

FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

FEBRUARY 18, 2020

COUNCIL CHAMBERS

ROLL CALL of 2020-2021 Councilmembers:

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

ABSENT: President of Council Harrington

President of Council Pro-Tem Russel pointed out that President of Council Harrington informed him that he would not be in attendance tonight. Councilman Hellmann moved to excuse President of Council Harrington, seconded by Councilman Shindledecker. All were in favor.

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

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

- Councilman Slough moved to accept the February 4, 2020 Public Hearing minutes to rezone 0 Birchaven Lane via Ordinance No. 2020-003, Councilman Wobser seconded the motion. All were in favor. Motion carried. Filed.
- Councilman Slough moved to accept the February 4, 2020 Regular Session City Council meeting minutes, Councilman Palmer seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

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

REPLACEMENTS:

- Agenda
 - Added Ordinance No. 2020-027 (sale of City-owned parking lot behind Argyle bldg (Main St) (**LEGISLATION** section)
- Ordinance No. 2020-026 – zoning text amendments (**LEGISLATION** section)
 - Changed header from:

~~AN ORDINANCE REPEALING SECTIONS 1121.05, 1122.05, 1123.03, 1123.05, AND 1124.05 OF THE CURRENT ZONING CODE, CHAPTER 1101 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, 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; KNOWN AS "CITY OF FINDLAY ZONING ORDINANCE"; ADOPTING, APPROVING, AND INCORPORATING A REVISED ZONING MAP, ALONG WITH THE ENTIRE TEXT OF NEW CHAPTER 1101 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO AS IF FULLY REWRITTEN HEREIN.~~

to now be:

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.

- Changed SECTION 1:
SECTION 1: That ~~amended~~ Chapter 1121.05 of the Codified Ordinances of the City of Findlay, Ohio ~~be enacted which reads as follows:~~
to now be:
SECTION 1: That Chapter 1121.05 of the Codified Ordinances of the City of Findlay, Ohio that currently reads as follows:
- Changed SECTION 2:
SECTION 2: That ~~amended~~ Chapter 1122.05 of the Codified Ordinances of the City of Findlay, Ohio ~~be enacted which reads as follows:~~
to now be:
SECTION 2: That Chapter 1122.05 of the Codified Ordinances of the City of Findlay, Ohio that currently reads as follows:
- Changed SECTION 3:
SECTION 3: That ~~amended~~ Chapter 1123.03 of the Codified Ordinances of the City of Findlay, Ohio ~~be enacted which reads as follows:~~
to now be:
SECTION 3: That Chapter 1123.03 of the Codified Ordinances of the City of Findlay, Ohio that currently reads as follows:
- Changed SECTION 4:
SECTION 4: That ~~amended~~ Chapter 1123.05 of the Codified Ordinances of the City of Findlay, Ohio ~~be enacted which reads as follows:~~
to now be:
SECTION 4: That Chapter 1123.05 of the Codified Ordinances of the City of Findlay, Ohio that currently reads as follows:
- Changed SECTION 5:
That ~~amended~~ Chapter 1124.05 of the Codified Ordinances of the City of Findlay, Ohio ~~be enacted which reads as follows:~~
to now be:
That Chapter 1124.05 of the Codified Ordinances of the City of Findlay, Ohio that currently reads as follows:
- Changed SECTION 6:
That the current Sections 1121.05, 1122.05, 1123.03, 1123.05, and 1124.05 of the Codified Ordinances of the City of Findlay, Ohio, be and the same is hereby repealed, and in its place enacted new Sections 1121.05, 1122.05, 1123.05, and 1124.05 of the Codified Ordinances of the City of Findlay, Ohio known as “City of Findlay Zoning Ordinance” which also adopts, approves, and incorporates the zoning map, along with the entire text of new Chapter 1101 et seq of the codified ordinances of the City of Findlay, Ohio as if fully rewritten herein.

to now be:

That the current Sections 1121.05, 1122.05, 1123.03, 1123.05, and 1124.05 of the Codified Ordinances of the City of Findlay, Ohio, be and the same are hereby repealed, and in its place new Sections 1121.05, 1122.05, 1123.05, and 1124.05 of the Codified Ordinances are hereby adopted.

ADD-ONS:

Ordinance No. 2020-027 – sale of City-owned parking lot (**LEGISLATION** section)

PROCLAMATIONS: none

RECOGNITION/RETIREMENT RESOLUTIONS: none

PETITIONS: none

ORAL COMMUNICATIONS:

Tom Ross – zoning

Mr. Ross is the President of the Findlay Area Apartment Association (FAAA) and is before Council on behalf of the entire organization to express concerns the organization has on the proposed new zoning rules. The organization represents approximately eighty to one million dollars (\$80,000,000-\$1,000,000) in real estate value in Findlay. Members of the organization have serious concerns that these changes have not been properly vetted with industry experts and appropriate stakeholders. They also have serious concerns that zoning changes are being portrayed as insignificant, when in fact, those changes will result in economic harm to both the organization's members and the most vulnerable populations - those that are poor and on fixed incomes. They also have grave concerns that the administration is taking an authoritarian role in controlling the zoning process and will now be picking the winners and losers in the community.

The organization has three (3) questions that they would like answered by the City Administration in writing back to the organization within seven (7) days of this meeting. They are:

1. Why the hurry on this part of the legislation and not all the parts. Mr. Ross is not aware of any of the true stakeholders being asked to participate in the development of the legislation/map (homebuilders, FAAA, Board of Realtors). It would be better to involve all stakeholders/industry experts in the process up front before introducing legislation that has not been properly vetted. That change will affect nearly seven thousand (7,000) properties (approximately one-third 1/3 of the city) according to the new zoning map. Mayor Muryn is on the record as stating this will not affect property values. Even the most inexperienced real estate person can tell you that is not an accurate statement. Zoning is one of the key pieces that appraisers use to calculate market value. Changing seven thousand plus (7,000+) properties will not only change the individual value, but will also have an effect on the overall market itself. He asked why the hurry before proper vetting and why not involve experts/stakeholders.

