

FINDLAY CITY COUNCIL MEETING

REGULAR SESSION

OCTOBER 17, 2023

COUNCIL CHAMBERS

ROLL CALL of 2022-2023 Councilmembers:

PRESENT: Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke

ABSENT: Slough, Wobser

President of Council Harrington notified Council that Councilman Slough and Councilman Wobser informed him that they would not be in attendance tonight. Councilman Hellmann moved to excuse Councilman Warnecke, seconded by Councilman Palmer. All were in favor. Filed.

President of Council Harrington opened the meeting with the Pledge of Allegiance and a moment of silence.

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

- Councilman Bauman moved to accept the September 19, 2023 Regular Session City Council meeting minutes, seconded by Councilman Palmer. All were in favor. Filed.
- Councilman Bauman moved to accept the October 3, 2023 Public Hearing minutes to rezone 200 West Lincoln Street via Ordinance No. 2023-084, seconded by Councilman Palmer. All were in favor. Filed.
- Councilman Bauman moved to accept the October 3, 2023 Regular Session City Council meeting minutes, seconded by Councilman Palmer. All were in favor. Filed.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:

Councilman Russel moved to replace and remove the following on tonight's agenda, seconded by Councilman Palmer. All were in favor. Filed.

REPLACEMENTS:

1. Revised letter from Service-Safety Director Martin – 2024 Salary Ordinance Amendments (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS section**).
2. Ordinance No. 2023-097 AS AMENDED – salary ordinance (**LEGISLATION section**)
 - SECTION 17: B.1. = removed wording about the 90-day comp time cap
pg 13 SECTION 17: OVERTIME PAY EFFECTIVE JANUARY 7, 2024
B.1. An employee who is eligible for overtime may elect to earn compensatory time (comp time) off instead of overtime pay for any overtime worked. The compensatory time shall be granted by the employee's supervisor on a time and one half (1-1/2) basis (i.e. for one hour of overtime, one- and one-half hours of comp time will be granted). Employees can maintain a balance of up to 140 hours of unused comp time and may, with written approval of the hiring authority, accumulate and maintain a balance in excess of 140 hours of unused comp time. ~~no longer than 90 days. After 90 days, the excess hours will be paid as overtime in the next available pay.~~
 - SECTION 11: A. B. & C. = replaced SECTION A. and moved SECTION C. to now be SECTION B.
pg 9 = SECTION 11: CELL PHONE AND UNIFORM ALLOWANCES
 - A. Uniform/Clothing Allotments are available for purchase by the city for some positions and departments. Please refer to the Uniform Policy for details. Any uniform or clothing item purchased that is suitable for everyday wear per the IRS will be taxable to the employee and added to payroll as noncash fringe benefit.
~~B. Uniform Allowances are to be paid twice per year, on the first pays of January and July. All forms just be received in the Auditor's office by the deadline for the associated payrolls listed on the pay outline. No proration or retroactive payment will be issued. Refer to policy for details of allowance amount and criteria.~~
 - B. C. Cell Phone Allowances are paid once per month on the first pay of the month. No proration or retroactive payment will be issued. Refer to policy for details of allowance amount and criteria.

REMOVALS:

1. Letter from Assistant City Director Feighner – Findlay City Council meeting October 17, 2023 (**REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS section**).

PROCLAMATIONS:

Mayor Muryr – Disabilities Employment Awareness Month

WHEREAS: October 2023 marks the 78th anniversary of National Disability Employment Awareness Month; and

WHEREAS: The purpose of National Disability Employment Awareness Month is to educate about disability employment issues and celebrate the many and varied contributions of America's workers with disabilities; and

WHEREAS: The history of National Disability Employment Awareness Month traces back to 1945 when Congress enacted a law declaring the first week in October each year "National Employ the Physically Handicapped Week." In 1962, the word "physically" was removed to acknowledge the employment needs and contributions of individuals with all types of disabilities. In 1988, Congress expanded the week to a month and changed the name to "National Disability Employment Awareness Month"; and

WHEREAS: Workplaces welcoming of the talents of all people, including people with disabilities, are a critical part of our efforts to build an inclusive community and strong economy; and

WHEREAS: Activities during this month will reinforce the value and talent people with disabilities add to our workplaces and communities and affirm Findlay, Ohio's commitment to an inclusive community that increases access and opportunities to all, including individuals with disabilities.

