

FINDLAY CITY COUNCIL MEETING MINUTES

REGULAR SESSION

SEPTEMBER 1, 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 followed by a moment of silence.

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

Councilman Slough moved to accept the August 18, 2020 Regular Session City Council meeting minutes, Councilman Wobser seconded the motion. All were in favor. Motion carried. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

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

REPLACEMENTS:

- Ordinance No. 2020-103 AS AMENDED = Lake Cascades ROW vacation (LEGISLATION section)
 - Changed "CERTAIN ALLEY" in the header to now be "RIGHT-OF-WAY"
 - Changed "an alley" in the 1st WHEREAS to now be "a right-of-way"
 - Changed "alley" in SECTION 1: to now be "right-of-way"
 - Changed "toe" in legal description in SECTION 1: to now be "to"
 - Added "A complete legal description is attached as Exhibit A." to the end of the legal description in SECTION 1:

PROCLAMATIONS: none

RECOGNITION/RETIREMENT RESOLUTIONS: none

ORAL COMMUNICATIONS: none

PETITIONS:

Petition for Annexation – E Bigelow Ave Annexation

A petition for annexation to the City of Findlay filed by Philip Rooney, Rooney & Ranzau, Ltd. on behalf of Amber Waves Development, Inc. on August 18, 2020. A legal description for said property is attached with the petition. The property requested (parcel No. 330001031825) to be annexed is in Marion Township, Hancock County. Referred to Law Director for Resolution of Services legislation. Resolution No. 025-2020 was created. Filed.

WRITTEN COMMUNICATIONS:

Blanchard River Watershed Partnership newsletter. Filed.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Treasurer's Reconciliation Report – July 31, 2020. Filed.

City Auditor Jim Staschiak – Resolution accepting millage rates and amounts

The County Budget Commission has completed their work and returned our Certificate of Estimated Resources for our 2021 budget. Our tax millage has been certified exactly as submitted; 2.6 mills for the General Fund and 0.3 mills each for Police and Fire Pension Funds to a total of 3.2 mills. Local government money is estimated to be \$585,000.00 for next year subject to likely adjustments by the State. Council should now accept the amounts and levy the tax rates as certified by the Budget Commission. The proper Resolution must be adopted and returned to the County Auditor no later than September 30, 2020. Legislation for this is requested and only requires one reading. Resolution No. 026-2020 was created.

Discussion:

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

Mayor Muryn – targeted brownfield assessment application

Mayor Muryn would like to apply for the Ohio Environmental Protection Agency’s (OEPA) Targeted Brownfield Assessment Program (TBA). Hancock Regional Planning (HRPC) will administer the grant. The TBA provides assessment services through the OEPA. No funds will be received by the City of Findlay and no matching grant dollars are required. The OEPA’s TBA program helps municipalities minimize the uncertainties of contamination. One property in particular, 1011 N. Blanchard Street in Findlay owned by Habitat for Humanity, has been identified as needing assessment services related to the TBA. 1011 N. Blanchard Street is located next to 517 Crystal Avenue which was once the location of the Reliable Plating Company. The nickel plating done at this site has caused contamination within the grounds of 517 Crystal Avenue, and possibly the surrounding area, which includes 1011 N. Blanchard Street. Findlay’s Habitat for Humanity was gifted 1011 N. Blanchard Street in February of 2017. Habitat for Humanity has requested that the City of Findlay apply for the grant for the TBA on their behalf in order to have the property assessed for contamination. Once the site has been assessed, Habitat for Humanity plans to possibly redevelop the property or seek further Brownfield funding to develop the site. Legislation authorizing the Mayor to apply for this grant for the OEPA TBA to be adopted on an emergency basis in order to meet the deadline for the grant application is requested. Ordinance No. 2020-104 was created.