2. Has the Law Director consulted outside counsel and/or the Ohio Civil Rights Commission regarding the impact on fair housing and discriminatory practices. If so, the FAAA would like a copy of all decisions in writing regarding this issue. These zoning changes target duplexes and triplexes specifically. It is illegal to target a particular industry or group without true legal cause. The ordinance will transfer approximately two hundred (200) properties from non-conforming to illegal designation, which is the Administration's words, not his. It is making criminals of honest citizens without due process which is unconstitutional which will make them guilty until proven innocent, which we do not do in this country. He asked if that issue has been addressed.
3. This is the same question as #2. He asked if Council has done their homework. Duplexes/triplexes tend to be rented by a particular economic class, those being of lower income. Targeting that housing demographic is discrimination under the Fair Housing Act itself. By targeting those real estate categories, it will cause undo harm that directly impacts lower income individuals which, by definition, is red-lining the entire city. The City is currently involved in a lawsuit in Federal Court for similar activity of capricious and arbitrary application of law. If coupling these facts together with public statements made by the Alliance in that they want "Market Rate" housing, this legislation points to a clear pattern of re-lining and potential discrimination. He advised Council that the FAAA cannot participate in such discriminatory practices. He asked if those concerns have been addressed.

The FAAA has offered their assistance with this process to make it better and more citizen-friendly. Common sense would dictate that the Administration dot every "I" and cross every "T" before pushing the legislation through. To date, the FAAA's offer to assist has not been accepted and legislation is now being submitted for vote. The FAAA would very much like to be a part of this process, along with all the other stakeholders previously mentioned. The FAAA believes that the only way a community can re-build eroded trust with elected officials and be successful, is by developing legislation that is based on both public and private sector partnerships. The FAAA is ready and willing to partner today as long as the City is willing to act in good faith. He asked Council to consider tabling today's legislation on this issue, and all other legislation regarding zoning, until it can be properly vetted by the industry experts and stakeholders.

Discussion:

Mayor Muryn clarified that the proposed Ordinance for this had an error, so a replacement Ordinance specific to the setback requirements on properties. Per the conversations with the CITY PLANNING COMMISSION and the PLANNING & ZONING COMMITTEE, the text amendments were separated from the zoning map updates. As part of the discussion, they have specifically outlined a process where all property owners will be notified, a public meeting or two (2) will be held to discuss concerns, and citizens will be given the opportunity to opt-out from the proposed changes to their properties. It is the Administration's intention to have a full public vetting of the proposed recommendations. The goal is to be a benefit to all property owners, including duplex owners. She looks forward to having those discussions and appreciates Mr. Ross's submitting the FAAA's concerns in writing. She received an email from Mr. Ross prior to tonight and would like to get the committee's approval to further discuss it, so she will follow up on this.

Councilman Wobser informed Mr. Ross that his letter was very well done, but it does not list any specific concerns and asked that he provide at least one specific issue that the FAAA is concerned about. Mr. Ross replied that they have three (3) concerns which are the three (3) he just gave to Council. Councilman Wobser replied he is asking for just one (1). Mr. Ross replied that the discriminatory piece in question #3 is a particular issue based on red-lining which is a real estate legal term put out by the United States Department of Housing and Urban Development (HUD), which is their primary concern because it would force property owners to discriminate based on the zoning map. It puts them in a precarious position. Councilman Wobser asked Mr. Ross what he means by discriminate. Mr. Ross replied that when the City targets duplexes and triplexes, but it now sounds like it is off the table, so he has asked for clarification if it is off the table, but when targeting a specific area, duplexes and triplexes tend to be rented by lower economic groups. If they are targeted, making it difficult for landlords to stay in business by creating extra costs, then rent goes up. It would target a specific group causing rent to go up to accommodate the changes the City wants in zoning. Councilman Wobser asked Mr. Ross if he feels the new legislation would have an economic burden on landlords because they will have to raise their prices because landlords will have to pay something more above and beyond what they are doing today which will get passed on to their renters. Mr. Ross replied that is correct and that in addition to that, it will create an illegal use out of approximately an additional two hundred plus (200+) units instead of a non-conforming use, thus creating criminals with the stroke of a pen. He asked what will happen to those two hundred plus (200+) units. There are multiple layers there, but their main issue is the discriminatory issue.

Mayor Muryn noted that she would like to go over the Ordinance with Mr. Ross as there is some confusion around it. It is the City's intention to work with duplex owners to bring their properties into conformity for those that are not currently. It will not negatively impact any duplexes. The will go through a very extensive process to have those conversations which is why legislation specific to the map update has not been brought forward.

Councilman Wobser asked Mayor Muryn if she is suggesting the zoning text legislation be tabled. Mayor Muryn replied no. The legislation before Council tonight is to give average setback requirements and is not changing zoning regulations. That will be separate legislation that has not been introduced yet.

WRITTEN COMMUNICATIONS: none

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

City Income Tax Monthly Collection Report – January 2020. Filed.

Findlay Police Department Activities Report – January 2020. Filed.

Fire Chief Eberle – Assistance to Firefighters Grant (AFG)

Last year, the Fire Department was denied grant funding to replace most of their radios through the Assistance to Firefighters Grant (AFG) program. This Federal program, administered by FEMA, is now open for the fiscal year 2019 grant cycle. Application period is now open until March 13, 2020. Fire Department radios are a significant investment. Their current stock is approximately twelve (12) years old and in need of replacement. This grant application would be to replace approximately fifty-seven (57) portable radios, nine (9) mobile radios in the apparatus, and four (4) base stations at the Fire Stations. The estimate to purchase these units is approximately five hundred twenty-five thousand dollars (\$525,000). The AFG program provides ninety percent (90%) of the project cost for a city our size with the remaining ten percent (10%) being a local match. Grant awards will not be determined until approximately October or November 2020. No allocation of funds are needed at this time. Legislation authorizing to reapply for this grant is requested. Ordinance No. 2020-017 was created.

