

THE CITY OF HURON, OHIO
Proceedings of the Huron City Council
Regular Meeting Tuesday, July 23, 2019 at 6:30 p.m.

A regular meeting of the City Council of the City of Huron, Ohio was called to order by Vice Mayor Trey Hardy on Tuesday July 23, 2019 at 6:30p.m. in the Council Room of City Hall, 417 Main Street, Huron, Ohio.

The Vice Mayor called for a moment of silence, asked that all keep the family of the first City Manager of the City, Dean Sheldon and the family and friends of Ms. Young in their thoughts. After the moment of silence, the Vice Mayor led in saying the Pledge of Allegiance to the Flag, and then directed the Clerk to call the roll. The following members of Council answered present: **Christine Crawford, Trey Hardy, Joe Dike, Sam Artino and Glen Ginesi. Members absent: Rick Schaffter.**

Also present: City Manager Andy White, Law Director Aimee Lane, Finance Director Cory Swaisgood, Assistant to the City Manager Mike Spafford, City Engineer/Zoning Inspector Doug Green, Parks & Recreation Operations Manager Doug Steinwart, and Management Services Coordinator-Clerk of Council Christine Gibboney.

Motion by Ms. Crawford to excuse Mr. Schaffter from the meeting due to a work commitment. The Vice Mayor asked if there was any discussion, there being none he directed the Clerk to call the role on the motion. Members of Council voted as follows:

YEAS: Crawford, Hardy, Dike, Artino, Ginesi (5)

NAYS: None (0)

There being more than a majority voting in favor of the motion, the Vice Mayor declared the motion passed.

Vice Mayor Hardy explained that Councilman Hartung has submitted his resignation for his Council seat, advising City Council must accept the resignation. Ms. Lane added that a motion to accept the resignation is needed and would need to be accepted by a majority of Council. **Motion by Mr. Ginesi to accept the resignation of Councilman Hartung.** The Vice Mayor asked if there was any discussion, there being none he directed the Clerk to call the role on the motion. Members of Council voted as follows:

YEAS: Ginesi, Crawford, Hardy, Dike, Artino (5)

NAYS: None (0)

There being more than a majority voting in favor of the motion, the Mayor declared the motion passed.

Mr. White explained with the resignation being approved, per the Charter, the city has 30 days to fill the vacancy and the city can post an advertisement seeking applications in order to review and make an appointment. Mr. Dike inquired about the 100 day rule, asking if the city was going to move quickly in order for the unexpired term to be on the ballot. Mr. White noted this would be council prerogative and referenced the tight timeline relative to the 100 day rule and the need for a special meeting if this was desired. Ms. Lane referenced the timeline, noting someone would need to be appointed this week in order to fulfill the 100 day rule and have the unexpired term on the November ballot. The Mayor recommended

advertising for seven days to allow those interested to get application submitted by 5pm on July 30th and then convene a special session thereafter. Members discussed the timeline of 100 days, deadline date, details of trying to accommodate advertising and review of applications, and calling a special meeting. The Mayor referenced time needed for due diligence in the matter, referencing the public input over the last couple years, but acknowledging the issue of having the unexpired term on the ballot as well. Discussion between members ensued on the action to take. Ms. Lane recapped the recommendation that an advertisement to accept applications be prepared and then a special session of Council could be held to review and make an appointment.

Approval of Minutes

Motion by Mr. Dike that the minutes of the regular meeting of June 11, 2019 and the work session and regular meeting of June 25, 2019 be approved as printed and received. The Mayor asked if there was any discussion on the motion. There being no discussion, he directed the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Dike, Artino, Ginesi, Crawford, Hardy (5)

NAYS: None (0)

There being more than a majority voting in favor of the motion, the Mayor declared the motion passed.