NOW THEREFORE, I, Christina M. Muryr, Mayor of the City of Findlay, Ohio, do hereby proclaim the month of October 2023, as:

DISABILITY EMPLOYMENT AWARENESS MONTH

In Findlay, Ohio, and hereby recognize and commemorate the 78th anniversary of National Disability Employment Awareness Month and call upon employers, schools, and other community organizations in Findlay, Ohio, to observe October with appropriate programs and activities, and to advance its important message that people with disabilities add value and talent to our workplaces and communities; and encourage employers to take steps throughout the year to recruit, hire, retain, and advance individuals with disabilities and work to pursue the goals of opportunity, full participation, economic self-sufficiency, and independent living for people with disabilities.

Discussion:

Tucker attended tonight's City Council meeting to accept the Proclamation on behalf of Disability Employment Awareness Month with Blanchard Valley. Filed.

RECOGNITION/RETIREMENT RESOLUTIONS: none

PETITIONS: none

ORAL COMMUNICATIONS: none

WRITTEN COMMUNICATIONS: none

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Assistant City Law Director Feighner – Findlay City Council meeting October 17, 2023

~~Assistant City Law Director Feighner and Assistant City Law Director Werth have made attempts to provide Law Director Rasmussen coverage for the Council meeting that he is unable to attend, both Feighner and Werth are unable to cover his absence for the October 17, 2023 meeting. This notice is to provide courtesy notice and to be excused. This was removed from the agenda during ADD-ON/REPLACEMTN/REMOVAL FROM THE AGENDA portion of the meeting.~~ Filed.

Findlay Fire Department Activities Report - September 2023. Filed.

City Income Tax Monthly Collection Report – September 2023.

Discussion:

City Auditor Staschiak pointed out that Findlay's income tax amount is up significantly. The business net profits tax budget amount is projected to be almost four million dollars (\$4,000,000). He will be providing legislation to Council that will request an appropriation to adjust the income tax so that money can be moved to the General Fund when it comes in and follow the proper appropriation and governmental procedures for doing that. He will send it to Council as soon as possible, but wants to get it as close as he can so that he does not have to adjust it twice this year because these business receipts came in late enough in the year that he will not need to do it twice if Council passes it after one or two readings. He will let Council know ahead of time so that they know what is going on. Filed.

Precipitation and Reservoir levels report – third (3rd) quarter July-September 2023. Filed.

City Planning Commission minutes – September 14, 2023; agenda October 12, 2023; staff report October 12, 2023. Filed.

Findlay Police Department Activities Report – September 2023. Filed.

A set of summary financial reports for September 30, 2023:

- Summary of Year-To-Date Information as of September 30, 2023
- Financial Snapshot for General Fund as of September 30, 2023
- Open Projects Report as of September 30, 2023
- Cash & Investments as of September 30, 2023

Filed.

Findlay Municipal Court Activities Report – September 2023. Filed.

Service-Safety Director Martin – 2024 Salary Ordinance amendments

Ordinance No. 2023-097 (salary ordinance), Section 17: Overtime is requested to be amended to remove the 90-day limit for the use of excess compensatory “comp” time. Non-exempt employees are allowed to accrue up to 140 hours of comp time. Non-exempt are allowed to accrue up to 140 hours of comp time. The current language in the salary ordinance requires all comp time in excess of 140 hours be paid at time and one half the regular rate, if not used within 90 days of exceeding the 140-hour threshold. This could potentially cause certain departments to exceed their overtime budgets.

The process is requested to remain as it has in years past where the employee, with written permission from the Service-Safety Director, may accumulate and maintain a balance in excess of 140 hours of unused comp time during that specific year. at the end of the year, any amount of comp time exceeding the 140 hours will be paid out accordingly. Ordinance No. 2023-097 (Salary Ordinance) Section 11: Cell Phone and Uniform Allowances is requested to be amended to remove information pertaining to a uniform allowance being paid to employees in January and July of each year. Uniforms/clothing will now be purchased by purchase order (PO) through the appropriate object ode as follows: 212600 (Uniform/clothing) and/or 212602 (Safety Gear). Additionally, the amount allotted for uniforms/clothing is increased from up to \$350.00 to up to \$500.00. This is due to the increase in uniforms/clothing costs since 2011 when the original amount was established. This amendment to Salary Ordinance No. 2023-097 is requested. Ordinance No. 2023-097 received its first reading during the September 19, 2023 City Council meeting and its second reading during the October 3, 2023 City Council meeting. This amended ordinance will be an add-on because it is carry-over legislation.