Discussion:

Safety Director Schmelzer thanked Chief Eberle and the Findlay Fire Department for pursuing these kind of opportunities. This is asking for permission to go after a significant grant. It is his hopes that Council will be amenable to that as it will save the City a significant amount of money.

Councilman Slough asked if he is requesting this be passed on an emergency. Safety Director Schmelzer replied he is not. They are some timelines outlined, but they have until the first meeting in March. A couple weeks of consideration would be adequate for this. Filed.

Treasurer’s Reconciliation Report – December 31, 2019 and January 31, 2020. Filed.

Findlay Municipal Court Activities Report – December 2019. Filed.

City Auditor Staschiak – summary financial reports

A set of summary financial reports for the prior month follows including:

- Summary of Year-To-Date Information as of January 31, 2020
- Financial Snapshot for General Fund as of January 31, 2020
- Open Projects Report as of January 31, 2020
- Cash & Investments as of January 31, 2020

Discussion:

City Auditor Staschiak pointed out that page 3 of the report is the snapshot that was designed to show what was appropriated out of the General Fund. The City started a cash balance of thirteen million dollars (\$13,000,000). Projected revenue expense difference is about one million (\$1,000,000) and is truly a balanced budget projection for 2020. He also added a couple of lines to the second section. The rainy day reserve is currently at a million dollars (\$1,000,000) that Council appropriated there last year. For the Rainy-Day Reserve, by State statute, the City of Findlay can have up to one and a half million dollars (\$1,500,000) reserve balance. The Self-Insurance Fund is currently at a million dollars (\$1,000,000). The Severance payout reserve is projected to be reduced by four hundred thousand to six hundred thousand dollars (\$400,000-\$600,000) by the end of the year as discussed in the budget meetings, this is based on potential known retirements.

The last section is based upon discussions throughout the year for when there is the potential of a revenue shortfall or increase or special project. The next page are the open projects. The first column lists each project. The last column is what has been spent or encumbered. Many times, money is appropriated up front with grants coming in. Sometimes the funds are spent and sometimes the project has not even started. This report is designed for a quick review of where cash is tied up but may be available for use. Filed.

Findlay Fire Department Activities Report – January 2020. Filed.

Safety Director Schmelzer – American Tower – Station 3 lease

The City of Findlay is currently in a land lease agreement with American Tower Company for a cellular tower on property at Findlay Fire Station 3. The lease was originated in 1999. With extension, the lease term is thirty (30) years. There are ten (10) years left on the current lease. The company is asking the City to consider an extension. The annual revenue from the lease has grown from approximately twelve thousand dollars (\$12,000) per year to seventeen thousand dollars (\$17,000) per year. The current rate of growth is tied to growth in the CPI with a maximum rate of fifteen percent (15%) per five (5) year term. The current company has provide the City with new terms in order to consider an extension:

Option 1: Perpetual Easement

- \$350,000 for an exclusive easement on existing leased space with a non-exclusive easement for access and utilities for the current existing footprint the City is using now.

Option 2: Perpetual Easement Installment Plan

- 120 monthly payments of \$3,600 for an exclusive easement on existing leased space with a non-exclusive easement for access and utilities for the current existing footprint the City is using now.

Option 3: Lease Extension

- Increase monthly rental payment from \$1,483.08 to \$2,250.00/month, escalation rate will change from 15% per term to 3% annually effective upon a fully executed agreement. 15% rev share for each new sublease.
- Extend the current lease ending on 11/15/2028 for six (6) additional five (5) year terms for an additional thirty (30) years.

Option 4: Lease Extension

- Increase monthly rental payments from \$1,483.08 to \$2,600.00/month, escalation rate will change from 15% per term to 1% annually effective upon a fully executed agreement. 15% rev share for each new sublease.
- Extend the current lease ending on 11/15/2028 for six (6) additional five (5) year terms for an additional thirty (30) years.

In Safety Director Schmelzer's opinion, Option 3 has the largest opportunity to maximize revenue. As 5G and wireless canopies continue to develop, the 15% revenue share with a higher inflation rate has more potential for an increased rate at the maturity of the lease.

American Tower is requesting an answer to these proposals by early March due to a potential opportunity. They have indicated that they are losing an opportunity because there are only ten (10) years left on the City's lease and the infrastructure costs for cellular build out require a longer lease term to pay it off. Ordinance No. 2020-018 was created. Filed.

Service Director/Acting City Engineer Thomas – City of Findlay W. Melrose Ave 12-inch waterline replacement

By authorization of Ordinance No. 2020-006, a bid opening was held for this project on February 5, 2020. Bids were received from nine (9) potential contractors with bid amounts ranging from \$133,126.00 to \$176,738.23. The lowest and best bid was received from Brenneman Excavating Inc. of Elida, Ohio. This project is included in the 2020 Capital Improvements Plan. The total project estimate is within the budgeted amount. \$1,000.00 was previously appropriated to the project for design and startup. An additional appropriation for construction, inspection and contingency is needed to complete the project. Legislation to appropriate funds is requested. Ordinance No. 2020-019 was created.

FROM: Water Fund	\$ 160,000.00
TO: W Melrose Ave 12-inch Waterline Replacement <i>Project No. 35795400</i>	\$ 160,000.00

Filed.

