gain much out of their research or mailings. They are geared toward larger municipalities dealing with issues that are not pertinent to Findlay. He gains more information from the Ohio Municipal League as they track what goes on in Columbus and their support for home rule. Given the financial news provided tonight, if Council can give four thousand dollars (\$4,000.00) of their budget back instead of paying to renew membership, it would cover the City's match of the Firefighter grant. He requested that Council not renew the membership. Councilman Wobser agrees with Councilman Russel's thoughts on not renewing the NLC membership. When Council originally became members, he thought it would be more of a benefit to Council in being able to attend some of the conferences. President of Council Harrington noted that this can be dealt with now, or by a committee report. Councilman Russel moved to have Council vote tonight to not renew the membership, Councilman Niemeyer seconded the motion. Ayes: Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser. Motion to not renew membership is approved.

Councilman Hellmann requested to revisit Ordinance No. 2020-033. He asked if it is the issue Mr. Malarky first addressed. Safety Director Schmelzer replied that is correct. There is no need to move it along more aggressively than its normal schedule of reading of the ordinances. Timing was discussed and whether or not a COMMITTEE OF THE WHOLE meeting would be required where it was suggested that after the second meeting, Council would decide if they have appropriate information or not to make a decision going into the third meeting. If at the second meeting, Council needs more information, a COMMITTEE OF THE WHOLE meeting can then be scheduled.

Mayor Muryn pointed out that the reason of bringing it forward tonight was to make sure that Council was aware that the project was being discussed. Safety Director Schmelzer replied that is correct and that there will be documents available that may or may not become public. Those documents will be available for submittal to the CITY PLANNING COMMISSION. The reason it is getting a first reading now is so that it can be completed by the later part of April which will also coincide with CITY PLANNING COMMISSION'S (CPC) approval. They can then take CPC's approval and Council's approval to the next level of the decision-making process at Marathon.

Councilman Russel requested to discuss Ordinance No. 2020-027 and why it was not on the February 18, 2020 agenda. A letter to Council from the Mayor was on the February 4, 2020 City Council meeting agenda stating that this project was in the process of coming to Council. Subsequently to that meeting, Councilman Hellmann, Councilman Slough, and Councilman Russel made a request to have legislation added to the agenda. There were also conversations between him and the Council Clerk about getting it on the agenda, but he did not follow up to ensure that it was on the agenda. There were some miscommunications on it. When the agenda was published on Friday, it was not on the agenda, so he immediately emailed Councilman Hellmann and the Mayor. Once the agenda is published, the only way to add legislation to it is by a vote of Council as add-on legislation which is what happened in this case. When items are presented to amend the agenda, Council then decides whether or not they want to do so. In this case, Council voted to give it its first reading with the intent for it to go through its full three (3) readings. He is looking into some ways to ensure the legislative process is properly put in place so that errors like this do not happen again.

Councilman Wobser pointed out that a couple of Mr. Oxley's team members are present tonight and asked them if they have an update on the project (Ordinance No. 2020-027) and/or any additional information that was not given at the COMMITTEE OF THE WHOLE MEETING last week. Gary Rakan (from the audience) is with the development team. What was discussed at the COMMITTEE OF THE WHOLE meeting were contingencies and things that were discussed previously that were tabled relevant to the other proposed development. There have been some issues raised about parking. It is difficult to paint a vivid picture with so many contingencies based on a scope of what the development could be. They know there is a vacant piece of property and a proposal acquiring the parking lot. They do not have anything additional to provide at this time. Councilman Wobser asked why the development team cannot come up with some basic ideas on what this project will look like. Mr. Rakan replied that they provided an exterior rendering of what it will look like and a top down view of what the footprint of the building will look like. There have been some questions about the alleys, ways to vacate them, and ways to reposition them to offer natural light on the church. Nothing has significantly changed from what they proposed. There have been some discussions on what the number of units will be. The initial proposal was for one hundred (100) units. They can work on better renderings on what the exterior from all four (4) sides will look like. Councilman Wobser noted that during the COMMITTEE OF THE WHOLE meeting, fifteen to twenty-five (15-25) units per floor for three to five (3-5) floors totaling up to one hundred twenty-five (125) units. He asked if that scope could be narrowed down. Mr. Rakan does not anticipate one hundred twenty-five (125) units. Councilman Wobser asked if that would be less units per floor or less floors. Mr. Rakan replied it will be less floors. Councilman Wobser asked if it will be four (4) floors maximum as the answers to his questions will make a big difference to the community and the more Council can narrow the scope of the project down, the better it will be for them to make a decision. Mr. Rakan replied that he anticipates it to be seventy-five (75) or fewer units. During the COMMITTEE OF THE WHOLE meeting, fifty-three (53) to seventy-five (75) units were discussed. Parking is a considerable component of that. The church is concerned about parking being taken away by this development. There will be a retail and residential component which will require parking. There have been many discussions about the number of units. Knowing some of the concerns raised by the community, going with more than seventy-five (75) units is not attainable based upon the parking needs.

