

**THE CITY OF HURON, OHIO**  
**Proceedings of the Huron City Council**  
**Regular Meeting Tuesday, April 9, 2019 at 6:30 p.m.**

A regular meeting of the City Council of the City of Huron, Ohio was called to order by Mayor Brad Hartung on Tuesday April 9, 2019 at 6:30p.m. in the Council Room of City Hall, 417 Main Street, Huron, Ohio.

The Mayor called for a moment of silence. After the moment of silence, the 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: **Rick Schaffter, Trey Hardy, Christine Crawford, Brad Hartung, Joe Dike, Sam Artino and Glen Ginesi.**

Also present: City Manager Andy White, Interim Finance Director Mike Spafford, City Engineer/Zoning Inspector Doug Green, and Management Services Coordinator-Clerk of Council Christine Gibboney. Additional Attendees: Aimee Lane and William Hanna of Walter Haverfield LLP.

**Approval of Minutes**

**Motion by Ms. Crawford that the minutes of the regular meeting of February 12 and the work session of March 26, 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: Crawford, Hartung, Dike, Artino, Ginesi, Schaffter, Hardy (7)**  
**NAYS: None (0)**

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

**Audience Comments**

- Jason Hinnners, 1130 Mudbrook Road. Mr. Hinnners addressed Council with his continued concerns relative to executive sessions and lack of proper procedure pursuant to the Open Meetings Act; commenting on lack of openness, honesty, and transparency. He referenced his letter to City Council yesterday relative to suspected open meetings violations pertaining to lack of discussion in open session regarding salary increases and merit bonus pay for the City Manager. Referencing the Council meeting minutes pertaining to executive sessions held for discussions of matters pertaining to the compensation of a public employee on January 9, 2018, and December 11, 2018, performance evaluations, and merit bonus compensation payments of \$10,000 in January 2018, and \$5,000 in December 2018, Mr. Hinnners reported the lack of discussion and action taken in open session relative to these merit compensation payments.

**Old Business**

**Resolution 2019-18 (second reading)**

**Motion by Mr. Hardy that the three reading rule be suspended and Resolution No. 2019-18 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE INN ON THE RIVER'S EDGE, L.P., GRANTING THE CITY A LICENSE TO OCCUPY AND USE PROPERTY FOR THE PURPOSE OF CITY SPONSORED EVENTS.) be placed upon its second 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: Hardy, Crawford, Hartung, Dike, Artino, Ginesi, Schaffter (7)**  
**NAYS: None (0)**

There being five votes or more in favor of the motion, the Mayor declared the motion passed on suspension of the rules. The Mayor directed the City Manager to read the Resolution by its title only. The Mayor asked if there was any discussion. Mr. White recapped previous discussion on this legislation, noting that the agreement has been revised to remove the language relative to indemnification. Brief review of planned events and recap of the removal of the indemnification language ensued. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2019-18. Members of Council voted as follows:

**YEAS: Hardy, Crawford, Hartung, Dike, Artino, Ginesi, Schaffter (7)**  
**NAYS: None (0)**

There being a majority vote in favor of adoption, Resolution No. 2019-18 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

#### **Resolution 2019-21**

**Motion by Mr. Schaffter that the three reading rule be suspended and Resolution No. 2019-21 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL AND ENTER INTO AN AGREEMENT, ON BEHALF OF THE CITY OF HURON, WITH WALTER HAVERFIELD LLP FOR THE PROVISION OF LAW DIRECTOR SERVICES FOR A PERIOD OF THREE YEARS.) be placed upon its second 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: Schaffter, Hardy, Crawford, Hartung, Dike, Artino, Ginesi (7)**  
**NAYS: None (0)**