Service Director/Acting City Engineer Thomas – Annual Street Resurfacing/Curb Repairs 2020 Project No. 32894500

By authorization of Ordinance No. 2020-006, a bid opening was held for this project on February 5, 2020. Bids were received from three (3) potential contractors with bid amounts ranging from \$721,800.55 to \$820,705.16. The lowest and best bid was received from D.L. Smith Concrete, LLC of Norwalk, Ohio. This project is included in the 2020 Capital Improvements Plan. The total project estimate is within the budgeted amount. \$1,000 was previously appropriated to the project for design and startup. An additional appropriation for construction, inspection and contingency is needed to complete the project. This request is for concrete work only. There will be a separate request for the asphalt portion of the work. Legislation to appropriate and transfer funds is requested. Ordinance No. 2020-020 was created.

FROM: CIT Fund – Capital Improvements Restricted Account	\$ 750,000.00
TO: Annual Street Resurfacing/Curb Replacement Repairs 2020 <i>Project No. 32894500</i>	\$ 750,000.00

Filed.

Service Director/Acting City Engineer Thomas – Howard Street Sewer Separation, Project No. 35577600; Howard Street Waterline Replacement, Project No. 35791100

By authorization of Ordinance No. 2018-019 AS AMENDED and Ordinance No. 2019-013 AS AMENDED, a bid opening was held for this project on January 28, 2020. These projects were bid as one project due to their location. Bids were received from eight (8) potential contractors with bid amounts ranging from \$1,370,830.50 to \$1,743,699.12. The lowest and best bid was received from Helms and Sons Excavating of Findlay, Ohio. This project is included in the 2020 Capital Improvements Plan. The total project estimate is within the budgeted amount (\$1,922,390). \$70,000 was previously appropriated from the Capital Improvement Restricted Account to the projects for design and startup. The CDBG allocation of \$202,000 and the Ohio Public Works Grant of \$300,000 have also already been appropriated to the projects. An additional appropriation for construction, inspection and contingency is needed to complete the project. Legislation to appropriate and transfer funds is requested. Ordinance No. 2020-021 was created.

FROM: Water Fund	\$ 237,500.00
TO: Howard Street Waterline Replacement Project No. 35791100	\$ 237,500.00
FROM: Water Fund	\$ 320,600.00
FROM: Sewer Fund – Stormwater Restricted Account	\$ 336,075.00
FROM: CIT Fund – Capital Improvements Restricted Account	\$ 565,150.00
TO: Howard Street Sewer Separation Project No. 35577600	\$ 1,221,825.00

Filed.

Mayor Muryn – social media accounts public records requests

The City of Findlay has approximately twelve (12) social media accounts across several departments. The information posted on these sites are public record. Should the City receive a public records request for information on one or all of the social media accounts, currently there is no effective way to retrieve the information. There are services available that are effective in quickly and easily retrieving records requested on the City’s social media accounts. The cost of these services is \$3,250.00 per year. Legislation to appropriate funds is requested. Ordinance No. 2020-022 was created.

FROM: General Fund	\$ 3,250.00
TO: Computer Services #21009000-other	\$ 3,250.00

Discussion:

Councilman Wobser asked where within the City are twelve (12) different accounts. Mayor Muryn replied that the City of Findlay Mayor’s Office page has Twitter and Facebook, the Airport has Twitter, Facebook and Instagram, Recreation has Facebook, Twitter and Instagram, Police and Fire both have Twitter and Facebook. Councilman Wobser asked if the three thousand two hundred fifty dollars (\$3,250) is to keep track of any requests that come in that would be an open records request. Mayor Muryn replied that is correct. The software gives the City the ability to connect all of the City’s accounts to search and bring up information. For example, if someone puts a comment on one of the social media accounts, it archives it as part of that system to search and pull up everything on that key word to a specific post and archives all the information. It would save a significant amount of time to comply with public records requests and would be able to monitor it. It would go back to the start and creation of the page even though the City is just now getting it. Councilman Wobser asked if it is more about finding old information that was posted versus information that was more recent. Mayor Muryn replied it would be about making sure there are complete records for public records requests, both old and recent. Councilman Wobser asked if it makes sense to have all the accounts if all that information is public domain and then pay money to search everything. He asked if it makes sense to have twelve (12) different accounts and have to buy software to monitor those accounts versus having only a couple of accounts. Mayor Muryn replied it makes sense to have all the accounts. She has asked the departments that have the accounts if it makes sense to have separate accounts and decided it does because they have different audiences that have a different reach and impact. There would not be a significant price change to go to less accounts. Councilman Wobser asked if this is an annual fee. Mayor Muryn replied that is correct. Councilman Wobser asked if the annual fee will stay the same or will increase every year. Mayor Muryn replied that based off their historical pricing, it will be a consistent fee. They have compared pricing with other vendors and will continue to monitor pricing so that if there is a cost savings, it could be switched to a different vendor. Filed.

Mayor Muryn – grants

The City of Findlay is eligible to apply for the following grants: AARP Community Challenge, U.S. Conference of Mayors Better Cities for Pets, and PetSafe Bark for your Park. These funds are at no cost to the community and do not require matching funds. Legislation to apply for said grant and sign any applicable grant agreement (s) or documents is requested. Ordinance No. 2020-023 was created.

Discussion:

Councilman Palmer asked what specific projects the grant funds will be used for. Mayor Muryn replied that it will be for a dog park at Anchor Park along Martin Luther King bridge that is City-owned property and green space. The City currently does not have a dog park within the City of Findlay. This location would not be a good area for a family park, but would be a good spot for pets and those living downtown to have somewhere to take their pets. Filed.

Service Director/Acting City Engineer Thomas – Blanchard Street Catch Basin Replacement Project #35595100

By authorization of Ordinance No. 2020-006, a bid opening was held for this project on February 12, 2020. Bids were received from five (5) potential contractors with the base bid amounts ranging from \$137,622.50 to \$157,557.19. The lowest and best bid was received from Helms and Sons Excavating of Findlay. This project is included in the 2020 Capital Improvements Plan. The bid amount is below the estimated cost. \$1,000 was previously appropriated to the project for design and startup. An additional appropriation for construction, inspection, and contingency is needed to complete the project. Legislation to appropriate and transfer funds is requested. Ordinance No. 2020-024 was created.