Discussion:

Councilwoman Frische asked why the ninety (90) days verbiage was removed. Service-Safety Director Martin replied that it goes back to the previous language. It is a process that City employees go through every year . The 140 hours is the sealing of comp time that a lot of departments benefit and utilize the comp time instead of taking overtime, in particular the Street Department, so different times of the year when they work extra hours to maintain City roads, they will exceed the 140 hour’s worth of comp time cap and would like to extend it so that their schedule is more regulated and can actually use comp time throughout the calendar year when it makes more sense without taking the overtime payment. It is a cost savings to the City. He prefers it to be as it was written in the past that was changed and wants to get it back to the way it was because it makes sense operationally. Filed.

Mayor Muryn – Ordinance No. 2023-114 Income Tax Code updates

With Governor DeWine signing Ohio House Bill 33, the new biennial State operating budget bill earlier this year, there are a few laws that have been changed for Ohio Municipal Income Tax. These items are specifically reference in the Ohio Revised Code Section 718. Most of these changes will take affect for the 2023 tax year with the exception of the taxable income for individuals under 18 years of age being exempted in the 2024 tax year. These changes in the Ohio Revised Code require the Findlay Tax Ordinance to be revised as the City’s ordinance is comprised heavily of the Ohio Revised Code Section 718. The Income Tax Board was notified of the necessary revisions at the August 29, 2023 Income Tax Board meeting. Since then, legal counsel consisting of Don Rasmussen and Rob Feighner have approved of the changes to the Findlay Tax Ordinance as listed in the proposed ordinance document. It is necessary for the revisions to be made by January 1, 2023 for the Findlay Tax Ordinance to be pursuant to the Ohio Revised Code Section 718. For this purpose, Ordinance No. 2023-114 has been created.

Discussion:

City Auditor Staschiak noted that this should be referred to the Income Tax Board as a formality, per the ordinances, for them to make a recommendation. As a member of that board, he thinks that would be appropriate. Mayor Muryn replied that it has already been addressed there. The committee received a letter, reviewed it, discussed it, and approved it. City Auditor Staschiak replied that he is aware of what they did, however, after the Law Director’s staff worked on it, and as it is clear in the ordinance, the Income Tax Board has the authority over recommending rules and changes regardless of whether or not they are initiated by the State. It is not a procedural matter, but is appropriate that the final set be reviewed and goes through the Income Tax Board even though it’s a formality.

President Harrington asked Council if they want this referred to the Income Tax Board or not, and if not, City Auditor Staschiak and Mayor Muryn will work it out themselves. Councilwoman Frische asked if there is going to be new policy or new codes written. Mayor Muryn replied that all the changes are state changes that the City has to adopt. The City was made aware of them following the adoption of the State budget. A couple of months ago, City Income Tax Administrator Price provided a letter outlining all of the changes and how they would have a high level impact to the City of Findlay in which the Income Tax Board replied that they understand and to proceed. City Auditor has stated that they need to review the ordinance, however it is strictly based off of the State code items, so if there any specific issues, they should just be brought up at Council as the legislation goes through the process. The Income Tax Board reviewed it. They did not receive the specific legislation, but the legislation is simply adopting the State code changes which were discussed at the Income Tax Board. Filed.

Service-Safety Director Martin – Recreation Department All Star Park

The playground equipment at the City of Findlay Recreation Department All Star Park has some pieces that need repaired. The cost to repair the spiral slide, climbing rope, and teeter totter totals thirteen thousand five hundred seventy-five dollars (\$13,575.00). The Recreation Department has sufficient funds within their personal services object code to cover the repair. Legislation to transfer funds is requested. Resolution No. 026-2023 was created.

FROM:	Recreation Department #21044400-personal services	\$ 13,575.00
TO:	Recreation Department #21044400-other	\$ 13,575.00

Filed.

City Engineer Kalb – battery backup machine resolution to transfer

As part of Ordinance No. 2023-079, money was appropriated for the new battery backup that is being used by Police Dispatch. When the allocated money was appropriated into the account, it was transferred to the Police Department account instead of the Dispatch account. Since the majority of use is for Police Dispatch, the allocated funds will need to be transferred to the Police Dispatch account so that it can be properly account for. Legislation to appropriate and transfer funds that were allocated for the battery backup from the Police Department account to the Police Dispatch account is requested. Ordinance No. 027-2023 was created.

FROM:	Police #21012000-other	\$ 6,825.00
TO:	Dispatch #21015000-other Batter Backup Machine	\$ 6,825.00

Filed.

City Engineer Kalb – Findlay Airport Terminals Program (ATP) grant

The City of Findlay Airport is currently looking to upgrade the existing windows at the Airport Terminal to new energy efficient windows. Through the Federal Aviation Administration (FAA), there is a grant opportunity for Airports to perform upgrades to their existing terminals to help install cost saving components, replace aging infrastructure and to encourage attraction to the Airport. This grant program and the desire to replace the existing windows at the terminal, this project falls into the criteria and has a good chance of receiving funds. The ATP grant will cover ninety-five percent (95%) of the project cost with the City being responsible for the remaining five percent (5%) local match. Legislation authorizing the Mayor, Service-Safety Director, and/or City Engineer to apply for grant funding form the FAA Airport Terminals Program and to enter into a grant agreement with the FAA. Ordinance No. 2023-117 was created. Filed.