Discussion:

Councilman Russel asked for an explanation of what this is. HRPC Director Cordonnier from the audience replied that HRPC is applying on behalf of the City on behalf of Habitat for Humanity who has a site near an area of pollution on Blanchard Street. The State encouraged HRPC to apply, so he is confident that the grant will be awarded to them. Ohio EPA handles everything from the hiring of a contractor to do Phase I and Phase II. Councilman Russel asked who handles the remediation process. HRPC Director Cordonnier replied that it does not fall upon the City’s shoulders. None of the properties are owned by the City of Findlay. The State has indicated that it does not fall upon Habitat for Humanity’s shoulders because they did not cause the pollution. Wendy McCormick has discussed this issue with her legal team at the State of Ohio and has indicated that they felt comfortable that they would not be held responsible either. Councilman Russel asked if the Ohio EPA would assist with the filing of this. HRPC Director Cordonnier replied that they are looking into options of other sources of mitigation funds and brownfield funds. The State has indicated that they believe the site is a good candidate for funding. HRPC is discussing with consultants on what the path forward should look like. Councilman Russel asked what the timeline for this is. HRPC Director Cordonnier replied that the money for the brownfield becomes available the beginning of October. They are to hear within a week or two after submitting the application. They anticipate starting Phase I and Phase II next spring, but there might be issues with frozen ground for Phase II, so he is unsure if that will be done before or after winter.

Councilman Hellmann informed Council that his wife sits on the Habitat for Humanity Board, so he will be abstaining from voting on this, but does support it one hundred percent (100%). Filed.

City Planning Commission agenda – September 10, 2020. Filed.

Service Director/Acting City Engineer – Howard St Sewer Separation, project no. 35577600/Howard St Waterline Replacement, project no. 35791100

When the Ohio Public Works Commission (OPWC) grant funds were appropriated, the entire amount of three hundred thousand dollars (\$300,000) was placed in the Howard Street Waterline Replacement Project and should have been split with a portion going into the Howard Street Waterline Replacement Project and the remaining funds going into the Howard Street Sewer Separation Project. Some of the grant funds need to be moved from the Howard Street Waterline Replacement Project to the Howard Street Sewer Separation Project. Legislation to de-appropriate and appropriate funds is requested. Ordinance No. 2020-105 was created.

De-appropriate funds:

FROM:	Howard Street Waterline Replacement <i>Project No. 35791100</i>	\$ 198,951.33
TO:	OPWC Grant	\$ 198,951.33

Appropriate funds:

FROM:	OPWC Grant	\$ 198,951.33
TO:	Howard Street Sewer Separation <i>Project No. 35577600</i>	\$ 198,951.33

Filed.

COMMITTEE REPORTS: none.

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 025-2020 (*E Bigelow Ave annexation – resolution of services*) **requires three (3) readings** **first reading**

A RESOLUTION STATING WHAT SERVICES THE CITY OF FINDLAY, OHIO, WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF FINDLAY, OHIO, SITUATED IN MARION TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF THE OF SECTION 6 SOUTH, T1N, R11E, A TRACT OF LAND CONSISTING OF 8.584 ACRES OF LAND, MORE OR LESS.

Discussion:

Councilman Wobser asked if the City will pay the normal costs that it pays to the township for several decades after this. Mayor Muryn replied that she will follow up on this to confirm. There is no revenue sharing agreement on this that she is aware of and will find out if the City pays the costs or if they do.

First reading of the Resolution.

RESOLUTION NO. 026-2020 (*millage rates and amounts*) **requires one (1) reading** **first reading - adopted**

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

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

ORDINANCES:

ORDINANCE NO. 2020-084 (*continue Workers Compensation programs*) **requires three (3) readings** **third reading - adopted**

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO ENROLL THE CITY OF FINDLAY IN THE BUREAU OF WORKER'S COMPENSATION (BWC) GROUP RETROSPECTIVE RATING PLAN, AND DECLARING AN EMERGENCY.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Greeno. Ayes: Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2020-084 and is hereby made a part of the record.