Mayor Muryn reiterated that information that was sent out Saturday morning consisted of basic outlines that included the previous agreement with further points to be discussed.

Safety Director Schmelzer asked if there is a request for additional information. He believes Council has all the information that has been provided so far. Nothing else has been presented that he is aware of and asked if Council needs more information between now and the third (3rd) reading to make a decision, and if so, what exactly does Council need clarification on and/or what additional information Council wants.

Councilman Niemeyer requested an executive session for 6:30pm before the next City Council meeting on March 17, 2020 to discuss Ordinance No. 2020-027, seconded by Councilman Wobser. Councilman Russel asked for point of clarification. He asked if this is a proper way to request an executive session as the requirements for executive session are very stringent in that he does not know if discussion of this ordinance would be a reasons to go into executive session. Law Director Rasmussen replied that without knowing what specific information will be available then, he is unable to answer. If just discussing the project, an executive session can be called. President of Council Harrington read Council's Rules on executive sessions. Executive Sessions may only be called when confidential matters need to be considered in accordance with ORC 121.22.

Mayor Muryn reminded Council that there will be a public hearing that evening prior to the regular session City Council meeting at 6:55pm.

President of Council Harrington noted that there has been a motion and a second to have an executive session at 6:30pm on March 17, 2020 prior to the regular session City Council meeting at 7:00pm. Ayes: Haas, Hellmann, Niemeyer, Palmer, Shindledecker, Slough, Warnecke, Wobser, Greeno. Nays: Russel. Motion passes.

Councilman Russel asked for a point of order. He asked if a regular session City Council meeting has to be in session before stating a reason to go into executive session and before going into that executive session. He does not believe this is the proper format to have an executive session and if it is, it is the first one he has been to. Law Director Rasmussen replied that several years ago when he filled in as Acting Law Director in the absence of former Law Director David Hackenberg, they went into an executive session to discuss an issue before the regular session City Council meeting. He suggested Council alter the time of the regular session City Council meeting to start at 6:30pm, then go into executive session, and then adjourn out of executive session and continue the regular session City Council meeting.

Councilman Russel feels additional time will be needed than the twenty-five (25) minutes allotted for an executive session meeting on this matter. If Council does not go into executive session to discuss the matter, then he will make a motion to table it until Council has the information they need to make a good decision.

Councilman Hellmann is unsure what can be accomplished thirty (30) minutes before the regular session of City Council. If the reason for an executive session is just to gain facts, then it should be done long before the third (3rd) reading, perhaps the middle of this week or the beginning of next week. President of Council Harrington noted that nothing was mentioned to limit the length of the meeting.