FROM: Sewer Fund – Stormwater Restricted Account	\$ 150,685.00
TO: Blanchard Street Catch Basin Replacement #35595100	\$ 150,685.00

Filed.

Service Director/Acting City Engineer Thomas –Second Capital Improvements Appropriation

The equipment list and projects for the second 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. 2020-025 was created.

FROM: CIT Fund – Capital Improvements Restricted Account	\$ 182,700.00
TO: Computer Services #21009000-other	\$ 73,000.00
TO: Park Maintenance #21034000-other	\$ 9,700.00
TO: Recreation Functions #21044400-other	\$ 15,000.00
TO: Traffic Lights #22043200-other	\$ 20,000.00
TO: Airport #25010000-other	\$ 65,000.00
FROM: Sewer Fund	\$ 100,000.00
TO: WPC #25061000-other	\$ 100,000.00
FROM: CIT Fund – Capital Improvements Restricted Account	\$ 100,000.00
TO: 2020 Street Preventive Maintenance #32800200	\$ 100,000.00
FROM: Water Fund	\$ 250,000.00
TO: WTP Roof Replacement #35782300	\$ 250,000.00

Filed.

Mayor Muryn – 4th qtr 2019 Key Performance Indicators (KPIs)

2020 Strategic plan initiatives have been finalized and have compiled 2019 fourth quarter Key Performance Indicators of “KPIs. They are the performance measurements that are monitored for each department on a continuous basis. The KPI document “Findlay Performs” can also be found on the City website: <https://www.findlayohio.com/government/transparency-performance>.

2019 final KPI measurement highlights:

- General Fund spending was below budget at a .90 spend rate
- Safety – incidents and lost days are up compared to prior year(s) and the target
- Police – non-violent crime rates are below average and violent crimes are slightly above average
- Fire – response rates are good and showing steady improvement
- Water – progress has been made on reducing the percentage of unaccounted for water
- Sewer – sewer maintenance is slightly behind previous years
- Public Works – service response times continue to be better than targets
- Recreation – public skate attendance is well above average and the prior year
- Zoning – nuisance cases have decreased from 2018 to 2019
- Airport – fuel sales were close to target
- Engineering – 17 lane miles were paved in 2019

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

Discussion:

Mayor Muryn would like to provide a more condense version for Council packets instead of providing full-size slides that are available online. She asked if Council has any concerns with cutting down on the amount of hard copies in the packet.

Councilman Palmer asked what is driving the violent crime rate as this indicates that they are slightly above average for the last three (3) years. Safety Director Schmelzer replied drugs. Mayor Muryn added that in late last year, there was a rash of robberies by one individual. Filed.

COMMITTEE REPORTS:

The **PLANNING & ZONING COMMITTEE** Lake Cascades Pkwy roadway dedication plat.

We recommend to accept the right-of-way dedication plat as described.

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

Discussion:

Councilman Russel pointed out that this is a dedication of right-of-way portion of the road that is north of the intersection of Lima Avenue and Lake Cascades near Cooper Tire. Until the plat is dedicated, house/business structure numbers cannot be assigned and cannot receive mail service or package deliveries. Filed.

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

We recommend our support of the zoning changes believing it will benefit the citizens of Findlay. That HRPC initiate a mailing to all affected property owners and include an option to “opt-out” of the changes. That at least one public meeting be held to discuss the changes and report back to this committee by City Council’s June 2020 meeting at the latest.

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

Discussion:

Councilman Russel clarified that the discussions during that meeting were to ensure that public input is received for the zoning map. The Hancock Regional Planning Commission and the City of Findlay Administration worked on a plan to get information out about this. A mailing will go out to all affected property owners if their zoning will be changed. It will be specific to the property and will include a card to be filled out and mailed back to the City if the property owner wishes not to have their property rezoned. The committee wants to ensure that there is at least one (1) public meeting, more if needed, before the Hancock Regional Planning Commission and the City of Findlay Administration brings the results of that public meeting(s) back to the PLANNING & ZONING COMMITTEE by the June 2020 City Council meeting. They are looking for feedback from the public. The committees are in favor of the changes to the zoning code map. The committee felt it would be beneficial to have the setback changes separate from the zoning code map, so the committee requested legislation be drawn up for the zoning text amendments (Ordinance No. 2020-026) that affects setbacks. It has to do with in-fill development, and in residential zonings ensures that when there is in-fill, the setback is based on the properties on either side of it. It is a technical change in the code that the committee felt would be beneficial to proceed with the setback changes and be separate from the zoning map. The zoning text ordinance (2020-026) has duplexes and triplexes as non-conditional R3 use in a small lot residential zoning. Currently, duplexes and triplexes cannot have R3 zoning, so Ordinance No. 2020-026 will make them an allowable use. It will allow duplexes and triplexes that were prior to zoning as a legal use because they were present before zoning. They will become an acceptable use in the code in small lot developments. The committee recommended those changes be separate from the zoning map so that they could be enjoyed by property owners sooner, which is why the committee recommended to have Ordinance No. 2020-026 on the agenda tonight and working independently.

Safety Director Schmelzer commended Hancock Regional Planning Commission, the City Planning Commission, and the PLANNING & ZONING COMMITTEE on their thoroughness of examining this issue. It is pertinent to a lot of multi-family properties and is being done for the betterment of them. He finds the opt-out option as an interesting ability for these properties. It provides the most flexibility that he has seen in his many years of being involved with zoning.

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to discuss the proposed zoning text amendment.

We recommend approval as written. Ordinance No. 2020-026 was created.