ORDINANCE NO. 2020-085 **requires three (3) readings** **third reading – adopted**

(*Law Director budget - more funds for legal svcs (pending litigation)*)

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Councilman Slough moved to adopt the Ordinance, seconded by Councilman Wobser. Ayes: Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2020-085 and is hereby made a part of the record.

ORDINANCE NO. 2020-086 (*Solid Waste svcs renewal*) **requires three (3) readings** **third reading - adopted**

AN ORDINANCE ADOPTING THE FIVE YEAR UPDATE OF THE SOLID WASTE MANAGEMENT PLAN OF THE HANCOCK COUNTY SOLID WASTE MANAGEMENT DISTRICT, AND DECLARING AN EMERGENCY.

Councilman Slough 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 XXI, Page 2020-086 and is hereby made a part of the record.

ORDINANCE NO. 2020-092 (*water meter system replacement*) **requires three (3) readings** **tabled after third reading on 9/1/20**

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

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

Discussion:

Councilman Greeno pointed out that when this Ordinance first came about, the WATER AND SEWER COMMITTEE's recommendation was contingent upon a resolution of the bidding issue and that the bidding issue should be taken care of before moving forward with this. He asked for the status of that. Mayor Muryn replied that Service Director/City Engineer Thomas, as well as Law Director Rasmussen has provided information and believes that issue is not a problem and are able to move forward with this.

Councilman Wobser asked City Auditor Staschiak to address Council on this matter. City Auditor Staschiak replied that there are many serious issues with this. He highlighted those that are most important. The current legislation in place for this is an appropriation for two hundred fifty thousand dollars (\$250,000) for the meter replacement project and not for DCUs, transmitters or a full AMI with servicing and staffing implications; a performance audit that the Auditor of the State of Ohio will have a bearing on this matter. The Mayor and the Administration are approaching this item which obligates Council in a way that he does not believe this City Council yet understands. Today, he received an email reiterating what Mayor Muryn just stated that they believe they can move forward and want to move forward, but he has some questions. Jason Phillips initially told him that this project was a fifteen million dollar (\$15,000,000.00) project that has been scaled down most recently to approximately a five million dollar (\$5,000,000.00) project and now, dollars yet to be determined. They released a Request for Qualifications (RFQ), and this timeline is important, in October 2018 receiving four (4) firm's responses including a document stating that the request for qualifications by the City of Findlay were too restrictive. The Administration, at the time in November of 2018, gave a letter with an intent to award Suez an unspecified contract. As of today, there is no contract in place, no purchase order in place, nor any agreements in place that he is aware of. He learned a couple of weeks ago that this was not a bid contract and is a design build contract which is a statutory process. None of the documents have been released up to this point. None of the documents use words stating this is a design build contract. Now, it is two plus (2+) years later where Suez has done a lot of work with no contract, no payment, and no fees charged. It makes him wonder why. The design build process is statutory. It does not appear that the City followed the design build process, but, actually that is beside the point. It appears the Engineer's process has been flawed from the start. In his view, the documents show that the RFQ that Suez won was developed improperly. Two (2) documents from a reputable firms state that the RFQ was too restrictive and that there are other solutions that are less costly. In his view, the documentation between Suez and Jason Phillips, from our Water Department, show inappropriate communications, and Suez directly influenced the RFQ development at Findlay's request as early as July of 2018. Documents show that Jason Phillips and Daryl Bowling from Suez began communications as early as July 13, 2018. As an example, an email dated August 31, 2018 provides a 14-point recommendation from Suez with all of those fourteen (14) points being in the RFQ released by Findlay that Suez won. The RFQ was released in October. The documents show that there were RFQ development discussions between the Findlay Water Department and Suez months before the City issued the RFQ that Suez won. Over the life of this agreement of millions of dollars and a process that appears flawed from the beginning, in his view, at best, Suez had an unfair advantage and other solutions were barred. At worst, it is a completely improper process and as characteristics of rigged specifications and potentially collusion. Design build is a statutory process with an Architect Engineer and a design build firm. They cannot be the same. State rules apply in relationships. If Findlay Engineering is the Architect Engineer, then in his view, they improperly included Suez in the RFQ development process, and the design build process is incomplete. If Suez is the Architect Engineer, then the RFQ development for selection is improper. No contract exists, but there should be one at this point for design. The next step would then be to issue RFQs and RFPs from the qualified design builders. As the City Auditor and Fiscal Officer for the City of Findlay, he does not see how a contract can be executed to pay expenses associated with this project as it stands today.