There being five votes or more in favor of the motion, the Mayor declared the motion passed on suspension of the rules. The Mayor directed the City Manager to read the Resolution by its title only. The Mayor asked if there was any discussion. Mr. White referenced the legislation was on its second reading due to the lack of five votes to suspend the three reading rule at the last meeting due to absences of members, but referenced the discussion that was held. He advised the proposal before Council is to replace the full time position of Law Director with a contract for services. He recognized Ms. Aimee Lane of the firm Walter Haverfield who was in attendance. He reported the previous package for the Law Director was approximately \$130,000 and the compensation for the Prosecutor of \$25,000 and explained to date approximately \$60,000 has been spent on outside counsel, not including counsel provided for through insurance coverage. He recapped the transition plan noting the focus of the legal responsibilities and segregating the administrative duties that had been previously performed by the Law Director. In response to several questions by Mr. Dike, Mr. White provided the following responses: 1) confirmed that Mr. Kaufman would remain Prosecutor for the city, 2) approval of this contract would provide the opportunity to reduce some of the costs associated with additional outside counsel. 3) referenced the allotted hours within the agreement, noting that the cap would be waived for the first two months to allow for the transition and explained the agreement can be modified if needed and either party can terminate. 4) in-house hours to be determined, information/contact information distributed to Council members noting any questions can be directed to Ms. Lane directly and/or to Administration if desired. Mr. Ginesi asked Ms. Lane if anyone at the firm has any relationship to anyone in Administration or City Council; Ms. Lane advised there was not. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2019-21. Members of Council voted as follows:

**YEAS: Schaffter, Hardy, Crawford, Hartung, Dike, Ginesi (6)**  
**NAYS: Artino (1)**

There being a majority vote in favor of adoption, Resolution No. 2019-21 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

**New Business**

**Motion – Setting a Public Hearing for a re-zoning application**

Mayor Hartung explained a motion was needed to set a Public Hearing on the rezoning of 1101 Rye Beach Road (Mucci Farms) from R-1 (single family residential) to B-3 (General Business) PUD- per section 1125.03 and to include the parcel in the planned industrial project overlay zone pursuant to Section 1126.09 to be held on May 14, 2019 at 6:30pm.

**Motion by Mr. Hardy to set a Public Hearing on the rezoning of Mucci Farms property at 1101 Rye Beach Road on May 14, 2019 at 6:30pm.** The Mayor asked if there was any discussion, there being none, he directed the Clerk to call the roll on the motion. Members of Council voted as follows:

**YEAS: Hardy, Crawford, Hartung, Dike, Artino, Ginesi, Schaffter (7)**  
**NAYS: None (0)**

There being a majority vote in favor of adoption, the motion passed.

**Resolution 2019-22**

**Motion by Mr. Schaffter that the three reading rule be suspended and Resolution No. 2019-22 (A RESOLUTION AMENDING THE RECOMMENDATIONS OF THE ERIE COUNTY TAX INCENTIVE REVIEW COUNCIL TO INCLUDE THE CONTINUATION OF ALL ACTIVE TAX INCENTIVES WITHIN THE CITY OF HURON RELATING TO THE CITY'S ENTERPRISE ZONE AGREEMENTS, TAX INCREMENT FINANCING AGREEMENTS AND COMMUNITY REINVESTMENT AREA ABATEMENTS) 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: Schaffter, Hardy, Crawford, Hartung, Dike, Artino, Ginesi (7)**  
**NAYS: None (0)**

There being five votes or more in favor of the motion, the Mayor declared the motion passed on suspension of the rules. The Mayor directed the City Manager to read the Resolution by its title only. The Mayor asked if there was any discussion. Mr. White apologized for the late addition of the legislation, referencing the report provided to Council over the weekend. He recapped the recommendation of the TIRC to continue with all but the Huron Senior Residence abatement. He referenced the exhibits and explained City Council is required to accept, modify, or reject the recommendation. He referenced previous discussion relative to concern raised for the tenants of the Huron Senior Residence pertaining to any affect this may have on their current regulated leases. Mr. White reported he asked the County Auditor about this, who advised that the argument from Huron Senior Residence to the Board of Revisions was that because they are in a regulated program they do not have the same capacity to make a payment on the real property because they can't increase their rates to tenants. He noted he asked for this communication in writing, but the Auditor did not feel comfortable in providing this. Mr. White advised of the deadline to get reporting into the State and explained that while Huron Senior Residence has been late in paying, the payments were eventually made. Discussion ensued between members relative to the late payments, the issue that they are asking for reduced tax value

through the Board of Revisions, and the fact that they have made payments albeit they have been late in doing so. The Mayor referenced the late payments, noted the fact that they are allowed to apply through the Board of Revisions for a reduction, and commented that until that is determined, he did not believe the abatement should be terminated. Discussion on how to modify the recommendation ensued; Mr. White suggested a motion to modify the TIRC Recommendation to approve continuation of all the agreements in place currently. **Motion to modify as stated above so moved by Mr. Schaffter.** The Mayor asked if there was any discussion on the motion, recapping the motion. In response to inquiry from Mr. Artino for clarification, Mr. White recapped the recommendation of the TIRC to continue with all abatements except for the Huron Senior Residence which they recommended be terminated; he explained the motion amends the recommendation of the TIRC to include the Huron Senior Residence abatement for continuation. The Mayor directed the Clerk to call the roll on the motion to modify.