City Auditor Staschiak encouraged Council to gather the following information prior to any executive session or any discussion on this matter: information on two (2) appraisals, one for three hundred thousand dollars (\$300,000) for the initial value of the lot and the other appraisal for just over one hundred thousand dollars (\$100,000) which went out in the last day or two that was based on use of parking, so Council should give some thought on how that parking will be used in comparison to how the appraisal was done or how the final project is going to be laid out. Logic would indicate that there probably is a value in between if it is not exactly the same use as it was before. City employees come in well before 9:00am as well as other employees in the community. He attended a session where Commissioner Bechtol spoke about the Media One lot which is north of the jail and east of the Post Office. There are currently one hundred fifteen (115) parking spaces, and with the building of the new Juvenile and Probate Court there, only forty to forty-five (40-45) spaces remaining for court. They went on to say that the lot that is south of the library that has been bulldozed and is now gravel will have twenty-eight to thirty (28-30) spaces for court use. They were very specific in their terminology about it. A lot of City employees use that parking lot. He encouraged Council to get some type of mapping of where City employees are parking today and where, based on the potential displacement of this lot, as well as the Media One lot or any other construction that is going on, they are going to park the next one to five (1-5) years. Other business considering relocating to the downtown area will probably have to do this as well so it would be looking at real information. The third (3rd) area he suggested looking into is the original deed that was alluded to by the church members as there is an option for the successors and assigns of the Kirk Realtor Company to buy the lot for thirteen thousand five hundred dollars (\$13,500). He is unsure who the assigns and the successors are. This concern has been mentioned before and it has been discussed with one of the City's legal advisors. He encouraged Council to seek a written resolution to that issue prior to obligating themselves to sell the lot. From a liability standpoint, he would hate to see the lot be sold and a successor and/or assign, if they exist, turn around and state that they have a thirteen thousand five hundred dollar (\$13,500) interest in the property, but the City sold it for two hundred twenty-five thousand dollars (\$225,000) or more which is significantly more than what Kirk Realtor Company had to pay for it and may want the difference for it, or may want to execute their ability to buy the lot. He does not know if the City can pass clear title on it based on that. If Council has been informed that it can be done, he would like to see that in writing that it is actually true. In the real estate world, they are taught that language in a deed runs with the land.

That might have some weight in this situation. It is a question Council should have answers to prior to making a full decision and obligating the City to enter into an agreement.

Mayor Muryn clarified that City Auditor Staschiak's concern with the deed has been resolved. She has requested to get access to the deed from the previous attorneys that were involved with it. Mr. Oxley has also reached out to get that documentation.

The Administration has been monitoring and taking pictures for the last two (2) weeks on downtown parking to get a better assessment of what is being utilized and what areas are under-utilized. She has briefly spoken with the County and has had some internal discussions on how to get individuals from downtown businesses, as well as City and County employees, to better utilize the farther out parking spots such as the County parking lots that are past the library as those lots are frequently available. She also followed up with the Marathon Center for the Performing Arts (MCPA) that the County has a relationship with to obtain access to that parking lot. Both the City and County have contributed to the parking lot. The City has one hundred (100) or more parking spots, but she is working with the MCPA to gain a better understanding of how City employees can better utilize those parking spots. The Administration will provide more information to Council as soon as they get it compiled. She has reached out looking for potential grant sources for another possible parking garage somewhere in the downtown area for public utilization. They are in the very early stages of looking into what opportunities there are for that and still ensure a vibrant downtown. Councilman Wobser asked Mayor Muryn if she feels Council should wait until those studies are done. Mayor Muryn replied that the information for the parking study will be done in the next day or two. She has obtained the information from the City's Parking Enforcement Officer and is currently working to put it together. Safety Director Schmelzer added that he should have it compiled by tomorrow. It is ten (10) days worth of information from two (2) different timeframes. The Parking Enforcement Officer is taking a look at the lots that are downtown, as well as certain blocks in the downtown area. The objective was to document the percent of vacancy in those timeframes. All the information has been gathered. There are some areas that have a significant amount of vacancy for parking, not specific to this particular parking lot. It is reasonable to draw the conclusion from the data collected that there is some capacity downtown in a lot of these parking lots. They have not measured displacement of parking from a peak timeframe period post-construction, but it will provide some insight. He does not think it will be enough information to decide if the parking lot is needed. There still needs to be language in the agreement to protect the public use of the parking lot which is vital to the church, other businesses downtown, and County employees. Mr. Oxley's group has looked at all of the work that was done and all of the many concerns that were initially heard last year on this project which boiled down to the contingencies that were placed in the contract. At the COMMITTEE OF THE WHOLE meeting, the contingencies that the developer was able to live with and those that were not were decided on, went back and formulated some responses that they emailed back. He does not feel there is enough information. In his opinion, the conversations are worth continuing. If Mr. Oxley's team will not allow any public parking in their new parking garage and will pay two hundred twenty-five thousand dollars (\$225,000), he knows what his vote will be. He would like to see the agreements that were basically taken all the way through to a proposal to Council who were comfortable with the language in the agreements that they made an offer to the developer. He would like to see specific language that the developer would like to modify, if anything, provided to Council so that they can have an apples to apples comparison on what was agreed upon last time versus what Mr. Oxley's expectations are for the sale which would provide transparency and would provide a clear decision-making summary to determine whether or not they want to sign the agreement. He asked Mr. Rakan if they would be willing to show any significant changes in the conditions that are placed on the property to alter the value of the property. Mr. Rakan replied that Mr. Arkebauer did so relevant to the purchase agreement that the Port Authority generated. They received them shortly after the COMMITTEE OF THE WHOLE meeting. They need an appropriate amount of time to review them. The bank would also appreciate that. They will turn that around as quickly as possible which should not be a problem to then submit that to Council prior to the next meeting. Safety Director Schmelzer replied that he is trying to come up with the easiest way to compare where it was to where the City wants to be. Mr. Rakan added that some of the contingencies were derived from that. Safety Director Schmelzer continued stating that the developer looked at the number of contingencies that they agreed to which indicates to him that they have no change to the language. There were some others that they altered slightly. It would be helpful for Council to be able to look at that language stating exactly what Council is looking for, exactly what the developer is considering, and Council would then know exactly what they would be voting on so that it would state any differences and so that Council can get questions answered. There were conversations with the church about parking on Sundays. Although he does not know what kind of impact it will have on the developer's decision, but he encouraged Mr. Rakan to have those types of conversations in the meantime.