Audience Comments

- Sara (inaudible) of Breakwater Cottages- Sara referenced the recent drowning incidents at Nickel Plate Beach, referencing the dangers of Nor'easters suggesting a study of the undercurrents and rip currents, inquiring about a red flag system during Nor'easters, larger signage, and adding life guards to the beach.
- Kate Homolya, Amherst, Ohio- Ms. Homolya, sister of Brittany Young, the victim at Nickel Plate Beach, addressed Council, urging safety measures be put into place at the beach for future beach goers. She urged Council to implement safety precautions and referenced red flag systems that are in place in other areas.
- Theresa Young, Ms. Young, mother in law of Brittany Young, agreed with previous comments and added that the life ring box needs to be moved closer to the beach, supported a red flag system, supported the addition of lifeguards, implementing additional safety measures, and asked that the city close the beach when dangerous.
- Theodore Terry. Mr. Terry addressed Council on educating the public on rip tides and currents, noting the numerous drownings over the years at Nickel Plate Beach and suggesting either a lifeguard or police officer stationed at Nickel Plate to enforce closing the beach during dangerous conditions.
- Tom Solet, 811 Salem Drive. Mr. Solet addressed Council to recognize and thank Mr. Hartung for his 10 years of service to the community. He referenced working with Mr. Hartung for four years on Council, noting his dedication, research, and time devoted to asking questions and seeking input, stating Mr. Hartung was transparent in all he did. He stated Mr. Hartung's decisions were based on facts, and he tried to do what was right and best for the City of Huron. He noted his respect for Mr. Hartung, referenced his honesty, and referenced understanding Mr. Hartung's personal decision to resign, but noted his disagreement with the decision stating this is not what is best for the city.
- Amy Springer. Ms. Springer expressed condolences to the victim's family and addressed Council referencing her experience as a lifeguard at Cedar Point and the recommendation of roping off designated swim areas in waist deep water and having a life guard present.
- Craig Johnson, 1001 Beachside. Mr. Johnson expressed his condolences to the victim's family and addressed Council stating the city has an ethical and moral responsibility for the safety of

residents and visitors. He referenced the rip tide conditions created by the pier, and the weather changes that create an undertow. He advised to thoroughly research the conditions, prohibit swimming near the wall, and have enforcement efforts in place. He advised the city notify the public when unsafe and have enforcement from lifeguards or HPD.

- Stacy Hartley, 310 Canterbury Drive. Ms. Hartley addressed council about the unique hazards of this area of the lake, commenting that the city must work quickly and thoroughly to address the matter. She advised the Safety Committee should include professionals to address the issues and referenced resource organizations: Great Lakes Water safety Consortium and Great Lakes Surf Rescue Project that collect incident data. She referenced and distributed data from the National Weather Service advising the city talk with experts and work with the National Weather Service.
- Jason Hanners, 1130 Mudbrook Road. Mr. Hanners advised Council that they did not have to wait seven or thirty days to appoint someone to fill the vacancy on Council, stating that two people running for office were in attendance. He also addressed Council on Nickel Plate Beach, advising those not from the area are not aware of the dangers and noting the city's responsibility for the safety of the public. He referenced the audio of the July 9 Safety Committee meeting and advising it is evident that the city needs expert advisement. He noted the city's ability and action with regard to making projects happen, referring to OPC and Mucci Farms, and referenced the expenditure of funds relative to the prosecution of his wife, noting the city can certainly expend funds for a study of best practices and seek answers from experts on this safety matter. He referenced the need for the city to ensure the safety of all beachgoers and first responders.

Old Business

Mr. Ginesi made a motion to suspend the rules to modify the agenda in order to entertain discussion regarding Nickel Plate Beach safety. The Mayor directed the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Ginesi, Crawford, Hardy Dike, Artino (5)

NAYS: None (0)

There being more than a majority voting in favor of the motion, the motion passed.

Mr. Ginesi referenced the comments made and noted the dangerous and quick changing conditions at Nickel Plate Beach, acknowledging his agreement with all comments made. He commented that the city needs to define the area for swimming and it has to be enforced. He added that until the city takes steps to make it safe, the beach should remain closed to swimming. Ms. Crawford noted the need for constant monitoring systems as the conditions change so quickly and there needs to be a plan and identify who will be monitoring this.

Mr. White expressed condolences to the family of the victim, referenced the quick changing conditions that occur on the lake and noted the actions currently being taken: Beach closed indefinitely, restrictive gates ordered, six large signs to inform the public about rip currents ordered, and noted administration is looking into ways to define a swim area. He advised lifeguards have been discussed, however, safety personnel trained for these situations had trouble in the water and explained a policy will need to be determined noting that Administration would continue review and research. Mr. Dike referenced Ms. Hartley's suggestion and supported contacting experts. Discussion of removal of people from the beach and enforcement authority when closure is posted ensued. The issue with boaters anchoring off the area was mentioned and the issue of how to restrict them from swimming outside of a designated area was noted. Mr. Artino recommended administration meet with the Engineer on the Planning Commission and a member of Fish Huron to get their advice on the matter.