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

Discussion:

City Auditor Staschiak had been waiting on a committee report to come across for this. He had a lengthy conversation with past Council President Monday who took the Sunshine and Open Records training very late in his term and expressed a concern about it. Elected Officials are required to take a training every term. He recommended taking it sooner rather than later so that they can benefit from it during their term. In every training that he has had, the rule of open meetings minutes should reflect not only what the decision was of the committee, but also should indicate to the general reader of the report, how the conclusion or recommendation was arisen to. There should be enough minutes to state that. It has become a trend not to have that in the committee reports. Former Council President Monday told him that he too took the training and realizes that his concerns are legitimate, so he is now concerned because the committee reports over the years have not done that. He and Mayor Muryn had a sit down with State Auditor Faber who made a point of saying that he is looking at these things harder in his audits on open records and open meetings. He urged Council to look into this and come up with a process or standard form of what is required of subcommittee minutes so that there is not an issue later.

Councilman Hellmann asked how to go about this. He asked if there is a staff that attends the committee meetings or if there are any recording of the meetings. City Auditor Staschiak replied he is unsure, but guesses it varies from meeting to meeting. There was an Attorney General who did one of the trainings who stated that it is important that the minutes are accessible to view by the public and that when they read them, they can determine how the decision or recommendation came about. It does not say that the meetings have to be recorded or go above and beyond. It just states that when looking at the report, the reason why the decision or recommendation was made should be stated.

Councilman Wobser echoed Councilman Hellmann's concerns as it sometimes is hard to capture all the information during one of those meetings, but is an interesting paradox that Council should look into how to get that accomplished. He asked Councilman Haas what his vote for the recommendation on the committee report was as it is not indicated on the report. Councilman Haas replied that he did not vote.

Mayor Muryn informed Council that she would be happy to reach out to other Mayors within the Ohio Mayor's Alliance to see how they handle it and how their templates look and report back to Council.

All were in favor. Filed.

LEGISLATION:

RESOLUTIONS: none

ORDINANCES:

ORDINANCE NO. 2020-008 (*Lake Cascades Pkwy roadway dedication plat*) requires three (3) readings

third reading - adopted

AN ORDINANCE ACCEPTING THE ROADWAY DEDICATION AS SHOWN ON THE LAKE CASCADES PARKWAY ROADWAY DEDICATION PLAT, AND DECLARING AN EMERGENCY.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Palmer. Ayes: Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2020-008 and is hereby made a part of the record.

ORDINANCE NO. 2020-010 (*1101 N Blanchard St vacation*) requires three (3) readings

third reading - adopted

AN ORDINANCE VACATING A CERTAIN PORTION OF A CERTAIN STREET (HEREINAFTER REFERED TO AS 1011 NORTH BLANCHARD STREET VACATION) IN THE CITY OF FINDLAY, OHIO.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2020-010 and is hereby made a part of the record.

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

first reading

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.

First reading of the Ordinance.

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

first reading

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.

Discussion:

Councilman Wobser pointed out that the Safety Director's letter outlines four (4) different options and asked if he wants Council to decide what direction to go on this. Safety Director Schmelzer yes. All these options were presented by the tower company for Council's consideration in whatever format they want to go forward with that discussion. He feels option #3 is the most valid. The tower company would like to have this resolved as soon as possible as they have a tenant that they would like to book.

He has some background in dealing with land leases. They tend to get more aggressive and tend to be more interested in the extension of the lease when they have an entity that is looking into making an investment. There is only ten (10) years left on the lease, so he is under the impression that there is an entity that is looking to make an investment in the tower and need to get the lease renegotiated before they invest in the infrastructure that is required for the tenant. When they initially approached him about re-negotiating an extension with the current terms, he told them that something needs to be presented that would need to go through Council, but as time went by, the tower company presented these options. There are some differences between the short-term gain, with a lump sum payment upfront, and what can be gained by the City being a long-term extension. Option #3 with the fifteen percent (15%) on any future tenants affords the City with the largest opportunity. If the City sits on it too long and does not grant an extension, the City will then need to write out the entire lease, let it expire, and then try to re-negotiate with a new company. If that were to happen, he is unsure if the terms would get any better. He is looking for guidance from Council whether to pursue something better if Council does not like any of the options the tower company provided, or if they want to renew.

Councilman Wobser asked if this tower company re-leases the property with someone that is making the investment in putting up the equipment. Safety Director Schmelzer replied that he is not privy to their agreements, but in the past, tower companies have negotiated land leases that include an investment in infrastructure (i.e. tower) that will be based on the FCC and the FAA, and a lot of requirements and coverage for independent cell tower companies. This one involves Alltel and American Tower. American Tower now owns the land lease on Station #3. They control the tower itself. They have an exclusive right to re-lease the tower space, so there is another ten (10) years on that lease that they have an exclusive right to. They want to book another thirty (30) years on that lease. Some of the infrastructure is expensive. If it takes longer than a ten (10) year payout for the tenant, they are not going to do it when they do not control the lease which is why he has been interested in negotiating some kind of cost-share or profit-share on what they book. He believes there is an opportunity for them because they want to re-negotiate the lease. The City would be getting an increase plus the base fee, plus a higher growth rate and a higher inflation rate, plus some cost-share of whatever is booked, which is the whole premise for the conversation in the first place. The City could chose to do nothing with this for the next ten (10) years, but if the City waits too long, then no one is going to invest with them because they would not control the lease going forward. Council will need to decide if they want to let the whole thing expire and then see what can be done with a new company, or renegotiate with better terms now. Councilman Wobser asked if the City has any control over what is put there as cell towers continue to evolve, get more complicated, and get more powerful. Safety Director Schmelzer replied that the City would not have control over what goes there. The structural integrity of the tower will dictate a lot of what goes on there which is a lot different than a small cell. Concerns with cancer pertain to small cell equipment that are mounted on telephone poles that have a smaller broadcast and have a lot wider canopy. Most of the cancer concerns are around the smaller cell towers than the mounted towers. There is a certain amount of lifespan to the value of a large tower. A thirty (30) year lease rate with a profit share is the City's best bet because the world is evolving towards small cell technology to where satellites could end up controlling the cellular network. The long-term value of this tower is impossible for him to know. He feels there will be a lot less need for those types of towers going forward.