COMMITTEE REPORTS:

The **STRATEGIC PLANNING COMMITTEE** met on October 3, 2023 to continue discussing the Strategic Planning process.

We recommend that Council’s Rules Committee establish guidelines for how pubic requests are given to or assigned to a specific committee.

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

Discussion:

Mayor Muryn noted that Councilwoman Warnecke did not have the opportunity to sign this committee report that is in the packet, but that she was present at the meeting. Councilwoman Warnecke replied that is correct. Filed.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Phillip P. Lawson on behalf of Strauch III Ltd to rezone 1600 Melrose Avenue from C-2 General Commercial to M-2 Multi-Family, High Density.

We recommend to approve as requested.

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Paul and Brenda Miller to vacate the east-west alley between East Yates Street and Coventry Drive bounded by Lots 26-34 in the Old Orchard 4th Addition and 4006-4020 in the Chamberlin Hill Addition.

We recommend denial of the request.

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

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Dan Stone, Van Horn, Hoover & Associates, Inc. on behalf of Nipper Industrial Holdings, LLC to rezone 1700 Fostoria Avenue from C-2 Commercial to I-1 Light Industrial. This request was tabled during the September 14, 2023 **PLANNING & ZONING COMMITTEE** meeting.

We recommend to rezone as requested.

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

Discussion:

Councilwoman Frische noted that she voted nay on the committee report. It is her ward. This is the old RCA/Harris property. There is a lot of residential around that area that there has been a lot of concern with truck traffic which is why she could not support this rezone. Filed.

LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 023-2023 (transfer funds from SSD budget to Law Director budget) **requires three (3) readings**

third reading – adopted

A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

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

Discussion:

Councilwoman Frische pointed out that this resolution has to do with moving money from the Service-Safety Director to the Law Director's budget with regards to Mayor Muryn spending money for legal services without Council's approval to extend water to Arlington and McComb. Council denied that item without a purchase order and had it tabled, so this resolution looks like a get around Council and the public type transfer of funds which is inappropriate. She asked for an update on what the original amount was for it and what that bill is currently. Mayor Muryn replied that this is not a get around bill. The legislation is specifically requested by the City Auditor's Office in that because it is a legal service, that the Law Director's Office line item is to pay it. Since the Service-Safety Director's budget had funding available for it, he initiated the transfer instead of appropriating new General Fund dollars. Additionally, the Administration will still be coming back to Council to review and accept the purchase order. Over the last couple of weeks, she has been working with City Auditor Staschiak to make sure he has all information he had requested related to being able to pay that invoice, which is why it was previously removed. The original purchase order amount was approximately nineteen thousand dollars (\$19,000) and that she had not actually seen the invoice that was submitted to Council, but that she was able to work with the law firm to address a couple of items. After she reviewed it, she felt that the City did not necessarily need to pay for it as it was conversations that had happened related to work with the City, but not at the City's request. They were items with internal conflict of interest at the law firm and have changed those to a no charge, so the total dollar amount is now fourteen thousand dollars (\$14,000) and have been able to decrease the bill slightly, which will come to Council in the next couple of weeks. Councilwoman Frische asked how much has been spent out of the Law Director's budget for outside legal services this year that there wasn't twenty thousand dollars (\$20,000) in the Law budget. Mayor Muryn replied that she does not know the specific dollar amount, but that special counsel that has expert knowledge on things like water surplus sales is appropriate. The City Law Director is not an expert in all things, so in this case, the City consulted an attorney that is not only an Engineer, but also a lawyer, which is very beneficial when helping structure documents. They understand both the legal ease, as well as the technical aspects, so it should not matter how much is needed to be spent on something the City is going to want to consult experts on. Whether or not the money is in the fund or not is not pertinent to this conversation. Councilwoman Frische replied that it is pertinent if spending without Council's recommendation, so she is a little shocked that there is a nineteen thousand dollar (\$19,000) bill presented to Council that was not reviewed by Mayor Muryn, and now has been decreased by almost five thousand dollars (\$5,000). She is concerned if this bill is even appropriate at all. Mayor Muryn replied that yes it is entirely appropriate and that she has no concerns for it. There have been a lot of inappropriate comments that have been circulated on this matter. The City has utilized Bricker Graydon for many years on various aspects. The City has consulted them on a lot of topics over the years. Being able to tap into them as a resource for their expertise is totally within the purview of the Administration. While she is disappointed that an invoice was submitted inappropriately to Council without her review, that process is being reviewed to ensure that does not occur in the near future. It went to the Law Director's Office and was submitted to Council and should have been vouchered appropriately, but that did not occur, which is neither here nor there, but that the Administration has the purview to consult attorneys and bring in legal counsel through professional services as appropriate, which is what was done for this.