Public Hearing: Proposed amendments to the Zoning Code relative to Industrial Greenhouse regulations (Ord. 2019-9)

Motion by Mr. Artino the regular meeting of July 23, 2019 be recessed for the purpose of holding a Public Hearing on proposed amendments to the Zoning Code relative to Industrial Greenhouse regulations. The Mayor asked if there was any discussion on the motion. There being no discussion, he directed the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Artino, Ginesi, Crawford, Hardy, Dike (5)

NAYS: None (0)

There being more than a majority voting in favor of the motion, the Mayor declared the motion passed and the Public Hearing called to order at 7:24p.m. Mr. White recognized David Kincaid, the consultant who prepared the legislation and recapped the purpose of the establishment of the lighting regulations to regulate light trespass from Mucci Farms. He referenced the recommendation of the Planning Commission in support of the proposed amendments with the suggestion of a couple items for City Council to discuss, one being the definitions of the industrial greenhouse footprint of 20 acres. Mr. Kincaid explained the legislation as prepared is very restrictive and asked if Council had any questions on the lighting restrictions being proposed. He referenced weather conditions that affect the reflectivity of light emissions, and referenced other sources of light emissions in the city currently. Mr. Artino noted the presentation and report provided by Mr. Kincaid to the Planning Commission and commented on the tight regulations and procedural requirements which Mucci Farms will have to follow. In response to a question by Ms. Crawford, Mr. Kincaid explained that Mucci Farms has been involved in discussions and aware of regulations. Mr. White recapped the issues and mishaps experienced in the beginning by Mucci Farms and referenced the next two pieces of legislation on the agenda which relate to this matter. In response to a question by Mr. Ginesi; Mr. Kincaid and Mr. White noted the ordinance restricts the regulations to Industrial Greenhouses as defined, however if it was a city wide regulation the Commerce Plaza shopping center would not pass the light emissions specification. Mr. Kincaid advised if Mucci operates to the standard, the city will not experience what was seen previously and noted the restrictiveness of the ordinance as written, and in response to a question from Mr. Dike about tighter restrictions, Mr. Kincaid explained the technology limits in place. Mr. Artino explained the 20 acre designation within the legislation could be looked at in the future and adjustments can be made.

Ms. Homolya thanked all in attendance for the condolences and suggestions expressed this evening. She noted her sister would not want the beach closed indefinitely and asked that council acknowledge that until safety measures are in place, the beach remain closed. Mr. Artino noted he agreed with her and would not want the beach opened until such time as safety measures are in place.

Mr. Artino made a motion that the public hearing be closed and the regular meeting of July 23 back in session. The Mayor asked if there was any discussion on the motion. There being no discussion, he directed the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Artino, Ginesi, Crawford, Hardy, Dike (5)

NAYS: None (0)

There being more than a majority voting in favor of the motion, motion passes and regular session of July 23 back in session at 7:45p.m.

Ordinance 2019-9 (3rd/final reading)

Motion by Mr. Artino that Ordinance 2019-9 (AN ORDINANCE AMENDING SECTION 1121.04, "DEFINITIONS," SECTION 1125.03, "B-3 GENERAL DISTRICT," SUBSECTION (f), "INDUSTRIAL DEVELOPMENTS," OF SECTION 1126.05, "PLANNED DEVELOPMENT PROJECTS," SECTION 1126.09, "UNIVERSITY PARK PLANNED INDUSTRIAL DEVELOPMENT PROJECT OVERLAY ZONE", AND ENACTING NEW 1126.17, "REGULATIONS FOR INDUSTRIAL GREENHOUSES," OF THE PLANNING AND ZONING CODE WITHIN THE CODIFIED ORDINANCES OF THE CITY OF HURON TO REGULATE INDUSTRIAL GREENHOUSES, AND DECLARING AN EMERGENCY) be removed from the table. The Mayor asked if there was any discussion on the motion. The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

YEAS: Artino, Ginesi, Crawford, Hardy, Dike (5)

NAYS: None (0)

There being a majority or more in favor of the motion, the motion passed. **Motion by Mr. Artino that Ordinance 2019-9 be placed upon its third/final reading.** The Mayor asked if there was any discussion on the motion. The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

YEAS: Artino, Ginesi, Crawford, Hardy, Dike (5)

NAYS: None (0)

There being a majority or more in favor of the motion, the motion passed and Ordinance 2019-9 was placed upon its third/final reading. The Mayor directed the Law Director to read the Ordinance by its title only. **Motion by Mr. Artino that Ordinance 2019-9 be passed as an emergency measure.** The Mayor asked if there was any discussion on the motion. The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

YEAS: Artino, Ginesi, Crawford, Hardy, Dike (5)

NAYS: None (0)