Councilman Hellmann asked if this Ordinance should receive all three (3) readings in three (3) separate meetings, or if it should be passed tonight. Safety Director Schmelzer replied that the email he received from American Tower stated that they would like to have it passed in early March to which he replied to them that he is unsure if that is possible, so he is not asking Council for passage tonight. He is asking Council for consideration of the options that are presented. If any of the options are amenable to Council, he can go back to the tower company with one (1) or a couple of options that Council approves, or he can tell them none of the options are appealing to Council. It does not take a lot of math to determine the value of the options, just some quick calculations. In his opinion, Option #3 appears to be the best. Councilman Hellmann agreed.

President of Council Pro-Tem Russel asked if there is a desire to have this discussed at an APPROPRIATIONS COMMITTEE meeting. Councilman Wobser noted that he would like to get a consensus of which option Council approves of and provide to Safety Director Schmelzer so he can pursue negotiations with American Tower. He agrees with Safety Director Schmelzer's synopsis of Option #3. He asked if any other Councilmember has any comments on this matter.

Councilman Palmer concurred that Option #3 looks to be the best option. Safety Director Schmelzer replied that there is no need for action tonight. He suggested Council consider all the options and come back to him with any questions and/or what option is preferred. He can share the math and history of how he has come to his conclusion.

Councilman Wobser asked Council to make an informed decision and provide that decision to Safety Director Schmelzer at the first March City Council meeting and go from there. He does not feel it needs to go to the APPROPRIATIONS COMMITTEE.

First reading of the Ordinance.

ORDINANCE NO. 2020-019 requires three (3) readings
(City of Findlay W. Melrose Ave 12-inch waterline replacement)

first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2020-020 requires three (3) readings
(Annual Street Resurfacing/Curb Repairs 2020 Project No. 32894500)

first reading

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

First reading of the Ordinance.

ORDINANCE NO. 2020-021 requires three (3) readings

(Howard Street Sewer Separation, Project No. 35577600; Howard Street Waterline Replacement, Project No. 3579100)

first reading

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

First reading of the Ordinance.

ORDINANCE NO. 2020-022 *(social media accounts public records requests)* requires three (3) readings

first reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

ORDINANCE NO. 2020-023 *(grants)* requires three (3) readings

first reading - adopted

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO FILE AN APPLICATION FOR THE FOLLOWING GRANTS: AARP COMMUNITY CHALLENGE, U.S. CONFERENCE OR MAYORS BETTER CITIES FOR PETS, AND PETS SAFE BARK FOR YOUR PARK, AND TO SIGN ALL NECESSARY AGREEMENTS AND/OR CORRESPONDING DOCUMENTS.

Councilman Russel to suspend the statutory rules of Council and give the Ordinance its second and third readings, seconded by Councilman Shindledecker. Ayes: Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas. The Ordinance received its second and third readings. Councilman Hellmann moved to adopt the Ordinance, seconded by Councilwoman Warnecke. Ayes: Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXII, Page 2020-023 and is hereby made a part of the record.

ORDINANCE NO. 2020-024 *(Blanchard St catch basin replacement)* requires three (3) readings

first reading - adopted

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

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

Discussion:

Councilman Wobser asked if there is a reason why this needs to be adopted tonight. Service Director/Acting City Engineer Thomas replied that this project needs to be completed before Blanchard Street can be paved. The sooner this can be done, the sooner he can get contracts out, and then the sooner Blanchard Street can be paved.

Ayes: Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer. The Ordinance was declared adopted and is recorded in Ordinance Volume XXII, Page 2020-024 and is hereby made a part of the record.

ORDINANCE NO. 2020-025 (*second 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. 2020-026 (*zoning text amendments*) requires three (3) readings

first 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.

First reading of the Ordinance.

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

first 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.

Discussion:

Council President Pro-Tem Russel pointed out that Jerry Arkebauer from the Blanchard Valley Port Authority is in the audience tonight and asked him if he would like to introduce himself, introduce the project, and allow Council to ask him questions about this project.

Jerry Arkebauer introduced himself as the Administrative Consultant for the Blanchard Valley Port Authority (BVPA) which was created in 2007 by action of Findlay City Council and the Hancock County Commissioners to assist in economic development projects. 2007 was not a good year to start a port authority as the economy was not very good from 2007-2009. Since then, the BVPA has been very active in the community. They participated in the two (2) office building, two (2) parking garages, and the hotel and conference center for Marathon Petroleum. Those buildings are owned by the BVPA and leased to Marathon. They did the same thing with McLane's Distribution Center, Campbell's Soup Company's Distribution Center, Mennel Milling Fostoria's expansion (the part that is in Hancock County). The BVPA has been active with projects. They have also assisted the University of Findlay by issuing five (5) different tax exempt bonds for their use of various projects and refinancing projects at the University. The BVPA acted as a conduit when the Findlay City School Board was going to tear down the Central Middle School auditorium. There was a group that did not want to tear it down and wanted to renovate it and improve it, so it is now the Marathon Center for the Performing Arts. The Findlay City School Board donated the property to the BVPA who then donated the property to the non-profit who was going to develop it.

The BVPA is asking Council to consider the offer to allow the BVPA to purchase the City-owned parking garage for an amount up to two hundred twenty-five thousand dollars (\$225,000) as stated in the February 3, 2020 letter signed by the Chairman of the Board of the BVPA. The spokesman from the Development team is in the audience and will speak tonight, who wish to use the site as part of a development of the Argyle property. It is where the building had burned down a number of years ago. He has a plan that he will explain to Council tonight to develop that project. It is a narrow piece of property that is very vital and instrumental in making the whole deal work. The BVPA has offered to purchase the City-owned parking garage. It is a way the City can divest itself of the property. It can either go to auction, or sell it to another government entity such as the BVPA. He introduced Elvis Oxley.