Councilman Hellmann noted that this Ordinance is on its third (3rd) reading tonight, so he is dismayed and surprised that Council is just now hearing about this issue. City Auditor Staschiak replied that he requested the documents from the Service Director/City Engineer in an attempt to gain an understanding as he just learned a couple of weeks ago that this is a design build. The City Auditor's Office was not aware before then that the approach for this is a design build. He asked for clarification of the process that the City Engineering Office used. Instead of asking the Service Director/Acting City Engineer if he followed a list of what the process is, he instead asked him for the documents so he could take a look at it, and then made a document request last week asking for documentation of what was bid. He received those documents on Monday, so he only had forty-eight (48) hours to review that. Councilman Hellmann asked if any of the Administration would like to comment on this.

Mayor Muryn noted that City Auditor Staschiak has presented a lot of information and that she feels the best way to approach on this matter is for her to work with the City Auditor and then come back to Council and address each of his bullet points. This topic has been talked about for quite some time. This project needs to move forward regardless of outcome of the performance audit as it does not specifically address the infrastructure and technology upgrades so that there are no uncertainties about what the City is looking for and the importance of this, and that all the appropriate processes are being followed. She will provided the documentation in Council's packets so that there is no uncertainty about what is shared. She will provide the documentation the Service Director/Acting City Engineer has, as well as the timeline that shows how they have followed the statutory requirements, as well as the appropriate bidding process.

Councilman Wobser asked if there is a contract from Suez, or whomever the City wants to do with business with. Mayor Muryn replied that there is no contract because Council has not given permission to enter into one. They have been discussing and receiving information from contractors of the selected bid, but have not entered into a contract with them. The City accepted a bid and are working with them to refine the scope of this specific project. The RFQ was what it would look like to update the transmitter and meter infrastructure and what the options are in attacking this. If everything were to be replaced all at once, it could amount to fifteen million dollars (\$15,000,000.00), but that is not the only option. There are three hundred plus (300+) transmitters that are not working appropriately right now. They do go bad over time. The transmitter that they would like to move forward with right now not only allows the City to use them on the current meters, but also adjusts them over time as the meters are upgraded as they also go bad.

It is narrowed down to approximately five hundred thousand dollars (\$500,000.00) to upgrade current hardware that is not working appropriately. Instead of upgrading parts of the hardware here and there, they would like to replace them as they go bad as part of a normal maintenance mode.

This project originally came up because of the concern of the transmitters they currently have to the 2G system that will no longer work together. Once the 2G network goes down, they no longer support it, so the City needs to upgrade their technology to have the support available. The transmitters need to be supported as well as the technology. It has been a confusing process and there have been long discussions on this as it is a controversial topic. This request is normal maintenance of the City's infrastructure that the City needs to be doing. It is something the City needs to move forward with. The performance audit scope specifically looks at organizational alignment and productivity study, fee study, and water model study. There are funds in the Capital budget for a master plan for infrastructure investments large scale. This is something that is part of the City's normal operation in order to maintain a level that is appropriate to be able to stay current and be able to upgrade things over time rather than one large upgrade. She does not want to replace things that do not need replaced as that does not make sense to her from a fiscal stewardship point of view.