Ayes: Bauman, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke. Nays: Frische. The Resolution was declared adopted and is recorded in Resolution Volume XXXIV, and is hereby made a part of the record.

RESOLUTION NO. 024-2023 (CR 230/212 aka Hat Trick aka Buchanan annexation aka Sheetz) **requires three (3) readings**

second 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 ALLEN TOWNSHIP, COUNTY OF HANCOCK, STATE OF OHIO, AND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 32, T2N, R11E, A TRACT OF LAND CONSISTING OF 77.808 ACRES OF LAND, MORE OR LESS (HEREINAFTER REFERRED TO AS THE CR 230/212 (HAT TRICK AKA SHEETZ ANNEXATION).

Second reading of the Resolution.

RESOLUTION NO. 025-2023 (no PO) **requires one (1) reading**

first reading - adopted

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

Councilman Russel moved to adopt the Resolution, seconded by Councilman Palmer.

Discussion:

Councilwoman Frische noted that there are some legal fees on this resolution for Spengler Nathanson PLL. She asked for additional information. Mayor Muryn asked Councilwoman Frische if she is wanting a status on the case. Councilwoman Frische replied she would like to know what the bill is for. It states for George Martens litigation, so she would like to know the status of his cases as he has had a lot of cases costing the City hundreds of thousands of dollars. She would like to know what this particular bill is for. Mayor Muryn replied that as distributed to Council via email as well as at the last Council meeting, this case has been ongoing with the City's legal representation, but that a number of his cases have been resolved. An appeal that Mr. Martens went to the Supreme Court of Ohio for was declined. At this point in time, the legal services are currently just waiting to see if Mr. Martens files anything further within the timeframe. If not, they are requesting that a number of issues be dismissed with no further action. What was provided to Council previously is the update at this point in time.

Ayes: Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Bauman. The Resolution was declared adopted and is recorded in Resolution Volume XXXV, and is hereby made a part of the record.

RESOLUTION NO. 026-2023 (Recreation Department All Star Park) *requires three (3) readings*

first reading

A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

First reading of the Resolution.

RESOLUTION NO. 027-2023 (FPD battery backup machine) *requires three (3) readings*

first reading - adopted

A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel noted that per an email from City Engineer Kalb, this is a routine matter to move funds from one account to another.

Councilman Russel moved to suspend the statutory rules and give the Resolution its second and third readings, seconded by Councilman Greeno.

Ayes: Greeno, Hellmann, Niemeyer, Palmer, Russel, Warnecke, Bauman, Frische. The Resolution received its second and third readings.

Councilman Palmer moved to adopt the Resolution, seconded by Councilman Bauman. Ayes: Hellmann, Niemeyer, Palmer, Russel, Warnecke,

Bauman, Frische, Greeno. The Resolution was declared adopted and is recorded in Resolution Volume XXXV, and is hereby made a part of the

record.

ORDINANCES:

ORDINANCE NO. 2023-043 (Phase 2 benching project) *requires three (3) readings*

tabled after third reading on 5/16/23

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO ACCEPT PERMANENT OWNERSHIP OF PROPERTIES IN ORDER FOR THE BOARD OF COMMISSIONERS OF HANCOCK COUNTY, OHIO, TO TRANSFER THE PARCELS LISTED ON THE ATTACHED EXHIBIT TO THE CITY OF FINDLAY, OHIO AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2023-071 (Downtown Recreation Area – design & engineering) *requires three (3) readings*

tabled after third reading on 8/15/23

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT WITH STRAND & ASSOCIATES, INC. TO PROVIDE DESIGN AND ENGINEERING SERVICES OF THE DOWNTOWN RECREATION AREA PHASE II BENCHING OF THE BLANCHARD RIVER, PROJECT NO. 31913700, APPROPRIATING FUNDS, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2023-097, AS AMENDED (salary ordinance) *requires three (3) readings*

third reading - adopted

AN ORDINANCE ESTABLISHING JOB CLASSIFICATIONS, PAY RANGES, SALARY SCHEDULES AND OTHER MATTERS THAT MAY AFFECT PAY, FOR ALL NON-ELECTED OFFICERS AND EMPLOYEES OF THE CITY OF FINDLAY, OHIO, AND REPEALING ORDINANCE NO. 2022-081, ORDINANCE NO. 2022-012, ORDINANCE NO. 2023-036 AND ALL OTHER ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

Councilman Greeno moved to adopt the Ordinance, seconded by Councilman Hellmann. Ayes: Niemeyer, Palmer, Russel, Warnecke, Bauman, Frische, Greeno, Hellmann. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-097 and is hereby made a part of the record.