Mayor Muryn replied to Councilman Wobser's question if he thought Council should wait until the studies are done stating that she does not think Council should wait because no matter what is found in any of the parking in the downtown area, the Administration will work to have parking in the agreement for a potential sale. The results of the studies is good information to have, but will not impact her recommendation she will make to Council because there should be parking disbursed throughout the downtown region.

Councilman Wobser asked to go back to Councilman Niemeyer's request for an executive session. He would still like to have an executive session on this topic. It is his hopes that additional information from Mr. Oxley's group with the specific language and what the agreement will look like to be provided to Council within the next two (2) weeks. He would still like to have an executive session to discussion numbers like what was done with the Youngpeter proposal. If an executive session were to happen after the start of a regular session City Council meeting, it would address Councilman Russel's concerns about calling an executive session without being in regular session. He suggested starting Council's regular session City Council meeting at 7:00pm with the 6:55pm public hearing before, then immediately go into executive session if Council has been provide additional information from Mr. Oxley's group.

Councilman Hellmann asked to see the appraisal of three hundred thousand dollars (\$300,000) that was mentioned. The one he saw was for one hundred twenty-four thousand dollars (\$124,000) that the developers group put together. The City also had an appraisal done that came back at eighty thousand dollars (\$80,000). Mr. Oxley has offered the City two hundred twenty-five thousand dollars (\$225,000). Safety Director Schmelzer replied that they can pull all of the appraisals and forward them to Council so that they can have them at their disposal. There were more than two (2) of them done. There was an initial one, a subsequent one was done that was in the two hundred eighty thousand dollar to three hundred thousand dollar (\$280,000-\$300,000) range. The appraiser agreed that the appraisal appears to be a market rate appraisal that would have no conditions applied to it. If there are conditions applied to the property and follow through on those, then the price would be different. There are three (3) different appraisals, one of which has conditions applied to it which is the one Council should focus on because Council will place conditions on it.

Law Director Rasmussen added that he is familiar with the deed and any conditions on it. He's been working through them and will keep Council posted on it.

Mayor Muryn noted that all the appraisals and documentation was sent out a couple of months ago when she sent it. It is two (2) different companies with the one providing additional information. She will re-forward those emails as they have everything attached to them.

Councilman Hellmann pointed out that Mr. Rakan's proposed parking states that there will be parking Monday through Friday 9:00am-5:00pm for the general public, and will be available to the residents of the project after 5:00pm. There is nothing stated about weekend parking. He asked if that is off the table. Mr. Rakan replied that they want to be as accommodating as possible. It is anticipated that the inhabitants of the apartments would be utilizing the parking spaces on weekends, but does not envision a scenario that would not allow public parking to access either additional spots, or that some parking would be available to the general public in the footprints of the project. Councilman Hellmann pointed out that Mr. Oxley's proposal is written differently than the one Council saw last year with the previous developer. They will take Council's concerns into consideration.

Councilman Russel noted that during the COMMITTEE OF THE WHOLE meeting, they came to an agreement on the items brought up tonight and that Mr. Oxley's group would go through the deeds and also go over the site plan during the CITY PLANNING COMMISSION meeting while looking at the site plan to ensure that alleys and also the Rieck's property will still have access to their property as part of the site plan.