Councilman Shindledecker asked if the City's Engineering Department is completely familiar with all of the ramifications of the five million dollar (\$5,000,000.00) project like this or any other projects. He assumes it would be proper to consult with those that are involved with this to draft a RFQ document and asked if the issue is that Suez was the only one that was consulted or if there are others that Council does not know about. He believes it would be proper to take some of these steps in advance. Mayor Muryn replied that she agrees that it would be proper to reach out to the industries that would understand what should be included in an RFQ and she understands the concern that there was only one (1) vendor that was not able to submit and that there were three (3) or four (4) others that were able to meet the qualifications. The main issue with the vendor who stated that the scope was too narrow was specifically related to the frequencies that are being used as they would be using a cellular network in which the Administration did not feel was appropriate because it is not a circuit and would not have the control of the frequencies that is more appropriate in moving forward.

Councilman Wobser pointed out that Mayor Muryn is going to put together some information and asked if the legislation for this should or should not be passed tonight. Mayor Muryn replied she does want any uncertainty on this matter. She agrees with the information provided by the Law Director and agrees that it would be kosher and that there would not be any issues, but if there are any uncertainties, she will address it before moving forward.

Councilman Greeno moved to table the Ordinance to obtain additional information that Mayor Muryn will provide. Councilman Russel noted that there still is discussion on the table, so the motion to table cannot happen yet.

Councilman Russel pointed out that there have been meetings on this for a long time. The WATER AND SEWER COMMITTEE met on this on July 16, 2020 and July 30, 2020 and agrees with Councilman Hellmann that this Ordinance is now up for its third (3rd) reading tonight and are just now receiving information from the City Auditor where he is accusing Jason Phillips of illegal activity. He believes the City Auditor's Office should help the City through these processes and asked why it is always a last minute crises which does not seem to be the way to run a city. He thought there would be a lot more cooperation in this process, but is not surprised because it seems to be pretty standard. Crisis at third (3rd) readings seem to happen over and over again. He did not receive anything from Law Director Rasmussen about the design build process and would appreciate receiving that. In the future, he would like to see the work done months in advance in order to eliminate third (3rd) reading crisis. City Auditor Staschiak replied that when the budget process is done annually, he makes a point of stressing in the budget book that this is the risk Council takes based on how they pass legislation. Council passes multi-million dollar Capital Plans giving the Administration the authority to go out and bid and contract up front without knowing whether they are about to bid something that the Administration can approve of without it being completely considered prior to it happening. A lot of times that is great as it allows the City to run at the speed of business, but sometimes end up in situations where there isn't a contract in place. In this situation, until a couple of weeks ago, the City Auditor's Office did not know that this was a design bid process which requires the RFQ process of qualifying Design Architect or Engineer who does exactly what Councilman Shindledecker suggested in creating the system. If the City is the Architect in this situation, we are to register that we are or have another firm register that process, negotiate with the best one into a design contract and then go to the next one. If the City is negotiating with the design build now, the statutes are clear that he received from Googling "design build in the state of Ohio", that not only is the RFQ process required for design builders, but that the best three (3) are to go through the RFP process. It is a very complex process with complex answers to Council's questions. He feels bad that this is coming up at the third (3rd) reading, but that it reflects not only on the Administration's processes, but also the Council committee's processes. All Councilmembers need to look at this, regardless of what committee it is. It would not be fair to state that this is another surprise because it is not and is the potential consequence of how the City conducts its operations with bidding and legislation. Councilman Russel pointed out that this project has been going on for two (2) years and asked the City Auditor if he reached out to the City Engineer or if the City Engineer has discussed it with him. He asked how, at this point, it can be a surprise to him. He asked the City Auditor if at some point he asks himself if he thinks it could just be him. City Auditor Staschiak replied that when his department is asked, they assist in any way they can. Sometimes there is adjusted legislation as a result of their assistance, but in this case, the Administration is moving forward on this for bidding and entering into an agreement for meters, not DCUs, not transmitters, and not an AMI system that will impact how the Water Department is ran. The City Auditor's Office learned that at the same time the WATER AND SEWER COMMITTEE learned about it which was very recently. His office has stayed involved and has asked questions, such as, if they have the authority to bid this which came up during the committee meeting.