ORDINANCE NO. 2023-099 (City employee retirement payouts) *requires three (3) readings*

second reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2023-102 (CR 99 annexation – accept & approve) *requires three (3) readings*

second reading

AN ORDINANCE ACCEPTING AND APPROVING AN APPLICATION FOR ANNEXATION OF TERRITORY SITUATED IN THE TOWNSHIP OF ALLEN, COUNTY OF HANCOCK, STATE OF OHIO, CONSISTING OF TWELVE (12) PARCELS TOTALING 57.691 ACRES OF LAND, MORE OR LESS (HEREINAFTER REFERRED TO AS THE COUNTY ROAD 99 (RACETRAC) ANNEXATION).

Second reading of the Ordinance.

ORDINANCE NO. 2023-103 (CR 99 annexation zoning) *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 ZONING THE FOLLOWING DESCRIBED PROPERTY AS BOTH I-1 LIGHT INDUSTRIAL AND C-2 GENERAL COMMERCIAL AS OUTLINED BELOW. SAID ANNEXATION OF TERRITORY SITUATED IN THE TOWNSHIP OF ALLEN, COUNTY OF HANCOCK, STATE OF OHIO, CONSISTS OF TWELVE (12) PARCELS TOTALING 57.691 ACRES (HEREINAFTER REFERRED TO AS THE COUNTY ROAD 99 (RACETRAC) ANNEXATION).

Second reading of the Ordinance.

ORDINANCE NO. 2023-105 (315 Walnut St 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 315 WALNUT STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R-3 SMALL LOT RESIDENTIAL" TO "C-1 LOCAL COMMERCIAL".

Second reading of the Ordinance.

ORDINANCE NO. 2023-106 (*Indigent Defense Services renewal agreement 2023-2025*) **requires three (3) readings** **second reading**
AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT FOR CALENDAR YEARS 2023 THROUGH 2025 WITH THE HANCOCK COUNTY PUBLIC DEFENDER COMMISSION, AND THE HANCOCK COUNTY COMMISSIONERS FOR A TOTAL OF NINETY-FIVE THOUSAND DOLLARS (\$95,000.00) PER YEAR FOR SAID CALENDAR YEARS, AND DECLARING AN EMERGENCY.

Discussion:

Councilman Bauman noted that the Clerk of Courts typically makes these payments in February and September. Since they are finishing up their budget season, they would like to get this off their plate before next month. He asked for more details. Service-Safety Director Martin replied that this is a three (3) year contract starting in this calendar year 2023, but due to conversations that had to be worked through with some of the points of the contract with the County Commissioners, it was delayed in order to get it correct. Everything is now correct and now it has to go through a reconciliation process based on what the State chooses to reimburse. The process is in place. This is for this calendar year and would like to get this moved through so it can be settled and move forward.

Councilman Bauman moved to suspend statutory rules and give the Ordinance its third reading, seconded by Councilwoman Warnecke. Ayes: Palmer, Russel, Warnecke, Bauman, Greeno, Hellmann, Niemeyer. Nays: Frische. Motion fails.

Second reading of the Ordinance.

ORDINANCE NO. 2023-107 (*Capital Improvement Flood Mitigation*) **requires three (3) readings** **second reading**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2023-108 (*HAN-Interstate and FHS Trails PID115232*) **requires three (3) readings** **second reading**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2023-110 (*Water Meter System Replacement*) **requires three (3) readings** **second reading**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

Second reading of the Ordinance.

ORDINANCE NO. 2023-112 (*Project Hat Trick (Sheetz) MOU*) **requires three (3) readings** **second reading**
AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE NECESSARY PARTIES, INCLUDING, BUT NOT LIMITED TO THE HANCOCK COUNTY ENGINEER AND THE ALLEN TOWNSHIP TRUSTEES TO ASSIST WITH ROADWAY IMPROVEMENTS TO DISTRIBUTION DRIVE NORTH OF COUNTY ROAD 212 AND TOWNSHIP ROAD FROM DISTRIBUTION DRIVE EAST TO TOWNSHIP ROAD 230.

Second reading of the Ordinance.