**YEAS: Schaffter, Hardy, Crawford, Hartung, Dike, Artino, Ginesi (7)**

**NAYS: None (0)**

There being a majority in favor, the motion passed. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2019-22 as amended. Members of Council voted as follows:

**YEAS: Schaffter, Hardy, Crawford, Hartung, Dike, Artino, Ginesi (7)**

**NAYS: None (0)**

There being a majority vote in favor of adoption, Resolution No. 2019-22 was adopted as amended. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

#### City Manager's Discussion

- Referenced his report provided to Council on the Waldock Purchase Agreement. Noted local Attorney John Frankel was asked to prepare the purchase agreement for the sale of a portion of city property located at the water treatment facility to Mr. Waldock. Mr. White reported Mr. Waldock is ready to begin the improvement at this time and distributed Ordinance 2019-6 for a simple purchase agreement which members then reviewed. Mr. White reported that the property has been surveyed and appraised and reviewed a breakdown of costs for these items, noting a purchase price of \$5,000 is being recommended. A review of the agreement ensued including insurance provisions, and the ability for the buyer to start work on the clearing prior to the final closing. He referenced that he had spoken with Ms. Lane and advised Council that specific language of tree clearing and fence removal will be added in Section 9 (a) and in Section 9 (c) language relative to indemnification will be removed. He asked if there were any questions. Members reviewed the agreement and discussion ensued as to whether to consider the Ordinance this evening or place it on the next agenda. It was noted this matter has been discussed for some time. Mr. Ginesi recapped the history of Mr. Waldock's request to purchase a small section of property located at the Water Plant which the city has determined is not needed explaining that Mr. Waldock would be using the property to expand the parking lot at his apartment complex.
- **Ordinance 2019-6**  
**Motion by Mr. Ginesi that the three reading rule be suspended and Ordinance 2019-6 (AN ORDINANCE AUTHORIZING AND PRESCRIBING THE MANNER OF SALE OF A PORTION OF CERTAIN REAL PROPERTY, OWNED BY THE CITY OF HURON, LOCATED ON THE WATER FILTRATION AND SERVICES COMPLEX PROPERTY, PARCEL NO. 42-64002.000, AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE SALE OF THAT PORTION OF PROPERTY TO KEY REAL ESTATE LTD. AND DECLARING AN EMERGENCY) 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: Ginesi, Schaffter, Hardy, Crawford, Hartung, Dike, Artino (7)**

**NAYS: None (0)**

There being five votes or more in favor of the motion, the Mayor declared the motion passed on suspension of the rules. The Mayor directed the City Manager to read the Ordinance by its title only. **Motion was made by Mr. Ginesi that Ordinance 2019-6 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 role on the motion. Members of Council voted as follows:

**YEAS: Ginesi, Schaffter, Hardy, Crawford, Hartung, Dike, Artino (7)**

**NAYS: None (0)**

There being four votes or more in favor of the motion, the Mayor declared the motion passed on the emergency measure. Mr. White reported Mr. Waldock's apartment complex was constructed prior to some regulations within the code and currently suffers from a lack of required parking spaces. He reviewed the location of the portion of the city property that will be sold. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Ordinance 2019-6. Members of Council voted as follows:

**YEAS: Ginesi, Schaffter, Hardy, Crawford, Hartung, Dike, Artino (7)**

**NAYS: None (0)**

There being a majority vote in favor of adoption, Ordinance 2019-6 was adopted. The Ordinance as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

- HFD- Township Agreement. Reviewed the terms of the re-negotiated contract, referencing the 50/50 operational cost split. Reported that the Township recently committed half of the cost of the third ambulance and at their meeting last week, the Township Trustees made a motion to support half the cost of a new engine. Mr. White suggested a meeting of the Fire Committee to review and discuss the matter and provide recommendation at the next council meeting. Clerk to contact members to set a meeting.
- Executive session requested for the purchase/sale of real estate, no action to follow the session.

#### **Mayor's Discussion**

- Reference correspondence from the Girl Scouts of North East Ohio relative to a request for a Certificate of Recognition for Heyley Ketchum who will be honored with the Gold Award, noting that a letter would be prepared for her. He also referenced a letter from OML relative to a Transportation Infrastructure Funding Statement.