To frame this in the manner it is being framed is inappropriate and is above and beyond. His office will continue to assist everyone as best as they can, but will occasionally end up in situations where Council could be embarrassed if they continue to go down the path of allowing monies to be appropriated for bidding and entering into an agreement whether or not Council has fully discussed the item that the City is entering into a contract to perform. It was not done this way until the last eight to nine (8-9) years. It is a new process to the City.

Councilman Wobser noted that given the point of order that Councilman Russel addressed, he asked if Councilman Hellmann would consider rescinding his motion to adopt. Councilman Hellmann replied that he will do so. Councilman Russel pointed out that the Ordinance can just be tabled.

Councilman Hellmann asked if this ends up being tabled if it can also go to the WATER AND SEWER COMMITTEE before it comes back to Council. President of Council Harrington replied that if that is necessary, it can. Mayor Muryr has offered to answer some questions that have been asked by her and for her to have a discussion with the City Auditor to answer those questions and the acquisitions that the City Auditor has brought forth. Councilman Hellmann asked Councilman Greeno if it would be appropriate for the WATER AND SEWER COMMITTEE to discuss this or not. Councilman Greeno replied that the more that see it, the better, so a committee meeting of just not the WATER AND SEWER COMMITTEE may be needed as everyone is seeing some issues with this.

Councilman Wobser agrees with Councilman Greeno in that further details on this should come back to full Council as everyone is full aware of the situation with this. He is not against it going to the WATER AND SEWER COMMITTEE, but would like the full accounting of what is going on and is unsure if it would save any time by going to that committee.

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

ORDINANCE NO. 2020-095 (*Northeast Ohio Medical University grant*) **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 Greeno. Ayes: Russel, Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer. The Ordinance received its third reading. Councilman Russel moved to adopt the Ordinance, seconded by Councilman Haas. Ayes: Shindledecker, Slough, Warnecke, Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXII, Page 2020-095 and is hereby made a part of the record.

ORDINANCE NO. 2020-096 (*2020 annual sewer and manhole lining*) **requires three (3) readings** **second reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2020-098 (*5th Capital Improvement appropriation*) **requires three (3) readings** **second reading**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2020-099 (*MLK Pkwy improvements/ODOT FY21 resurfacing*) **requires three (3) readings** **second reading**
AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO AN AGREEMENT OR AGREEMENTS FOR THE MARTIN LUTHER KING PARKWAY IMPROVEMENTS PROJECT NO. 32803100, AS WELL AS THE OHIO DEPARTMENT OF TRANSPORTATION FY21 RESURFACING PROJECT NO. 32801400, APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2020-102 (*1028 and 1030 Hurd Avenue rezone*) **requires three (3) readings** **second reading**
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 1028 AND 1030 HURD AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "R1 SINGLE FAMILY LOW DENSITY" TO "R2 MEDIUM DENSITY".

Second reading of the Ordinance.

ORDINANCE NO. 2020-103, AS AMENDED (*Lake Cascades Pkwy ROW vacation*) **requires three (3) readings** **second reading**
AN ORDINANCE VACATING A CERTAIN PORTION OF A CERTAIN RIGHT-OF-WAY (HEREINAFTER REFERRED TO AS LAKE CASCADES PARKWAY VACATION) IN THE CITY OF FINDLAY, OHIO.

Second reading of the Ordinance.

ORDINANCE NO. 2020-104 (*targeted brownfield assessment application*) **requires three (3) readings** **first reading - adopted**
AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO APPLY FOR THE OHIO ENVIRONMENTAL PROTECTION AGENCY'S TARGETED BROWNFIELD ASSESSMENT PROGRAM ON BEHALF OF THE CITY OF FINDLAY, AND TO SIGN ALL NECESSARY AGREEMENTS, AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Greeno. Ayes: Slough, Warnecke, Wobser, Greeno, Haas, Niemeyer, Palmer, Russel, Shindledecker. Abstain: Hellmann. The Ordinance received its second and third readings. Councilman Wobser moved to adopt the Ordinance, seconded by Councilman Russel. Ayes: Warnecke, Wobser, Greeno, Haas, Niemeyer, Palmer, Russel, Shindledecker, Slough. Abstain: Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXI, Page 2020-104 and is hereby made a part of the record.