ORDINANCE NO. 2023-114 (*Income Tax Code update*) **requires three (3) readings** **first reading**
AN ORDINANCE AMENDING SECTIONS 194.03, 194.062, 194.094 AND 194.10 AND ADDING SECTION 194.0621 OF CHAPTER 194 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

First reading of the Ordinance.

ORDINANCE NO. 2023-115 (*zoning code*) **requires three (3) readings** **first reading**
AN ORDINANCE REPEALING THE CURRENT ZONING CODE, CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, AND IN ITS PLACE, ENACTING A NEW CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO; TO BE KNOWN AS "CITY OF FINDLAY ZONING ORDINANCE"; ADOPTING, APPROVING, AND INCORPORATING THE CURRENT ZONING MAP, ALONG WITH THE ENTIRE TEXT OF NEW CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO AS IF FULLY REWRITTEN HEREIN.

First reading of the Ordinance.

ORDINANCE NO. 2023-116 (*ee payroll deductions for HSA*) **requires three (3) readings** **first reading**
AN ORDINANCE AUTHORIZING THE AUDITOR TO MAKE PAYROLL DEDUCTIONS FOR THOSE EMPLOYEES WHO HAVE ELECTED TO ENROLL IN THE HEALTH SAVINGS ACCOUNT (HSA) PLAN AND DECLARING AN EMERGENCY.

Discussion:

Councilman Russel pointed out that this is a routine matter to establish the HSA limits on changes for 2024.

Councilman Russel moved to suspend statutory rules and give the Ordinance its second and third readings, seconded by Councilman Niemeyer. Ayes: Palmer, Russel, Warnecke, Bauman, Greeno, Hellmann, Niemeyer. Nays: Frische. Motion Fails.

First reading of the Ordinance.

ORDINANCE NO. 2023-117 (*Findlay Airport Terminals Program grant*) **requires three (3) readings**

first reading - adopted

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO APPLY FOR FUNDING THROUGH THE FEDERAL AVIATION ADMINISTRATION AIRPORT TERMINALS GRANT PROGRAM AND ENTER INTO A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION TO UPGRADE THE EXISTING WINDOWS AT THE AIRPORT TERMINAL TO NEW ENERGY EFFICIENT WINDOWS.

Discussion:

Councilman Palmer pointed out that the application deadline for this grant is before the next City Council meeting, so in order to meet the deadline, he will make a motion to adopt this tonight.

Councilman Palmer moved to suspend statutory rules and give the Ordinance its second and third readings, seconded by Councilman Greeno. Ayes: Russel, Warnecke, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer. The Ordinance received its second and third readings. Councilman Palmer moved to adopt the Ordinance, seconded by Councilman Bauman. Ayes: Warnecke, Bauman, Frische, Greeno, Hellmann, Niemeyer, Palmer, Russel. The Ordinance was declared adopted and is recorded in Ordinance Volume XXIII, Page 2023-117 and is hereby made a part of the record.

UNFINISHED BUSINESS:

OLD BUSINESS:

City Auditor Staschiak requested Ordinance No. 2023-114 be reviewed as a proper process at the already scheduled Income Tax Board meeting.

Councilwoman Frische noted that under OLD BUSINESS of the last City Council meeting, she brought up the question about the water and sewer billing policy for those that had high water bills or over a five hundred percent (500%) increase in which she was told she did not have to do that, but followed up with an email to the head of WATER AND SEWER COMMITTEE and also Mayor Muryn asking for legislation to put the policy in place, but that Mayor Muryn denied her request stating that she was incorrect with her information. She did not hear from Councilman Greeno. There needs to be a policy in place before the end of the year and needs to be retroactive to the beginning of this year. It also needs to give the Mayor, Service-Safety Director or someone else the authority to make these changes and credit some citizens that have high bills. She requested legislation that has not been presented to Council, so there is a problem that needs to be taken care. She asked Councilman Greeno if he wants to refer it to the WATER & SEWER COMMITTEE, request legislation, or if he needs to talk to Deputy Auditor Sampson to make sure she is explaining things correctly. Mayor Muryn replied that Councilwoman Frische took a snippet of an email that was much more in-depth to try to make a point. Mayor Muryn stated what was appropriate for the last year in this one-time situation that has been codified in the discussion and the recommendation to the Council. In that meeting that Deputy Auditor Sampson was at, she stated that moving forward she would like to see a change in the water policy to which Mayor Muryn stated that those changes will be made, but are also looking at other water rule changes, so rather than piece mail individual changes, it would be more appropriate to look at all of it. It is currently documented in a manner that addresses both the past and the future so that the City is in compliance per the meetings that Deputy Auditor Sampson was in, and then will look at changes to the City's water policy as a go forward process that is more defined. She does not want to nitpick individual things and would rather have a full review and make multiple changes at once, which will happen, but has been busy with other things. She is not delaying it, but at this point in time, she does not think that an appropriate review of changes to the water rules in a committee could happen at this point in order to pass it without a complete review and passing it too quickly. It does not actually come to City Council. Water rules are a function of the Administration, so the Administration is able to make those changes, but want to do so with consultation involving Council. She is not ignoring Councilwoman Frische's request, it is currently in compliance, and are going to review it and have appropriate discussions, and then move forward.