Site plan review also confirms that there will be emergency services access to not only the new site, but also to those that currently exist (i.e. church, Rieck's building, Wine Merchant building). Safety Director Schmelzer replied that is correct. There are conditions that can place contingency around the language that pertains to site plan approval which is already in the agreement. The process that would have to be followed was discussed in length. Regardless or not if that condition is in the agreement, they have to do that. It states the obvious to make sure that everyone that is a party to this, as well as the public, understands what they will have to do from a review and process perspective which encompasses everything that Councilman Russel just talked about. There are items worth talking about ahead of time so that the process does not get to the point of reviewing site plans and have some kind of major misunderstanding. It benefits both parties to be clear about what will be done with the alley. Council cannot just rely on site plan approval and sign an agreement. That stipulates the City's approval of the site plan which means the City will have some perspective on what it means to have an approval.

There is no dedicated alley up against the church right now. That was part of the plan for the previous applicant that was disclosed and show as an exhibit to the agreement. He does not want to see the developer go through the plans and make them pertinent to site plan approval and have the developer have a total different understanding of that. That is just one thing that requires a conversation before anyone spends a lot of money going through the site plan process. Councilman Russel was correct in that there is a site plan approval requirement where if they want to proceed with the documents that have been submitted, at least a partial vacation of the alley, and that there will be no obstruction for access through it. The site plan approval, as well as Council's vote on the vacation are two (2) checks for finalization of the agreement.

Councilman Russel noted that the concerns of access to properties post construction are stated within the agreement that their access is protected. The easiest way to ensure that is to discuss it at the CITY PLANNING COMMISSION meeting as they ensure that a development does not cut off the access that property owners currently enjoy. There needs to be a new alley for the strip directly east of the church for church access. The CITY PLANNING COMMISSION will ensure that will be reflected in the site plan.

Councilman Niemeyer pointed out that Councilmembers voted 9-1 in favor of a 6:30pm executive session which is what he asked for, but have had a lengthy conversation since that motion was made. He asked to go back to the executive session discussion. President of Council Harrington replied that Council needs to address Councilman Russel's concern that Council is following procedure per the Ohio Revised Code. He asked if starting the executive session at 6:30pm will be enough time since there is a public hearing scheduled for 6:55pm that evening. Executive sessions have specific rules that Councilman Russel alluded to which are that they are for confidential matters and not for public consumption. It cannot be the same conversations that are happening now. There has to be specific topics that have to be confidential. If not, it will be a short meeting. If there are multiple topics, it could take a considerable amount of time which needs to be taken into consideration. There is nothing that states an executive session cannot be called, but that it has to be on a specific topic or topics. If an executive session is called to begin before the regular session City Council meeting at 7:00pm, then the executive session can end by 7:00pm and then go immediately into regular session. If a public meeting is scheduled, the Council Clerk is obligated by law to provide twenty-four (24) hour notice. If Council is in favor of having an executive session before a regular session City Council meeting starts, he would like the Law Director's opinion on it.

Safety Director Schmelzer suggested having the regular session City Council meeting start at its regularly scheduled time and then go into executive session at the end of the meeting. That way, there are no time constraints and will not have to start a meeting, stop a meeting, and then start it again later. President of Council Harrington replied that Council is able to accomplish what they want while adhering to the rules.

Councilman Wobser pointed out that the agenda for the regular session City Council meeting will be giving the legislation its third (3rd) reading prior to its executive session meeting which is why Councilman Niemeyer had suggested having it prior to the start of the regular session City Council meeting. If Council decides to not have an executive session prior to the third (3rd) reading of the ordinance, then he will make a motion to table the legislation on it now or can table it right after its third reading during the legislation portion of the regular session City Council meeting.

Councilman Hellmann pointed out that he had suggested having a COMMITTEE OF THE WHOLE meeting because he does not feel what will be discussed will qualify as an executive session meeting. President of Council Harrington noted that as of right now, there has been a request for an executive session. If that meeting does not result in discussion of private matters, it will be a very short meeting. If the discussion is going to be a general discussion of the project, that can be accomplished in a COMMITTEE OF THE WHOLE meeting or OLD BUSINESS portion of a regular session City Council meeting.

Councilman Wobser noted that if Council goes forward with the current plan of having an executive session at the end of the regular session City Council next meeting, if everything is discussed during the regular session City Council meeting, then an executive session will not need to take place. If everything is not addressed during the regular session City Council meeting, then an executive session can happen at the end of the next regular session City Council meeting. He thanked Mr. Rakan for going through the process with Council. Council has probably asked some hard questions about it, but wants to do what is best for their citizens. He likes this project and would like to see something done with the Argyle lot. Council has to do their job, so he appreciates Mr. Rakan working through the process with them.