ORDINANCE NO. 2020-105 **requires three (3) readings** **first reading - adopted**
(*Howard St sewer separation project 35577600/Howard St waterline replacement project 35791100*)
AN ORDINANCE DE-APPROPRIATING AND APPROPRIATING FUNDS, AND DECLARING AN EMERGENCY.

Councilman Russel moved to suspend the statutory rules and give the Ordinance its second and third readings, seconded by Councilman Hellmann. Ayes: Wobser, Greeno, Haas, Hellmann, Niemeyer, Palmer, Russel, Shindledecker, Slough, Warnecke. The Ordinance received its second and third readings. Councilman Greeno 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 2020-105 and is hereby made a part of the record.

UNFINISHED BUSINESS:

OLD BUSINESS: none

NEW BUSINESS:

Councilman Russel informed Council that postcards for changes to the zoning map were mailed out. HRPC started receiving phone calls and emails right away. He asked that either Mayor Muryn or HRPC Director Cordonnier provide some comments about the rezone effort and why it is a good thing for the citizens of Findlay. HRPC Director Cordonnier replied that his department has been working on updating the zoning map for the last several years and were well into the process when COVID-19 hit. When they last left the situation this past spring, the PLANNING AND ZONING COMMITTEE felt good about the process but wanted HRPC to reach out to the community, so they sent out almost seven thousand (7,000) postcards to those who would be affected. The postcards state their address, parcel number, current zoning is and what their proposed zoning will be. The postcards also provide a phone number for them to contact the HRPC Office. He, Judy Scrimshaw, and Jacob Mercer have been fielding telephone calls almost constantly beginning yesterday (Monday). Approximately ninety percent (90%) of those calls are about concern of what is going to happen and are asking for clarification with ninety percent (90%) of those phone calls leaving the conversation happy and with a good understanding of the process. The other five to ten percent (5-10%) still have some concerns. HRPC explained to them that all the proposed changes are perceived as a benefit to the property owner. They are trying to match up the proper size lot with the proper size zoning classification. There are approximately one thousand to one thousand five hundred (1,000-1,500) single family homes that are zoned commercial or light industrial which do not allow single family homes, so when they go to sell their property and the banks do their due diligence, it puts up a red flag and sometimes slows down the process and possibly ruins a sale. The postcards have gone out. Each change is to the benefit of the property owner. For instance, if they are going from R2 to R3, they are gaining more developmental land on their site as they can only develop thirty-three percent (33%) of the property in R2 zoning and can develop fifty percent (50%) of the property in R3 zoning. Also, side yard setbacks are smaller so that property owner can utilize more of their property. Of the two hundred (200) phone calls HRPC has received in the last two (2) days, only one (1) person has reported that they did not want to go from A Residential to B Residential zoning. He is pleased with the number of phone calls and with the results of discussing it with the residents.

Councilman Shindledecker commended HRPC for holding off on this due to the virus. He fears there will not be an opportunity for an in-person hearing on this. The last public meeting that was held in the Council Chambers was so full with people that those in attendance could hardly move for the Blanchard Street project. It is his hopes that Council will hold off on passing this until there is an in-person meeting. Mayor Muryn replied that there will be a virtual public meeting as well as it will be court-reported online. If there are substantial issues, HRPC is available for a one-on-one meeting which is more productive because each property is unique. There will also be a number of articles and reports on the City's website and also in the newspaper to explain the process and how they can contact HRPC and ask questions. The issue with having a public meetings is that everyone asks questions about their specific property and that there are so many different variations, so it is very difficult to explain what will be happening to their specific property. There is an opt-out choice in that if someone does not want what the City is recommending, they can opt-out. The City wants this to be a benefit to the property owner, so if they are not seeing it as a benefit to them, they can opt-out by submitting a form so that it is documented that they turned in a form and will keep their current zoning.