There being a majority in favor, the motion passed and the ordinance was placed as an emergency. Mr. White referenced the four sections of the code affected and explained three existing sections are being amended, and one proposed amendment will establish Section 1126.17 which specifies the conditions for the lighting regulations. He advised the regulations include that during hours of operation, 100% of sidewall curtains are to remain closed at all times, and a 90% minimum deployed on the ceiling. He asked if there were any questions. There being no questions, the Mayor directed the Clerk to call the roll on the final adoption of Ordinance 2019-9. Members of Council voted as follows:

YEAS: Artino, Ginesi, Crawford, Hardy, Dike (5)

NAYS: None (0)

There being a majority vote in favor of adoption, Ordinance 2019-9 was adopted. The Ordinance as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Ordinance 2019-11 (3rd/final reading)

Motion by Mr. Dike that Ordinance 2019-11 (AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HURON TO REFLECT THE REZONING OF

APPROXIMATELY 94.7 ACRES OF LAND LOCATED AT 1101 RYE BEACH ROAD, PARCEL NUMBER 42-67003.000, FROM THE CURRENT R-1 (SINGLE FAMILY RESIDENTIAL) TO B-3 (GENERAL BUSINESS) PUD AND TO INCLUDE THE PARCEL IN THE PLANNED INDUSTRIAL OVERLAY ZONE; AND DECLARING AN EMERGENCY) be placed upon its third/final reading. The Mayor asked if there was any discussion on the motion. The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

YEAS: Dike, Artino, Ginesi, Crawford, Hardy (5)

NAYS: None (0)

There being a majority or more in favor of the motion, the motion passed and Ordinance 2019-11 was placed upon its third/final reading. The Mayor directed the Law Director to read the Ordinance by its title only. **Motion by Mr. Dike that Ordinance 2019-11 be passed as an emergency measure.** The Mayor asked if there was any discussion on the motion. The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

YEAS: Dike, Artino, Ginesi, Crawford, Hardy (5)

NAYS: None (0)

There being a majority in favor, the motion passed and the ordinance was placed as an emergency. Mr. White noted now that the lighting regulations have been adopted this ordinance will rezone the property from the R-1 residential, which is how the property came into the city pursuant to annexation, to a B-3 PUD. If adopted, Mucci Farms can begin their second and third phase of operations. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Ordinance 2019-11. Members of Council voted as follows:

YEAS: Dike, Artino, Ginesi, Crawford, Hardy (5)

NAYS: None (0)

There being a majority vote in favor of adoption, Ordinance 2019-11 was adopted. The Ordinance as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

New Business

Resolution 2019-42

Motion by Mr. Dike that the three reading rule be suspended and Resolution No. 2019-42 (A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE AGREEMENT WITH BIS DIGITAL, INCORPORATED FOR THE PROVISION AND INSTALLATION OF A DIGITAL COURT RECORDER SOFTWARE SYSTEM AND AMPLIFICATION SYSTEM) be placed upon its first reading. The Mayor asked if there was any discussion on the motion. The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

YEAS: Dike, Artino, Ginesi, Crawford, Hardy (5)

NAYS: None (0)

There being five votes or more in favor of the motion, the Mayor declared the motion passed. The Mayor directed the Law Director to read the Resolution by its title only. The Mayor asked if there was any discussion. Mr. White referenced the issues with the installation and the need to change out the microphones causing the change order. Mr. Swaisgood noted the cost was negotiated down from \$3,000 to \$500 as labor and installation fees were waived. There being no further discussion, the Mayor

directed the Clerk to call the roll on the final adoption of Resolution 2019-42. Members of Council voted as follows:

YEAS: Dike, Artino, Ginesi, Crawford, Hardy (5)

NAYS: None (0)

There being a majority vote in favor of adoption, Resolution No. 2019-42 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Ordinance 2019-16

Motion by Ms. Crawford that the three reading rule be suspended and Ordinance 2019-16 (AN ORDINANCE AMENDING ORDINANCE NO. 2018-36, ADOPTED DECEMBER 11, 2018, RELATING TO EXHIBIT "A" APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019,) be placed upon its final reading. The Mayor asked if there was any discussion on the motion. The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

YEAS: Crawford, Hardy, Dike, Artino, Ginesi (5)

NAYS: None (0)