#### **For the Good of the Order**

- Mr. Ginesi acknowledged the passing of Ms. Mary Hahn and extended condolences to the Hahn family. Mr. Ginesi referenced the active water valve repair work being done, commenting he had stopped by the site and shared his concerns relative to confined space procedures, suggesting the need for procedure/training review. He reported noticeable changes at IAC, referencing the empty parking lot and suggesting making contact with IAC and calling a meeting with the

Finance Committee to discuss the potential implications as IAC is the largest employer within the city. Mr. White noted their numbers are down and advised he would attempt to set up a meeting.

- Mr. Artino reported on the recent Planning Commission, noting that members of the Task Force (Mr. Finger and Mr. Bickley) addressed the Planning Commission to provide their opinions on the conditions and findings at the ConAgra site, stating that they, as well as Mr. Cencer on the Planning Commission, felt strongly the wick drain system was not the proper method for the compaction issue and reported they did provide some other methods. He noted the Planning Commission Chair, Gary Boyle, has asked for a work session to further discuss the matter with the members of the Task Force and referenced that Mr. Green is currently working to get input from OHM Advisors as well. Mr. Artino invited those interested to attend the work session when scheduled.
- Mr. Dike extended condolences to the Hahn family and thanked all those in attendance.
- Ms. Crawford reported attending the Lake Erie Shores & Islands (LESI) annual meeting last week, referenced the presentation by ODNR Director Mary Mertz, noting her dedication to Lake Erie resources. Urged members to attend future meetings. Reference the city's ad in the new LESI guide book and noted a lighthouse tour map will be coming out soon. Mr. White suggested establishing more of a relationship with LESI.
- Mayor Hartung referenced a second Executive Session for matters relating to potential litigation with no action to follow.
- Mr. White referenced a request from the 5K Race Series which was in the correspondence packet, to ask permission for signage to be placed on the walk bridge promoting the upcoming races. Mr. White noted that last year the series had 1,200 participants. **Motion by Mr. Hardy to approve the 5K Series signage request as submitted.** The Mayor directed the Clerk to call the roll on the motion. Members of Council voted as follows:  
**YEAS: Ginesi, Schaffter, Hardy, Crawford, Hartung, Dike, Artino (7)**  
**NAYS: None (0)**  
There being a majority in favor, the motion passed.
- Mr. Ginesi referenced the need for permanent signage to be erected within the city for these types of advertising requests. Ms. Crawford recommended the permanent signage topic be referred to the Economic Development Committee for review and recommendation.

### Executive Session

The Mayor asked for a motion to go into executive session for the purpose of discussion for the purchase/sale of real estate. **Motion to go into executive session for the purpose of discussion relative to the purchase/sale of real estate so moved by Mr. Schaffter.**

The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

**YEAS: Schaffter, Hardy, Crawford, Hartung, Dike, Artino, Ginesi (7)**

**NAYS: None (0)**

There being a majority voting in favor of the motion, the Mayor declared the motion passed and the executive session to order at 7:20p.m. City Council members, the Law Director, City Manager, and the Finance Director discussed matters relating to the purchase/sale of property. The Mayor noted the discussion had concluded and declared the regular meeting of April 9, 2019 reconvened at 7:25p.m.

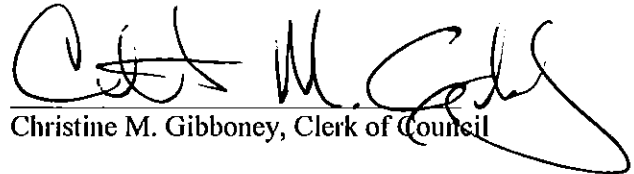
**Motion by Mr. Schaffter that the regular meeting of April 9, 2019 be recessed for the purpose of holding an executive session for the discussion of potential litigation.** The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

**YEAS: Schaffter, Hardy, Crawford, Hartung, Dike, Artino, Ginesi (7)**

**NAYS: None (0)**

There being a majority voting in favor of the motion, the Mayor declared the motion passed and the executive session to order at 7:26p.m. City Council members and the Law Director discussed matters relating to potential litigation. The Mayor noted the discussion had concluded and declared the regular meeting of April 9, 2019 reconvened at 8:07p.m.

There being no further business to come before the Council, the Mayor declared the regular meeting of April 9, 2019 adjourned at 8:07p.m.



Christine M. Gibboney, Clerk of Council