Councilman Russel asked if this will change any lot sizes. For instance, if someone is currently zoned R1 and is switching to R2, if there could be apartment complexes, condos, or a restaurant as their neighbor. HRPC Director Cordonnier replied R1 and R2 have the exact same uses, and R3 has the exact same uses as R1 and R2 with the exception that duplexes and triplexes are a conditional use in the R3 district. It will not change the property size. It will not take any property away. There may be some confusion when moving from a medium lot to small lot in that property owners think that means they are going from medium to small, so they have clarified that. Almost all phone calls they have received are under the assumption that this is being done to raise property taxes. He has spoken with the County Auditor who has stated that properties are taxed based upon their current use and not on how they are zoned. In fact, if someone were to ask the County Auditor's Office how a property is zoned, they will not know. The County Auditor's Office does not use the zoning as a calculation for property taxes. Property sizes are not being shrunk and this rezoning is not being done to increase property taxes.

Councilman Russel asked when the community forum will be. HRPC Director Cordonnier replied it will be September 9, 2020 at 5:30pm via zoom. Details are on the City's website. The PLANNING AND ZONING COMMITTEE is the gatekeeper on whether or not this goes back to the PLANNING COMMISSION. When HRPC meets with Council in October, they will be presenting their public outreach. If Council does not feel satisfied with it, they can then instruct HRPC to reach out in different ways. He would prefer to have an in-person meeting as it accomplishes more than zoom, but that is the times we are in. He is unsure if one hundred to two hundred (100-200) individuals can be in one room. HRPC is willing to have more than one (1) zoom meeting if needed. HRPC is making themselves accessible to property owners.

Councilman Hellmann asked Director Cordonnier to explain Conditional Use and how that comes about. HRPC Director Cordonnier replied that Conditional Use is granted by the CITY PLANNING COMMISSION (CPC). When a property owner rezones, some want to put a duplex up and can either request to rezone the property or can apply for a Conditional Use which is a faster process for the applicant. When a property is rezoned, HRPC does not comment on the site plan. So if a property owner wants to put a duplex up, they are not required to show HRPC what the parking will be or anything about the site. With Conditional Use, they have to have a full site plan for the CPC. If a neighbor is concerned, CPC can make a condition that they put up a fence. He likes the Conditional Use process because they know what is going to be built there and can hold the applicants to that. It is also faster, so instead of taking two and a half months (2 ½) for a rezone, a Conditional Use gets approved in thirty (30) days. Councilman Hellmann asked if CPC can add conditions. HRPC Director Cordonnier replied that is correct. They can add any reasonable conditions.

Councilman Russel: **PLANNING & ZONING COMMITTEE** meeting on September 10, 2020 at 12:00pm in the first floor Council Office (CO)
agenda: 1. 525 Davis Street rezone
2. 811 Broad Avenue vacation

Mayor Muryn addressed Councilman Wobser's question on the East Bigelow Avenue annexation. She will provide information on it and clarified that the rules are somewhat different for those requesting to be annexed in versus being forced to be annexed.

Mayor Muryn reminded Council to complete the Census and have their constituents complete it. Deadline is the end of this month. The Census is essential. It is easy to complete either online, over the telephone, by mail, or by a Census taker at the door.

Mayor Muryn suggested having a **COMMITTEE OF THE WHOLE** meeting prior to the next City Council meeting to discuss the bidding issue with the replacement water meter system.

Mayor Muryn noted that the City Auditor has submitted the documentation for the CARES Act funding through the Ohio Office of Budget and Management and are waiting for their overview and response. As soon as they hear back from them, she will inform Council.

All were in favor to adjourn. Meeting adjourned at 7:59 pm.

CLERK OF COUNCIL

COUNCIL PRESIDENT