There being five votes or more in favor, the motion to suspend the three reading rule passed and Ordinance 2019-16 placed upon its final reading. The Mayor directed the Law Director to read the Ordinance by its title only. The Mayor asked if there was any discussion. Mr. Swaisgood reviewed Exhibit "A", explaining this is a budget transfer from the general fund to the Probation Officer fund, noting that in the past it was budgeted 50% General Fund and 50% Probation fund, and believes it was an oversight in the budget and this should have been budgeted as 100% out of the Probation Fund. In response to Mr. Ginesi, Mr. Swaisgood, responded it is his understanding that in the future 100% would be budgeted to the Probation Fund. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Ordinance 2019-16. Members of Council voted as follows:

YEAS: Crawford, Hardy, Dike, Artino, Ginesi (5)

NAYS: None (0)

There being a majority vote in favor of adoption, Ordinance 2019-16 was adopted. The Ordinance as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

City Manager's Discussion

- Reported on bid opening for the notes conversion to bonds: 11 bidders, 2.4% rate. Mr. Swaisgood advised the bids ranged from 2.4% to 2.7%, noted the decrease in rates from 2015 and 2018, and recapped the details of the notes.
- Reported Mr. Moore of the HJPA was not available for a presentation today, but would coordinate a presentation for the August 13, 2019 meeting.
- Reported that Mr. Green has been working with Polaris to finalize the documentation for the dedication of the roadway and the legal descriptions for Parcel A and Parcel B for the land swap with the state on the ConAgra property. Next step -layout of utilities and name for the street.

Questions/Comments from Councilmembers

- Mr. Dike inquired about timeline for the roadway dedication and land swap legislation. Mr. White advised approximately thirty days once adopted by the city. Mr. Dike asked when the lighting improvements to the lighthouse would be installed. Mr. Green advised all state approvals

have been received, but the Coast Guard has asked for an MOU or lease agreement to allow the city to use their cable, and the issue is that the Coast Guard couldn't locate documentation that they own the cable but they are working to get this done. Mr. Green noted he is touching base with them weekly. Mr. Dike asked if Council can be provided weekly updates from administration. Mr. White acknowledged that he would get back to providing Management Activity Reports, and advised that he is available to members 24/7 and to contact him anytime with questions. Mr. Dike asked for an email update on everything being done at Nickel Plate.

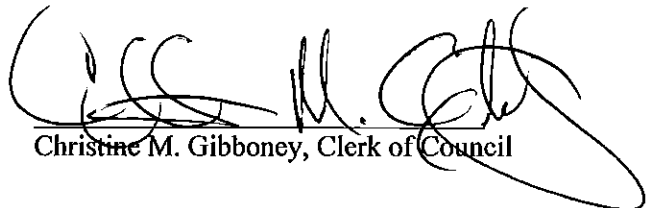
Mayor's Discussion

- Mayor Hardy noted he echoes the sentiments of all who spoke relative to public safety at beaches and referenced Council and staff are committed to implementing safety improvements. He referenced Mr. Solet's comments, and noted his years on Council with Mr. Hartung. He stated Mr. Hartung worked hard to uphold and improve standards in the community, and referenced the time he took meeting with residents, serving on various committees, and representing the city in events throughout the county and adding that Mr. Hartung will continue to support the community.

For the Good of the Order

- Ms. Crawford thanked Mr. Hartung for his years of service to the community, expressed sympathy to the family and friends of Ms. Young, and recognized safety services noting she is grateful and proud of their efforts.
- Mr. Dike expressed condolences to the family of Ms. Young and noted the city will do what is right to make needed safety improvements.
- Mr. Artino expressed condolences to the family of Ms. Young, and recognized safety services/first responders, noting safety improvements have to be made for them as well as the public. He thanked Mr. Hartung for his years of devotion to the community.
- Mr. Ginesi noted the cancelation of the work session and reminded all of topics outstanding for a work session: continuation of the Open Meeting/Ethics Training and discussion of adding an Invocation to Council agendas. He thanked Mr. Solet for his comments about Mr. Hartung. He noted that Mr. Hartung earned his respect and commented that it is sad that he had to make this decision, which he made for his family, noting that he deserved better. Mr. Ginesi commented that we can disagree, but shouldn't be disagreeable and noted he is sorry the city is at this point. Regarding Nickel Plate Beach, he agreed that the city cannot allow swimming until safety measures are in place. He recognized Safety Services and Mr. Zimmerman in attendance, commenting on the development of the Fire Department over the years. Mr. Ginesi reported on a Prayer Group he attends which meets on the last Tuesday of the month at the Huron Boat Basin, explaining the group prays for the city and is open to all.

There being no further business to come before the Council, the Mayor declared the regular meeting of July 23, 2019 adjourned at 8:08p.m.



Christine M. Gibboney, Clerk of Council