Mr. Oxley started off by stating that it is great to be home. He introduced himself and his business partner Gary Rakan and Maureen Bevins from the Argyle property who are in the audience. Their third partner, Kevin Ramsier of Cleveland was not available to be here tonight. The group has been doing their due diligence on the property for the last two (2) years. It has been at the top of their minds for the last year. They have identified their Architect and their construction firm, and have identified two (2) capital backers who are very interested in this project and are close associates of theirs. Mr. Oxley's grandfather and father made their investments in Findlay. His mother is from Philadelphia who met his father in New York City. They came to Findlay and joined his grandfather's legacy law firm and was later elected to a State Office. His mother, being the city girl she was, had complained that there was nothing but shoe stores and no place to get a bagel. He looks at this opportunity as a way to build on what Findlay has put together so successfully over the last fifteen to twenty (15-20) years. He would like the opportunity to build a legacy for himself and his son. This is a near and dear project to him. He is before Council tonight to continue the development that the City has experienced, enjoyed and benefited from for downtown. He requested a COMMITTEE OF THE WHOLE meeting to discuss the project further. He welcomes the City's partnership to continue to build an increasingly vibrant downtown.

Councilman Shindledecker noted that Mr. Arkebauer referred to the parking lot proposal as the parking garage, but is the surface parking just west of the current Argyle property and just east of the Trinity Episcopal Church. Mr. Oxley confirmed that is correct.

Councilman Hellmann asked Mr. Oxley if he would be available to attend a COMMITTEE OF THE WHOLE MEETING. Mr. Oxley replied he will be.

Councilman Wobser asked Mr. Oxley if there is a time constraint that he is working against on this project and asked if this needs to be approved by a certain date. Mr. Oxley replied that they have all the pieces and parts assembled together except for the acquisition of the land. Once they acquire the land, then they will be in their full due diligence phase on the properties, and then within thirty to sixty (30-60) days after that, they feel very confident that they will be able to start their project.

Councilman Slough suggested a COMMITTEE OF THE WHOLE meeting on Tuesday, February 25, 2020 at 5:00pm to discuss this matter. Council President Pro-Tem Russel replied that first, there needs to be a motion, with a second to the motion, for a COMMITTEE OF THE WHOLE meeting, and then a date and time can be set. Councilman Slough moved to have a COMMITTEE OF THE WHOLE meeting to discuss this, seconded by Councilman Greeno. All were in favor. A COMMITTEE OF THE WHOLE meeting will be scheduled to discuss this matter.

Council President Pro-Tem Russel spoke with Mr. Arkebauer and Mr. Oxley about when they could meet. They provided two (2) dates when they would be in town which are February 26, 2020 and February 27, 2020 with the 27th being optimal. The 26th has a lot of conflicts and is Ash Wednesday. He asked Council if they would like to have the meeting on Thursday, February 27, 2020 at 5:00pm. Councilman Wobser noted that he will be out of town and asked if the meeting could be held earlier that day as he has to leave town right at 5:00pm. Council President Pro-Tem Russel asked Council of their availability earlier that day and asked if 2:00pm would work for the majority. He asked Councilman Palmer if that date and time works for him. Councilman Palmer replied that would work for him. Council President Pro-Tem Russel asked Councilman Slough if that date and time would work for him. Councilman Slough replied it would. Council President Pro-Tem Russel asked Councilman Niemeyer if that date and time would work for him. Councilman Niemeyer replied it will not. Council President Pro-Tem Russel asked Councilman Niemeyer what is the earliest time he could make the meeting that day. Councilman Niemeyer replied 4:00pm. Council President Pro-Tem Russel asked Councilman Wobser if 4:00pm will work for him. Councilman Wobser replied he anticipates the meeting will be more than an hour and he has to leave at 5:00pm.

Councilman Hellmann noted that Mr. Oxley mentioned tomorrow morning would work for him. Council President Pro-Tem Russel replied that twenty-four (24) hour notice is required. Councilman Wobser asked if the meeting could begin at 3:00pm. Councilman Niemeyer replied that he can meet any time after 12:00pm. Councilman Wobser requested 2:00pm.

Council President Pro-Tem Russel: **COMMITTEE OF THE WHOLE** meeting on Thursday, February 27, 2020 at 2:00pm in the third floor conference room (CR1).

agenda: sale of City-owned parking lot behind the Argyle bldg on Main Street.

UNFINISHED BUSINESS:

OLD BUSINESS: none

NEW BUSINESS:

Service Director/Acting City Engineer Thomas noted that they are currently bidding the slope repair project on Country Club Drive. The bid opening will be next Wednesday. He will be out of town most of next week. He will have legislation for the next meeting, but it may be an add-on as he is unsure if he will be able to meet the deadline for agenda items. Trees have to be cleared by the end of March or wait until October, so he will be asking for the statutory rules of Council to be suspended for that legislation and be passed during its first reading at the next City Council meeting so that the clearing can be done, as opposed to waiting until late fall to start the project.

Councilman Russel asked if the deterioration is still manageable. Service Director/Acting City Engineer Thomas replied is still manageable. It is moving down slightly, but is not getting closer to the road. He is watching it.

Mayor Muryn reminded Council that the Census is April 1, 2020 with information starting in mid-March. Citizens will be receiving an invitation from the Census Bureau for a brief survey. She will be working with Councilmembers to disseminate information to them to share with their constituents. She would like to request that citizens read the information in order to provide a complete and accurate count to the Census.

President of Council Pro-Tem Russel adjourned City Council at 8:13 pm.

CLERK OF COUNCIL

COUNCIL PRESIDENT PRO-TEM