NEW BUSINESS:

Councilman Greeno: **WATER AND SEWER COMMITTEE** meeting on March 11, 2020 at 4:00pm in the first floor conference room beside the Mayor's Office (CR1).

Law Director Rasmussen asked President of Council Harrington to make a final decision on whether or not to have an executive session meeting at 6:30pm before the start of the regular session City Council meeting at 7:00pm as the motion was called for and approved, or if any changes to that are being made. As President of Council, it is not his privy to make the decision. It is Councilmembers' decision. The motion was made to have it at 6:30pm with a second to the motion and a majority vote in favor of it. Since Councilman Russel voted against that motion, he cannot bring it back up for Council business.

Safety Director Schmelzer asked if a motion is needed to change the time of the executive session from 6:30pm to instead follow the regularly scheduled City Council meeting.

Councilman Wobser pointed out that there are two (2) weeks to get additional information from the developers, Councilmembers need to do their homework to have a vibrant discussion when this comes up for its third (3rd) reading during the next City Council meeting. If at that time, Council does not feel as though they have enough information to make a good decision, it can be tabled. At that point, some of the topics that Council does not have information on could be discussed in executive session at the end of the meeting. Councilman Wobser moved to reconsider Councilman Niemeyer's request to have an executive session meeting at 6:30pm. He asked Councilman Niemeyer if he would prefer to recall his motion. President of Council Harrington clarified that two (2) options have been brought up, one to reconsider Councilman Niemeyer's motion to have an executive session at 6:30pm before the next regular session City Council meeting, and the other option, and the second (2nd) motion withdrawn and have the regular session City Council meeting and then if an executive session is needed during or at the end of that meeting, it can be called then. Councilman Wobser moved to reconsider Councilman Niemeyer's motion for a 6:30pm executive session on March 17, 2020 and instead just conduct the regular session City Council meeting at 7:00pm and if an executive session is needed during or at the end of that meeting, it can be called then. If that happens, Council can table the legislation at that time and have the executive session, seconded by Councilman Russel.

Discussion:

Councilman Shindledecker asked if it would be proper to ask Councilman Niemeyer if he is willing to amend or rescind his motion instead of having another motion on top of a motion that has already been made. Councilman Niemeyer had declined that request, so Councilman Shindledecker asked if that is the end of that discussion.

President of Council Harrington summarized that Councilman Wobser had made a motion to reconsider Councilman Niemeyer's motion of a 6:30pm executive session on March 17, 2020 that was seconded by Councilman Russel.

Councilman Niemeyer noted that there was a 9-1 vote to have a meeting. He withdrew his motion for a 6:30pm executive session on March 17, 2020, and instead just have a regular session City Council meeting start at its regular scheduled time of 7:00pm and if an executive session is needed at some point throughout that meeting, then it will be called then.

President of Council Harrington summarized that Councilman Wobser made a motion and Councilman Russel seconded that motion. Council is now in discussion for that motion. During that discussion of that motion, Councilman Niemeyer indicated that he is withdrawing his motion.

Councilman Wobser withdrew his motion to reconsider Councilman Niemeyer's motion to have a 6:30 executive session meeting on March 17, 2020, seconded by Councilman Russel. Councilman Niemeyer withdrew his motion for a 6:30pm executive session meeting on March 17, 2020, seconded by Councilman Palmer. All were in favor. There will not be an executive session meeting scheduled for March 17, 2020. It will be called as needed during the regular session City Council meeting that evening.

Councilman Shindledecker attended the University of Findlay's annual musical production "Cabaret" last week. It was about the chronicles of the rise of Nazism in Germany and the time between two (2) World Wars. It was not the type of play that someone would walk out of with a smile on their face nor dance all the way to the parking lot, but would walk out in wonder an awe at what a professional performance it was from all aspects (i.e. acting, singing, choreography, the sets, etc.). Also, the University of Findlay's Women's Basketball Team won their first tournament game earlier this evening.

Mayor Muryn noted that the Census is coming.

President of Council Harrington adjourned City Council at 9:27pm.

CLERK OF COUNCIL

COUNCIL PRESIDENT