City Auditor Staschiak concurred with Councilwoman Frische's comments. He had a discussion with Deputy Auditor Sampson that she believes her comments were either taken out of context or misunderstood, which is easy to happen in the type of meeting that occurred and with him not being there. Both he and Deputy Auditor Sampson are in agreement that the rules regarding the waiver of monies, particularly in the environment we are in, must be passed by Council in that Council has agreed to before the end of this calendar year so that the City Auditor's Office, City Council, and the City are in compliance with audit. That is something he has confirmed with Deputy Auditor Sampson and have discussed it twice, so he is one hundred percent (100%) confident in her recommendation to get it done and move forward with regard to what the rules are for waving those fees for the general public.

Councilwoman Frische clarified that she is not piece mailing Mayor Muryn's brief email and is simply stating that something needs to be corrected. Mayor Muryn tends to do and ask for forgiveness later by Council in which Council usually does, but that there is a process of giving Mayor Muryn the authority to do things, but when it comes to moving money, it has to be via legislation. Mayor Muryn also mentioned that there are other changes that the public is requesting in the water and sewer policy. It would be interesting to know what the public is wanting to change in that policy, and that the City needs to move forward on those things, but when making a change or a recommendation, it should not wait until later and have to follow a process. There was no piece mailing or changing Mayor Muryn's wording. Mayor Muryn replied that she will work with Deputy Auditor Sampson and would be happy to correct any misunderstandings from the meeting. If there are issues that the City Auditor's Office identifies in the future, they are welcome to reach out to her so that she can work to resolve it.

President of Council Harrington read Council's Rules of Procedure regarding legislation: legislation from Council must be requested by at least two (2) Councilmembers. Appropriation requests that require legislation for money already budgeted may be requested by the Administration. He noted that Councilwoman Frische had mentioned that she had requested legislation which is fine, but that it has to go through the process. Councilwoman Frische replied that she assumed the chair of the WATER & SEWER COMMITTEE would have responded as a member of Council and addressed it with Deputy Auditor Sampson. She understands the process and had sent an email.

NEW BUSINESS:

Service-Safety Director Martin requested a WATER AND SEWER COMMITTEE meeting to discuss the Water Fund.

Councilman Greeno: **WATER AND SEWER COMMITTEE** meeting on Thursday, November 9, 2023 at 4:00pm in the third floor conference room of the Municipal Building (CR1).

agenda: Water Fund

Councilman Russel noted that the next City Council meeting will be Wednesday, November 8, 2023 because of election day on Tuesday, November 7, 2023.


Mayor Muryn noted that she anticipates needing additional funds towards flood mitigation for the legislation already appropriating funds for those efforts. It has been discussed to possibly apply five million dollars (\$5,000,000) total. The Administration is continuing to work with Norfolk Southern on the bridge and their contribution that will be a big determining factor in how much needs to be appropriated. It is possible that this conversation will take place again early next year as those figures are refined.

Mayor Muryn thanked Councilman Hellmann for responding to her about his ward event who has put together some good plans for it. She asked Councilmembers that have not spoken to her yet to put some numbers together and provide them to either her or Project Manager Hohman who can assist. The ward events are something she would like Councilmembers to put together some time next year, possibly a block party or host a get together in their neighborhood. Snacks can be provided and it can be held at the Municipal Building, or whatever would work best for each ward. She asked that ideas be provided to her so that funding can be put into budgets.

Councilwoman Frische suggested Councilman Hellmann start providing updates on Economic Development or to invite the Economic Development to a WATER AND SEWER COMMITTEE meeting for future community planning looking forward. Councilman Hellmann replied that he would be glad to do that and asked if she would like the Executive Director of the Alliance to come and give a report either quarterly or occasionally. Councilwoman Frische responded that would be fantastic.

Councilman Bauman moved to adjourn City Council at 6:46pm, seconded by Councilman Niemeyer. All were in favor. Filed.


CLERK OF COUNCIL


COUNCIL PRESIDENT