



**Trey Hardy**  
Councilmember

**Christine Crawford**  
Councilmember

**Joe Dike**  
Councilmember

**Sam Artino**  
Mayor

**Monty Tapp**  
Vice-Mayor

**Mark Claus**  
Councilmember

**Joel Hagy**  
Councilmember

## **CITY COUNCIL — REGULAR COUNCIL MEETING**

Wednesday, July 29, 2020 @ 6:30 PM

City Council Chambers

417 Main Street

Huron, Ohio 44839

**LIVE STREAM MEETING INFORMATION** Pursuant to Resolution No. 2020-44 adopted by the Huron City Council on June 17, 2020, this regular meeting of Council will be conducted in person in Council Chambers at Huron City Hall and live-streamed on the City of Huron's YouTube channel. The public is free to access, observe and hear the discussions and deliberations of all members of City Council via the following link:  
<https://www.youtube.com/channel/UCpRAV-AnmIA6lfukQzKakQg>

*Please note that as all large public gatherings remain prohibited pursuant to Orders of the Ohio Department of Health and President Trump's coronavirus guidelines, participation in person is highly discouraged. All persons entering the building for the Council Meeting will be required to wear a face mask and subjected to a temperature screening prior to being granted entry.*

*A public comments section is included on the meeting agenda. Public participation is protected through submission of comments and questions to the Clerk of Council by phone (419-433-5000 ext. 104) or via e-mail ([terri.welkener@huronohio.us](mailto:terri.welkener@huronohio.us)) on or before 3:00pm on the day immediately preceding the meeting of Council. Such comments or questions will be read aloud by the Clerk of Council at the meeting of the body to which it is addressed. **Anyone wishing to be heard during the meeting must make arrangements with the Clerk of Council by calling (phone: 419-433-5000, ext. 1102) or via e-mail ([terri.welkener@huronohio.us](mailto:terri.welkener@huronohio.us)) on or before 3:00pm on Tuesday, July 28, 2020. Such participation, unless otherwise authorized, must be by telephone. If anyone is unable to participate by phone for any reason, limited exceptions for personal attendance may be authorized.***

### **I. Call To Order**

Moment of Silence followed by the Pledge of Allegiance to the Flag

### **II. Roll Call of City Council**

### **III. Approval of Minutes**

**IIIa.** Minutes of the June 8, 2020 Joint Council/Finance Committee Work Session

**IIIb.** Minutes of the June 23, 2020 Council Work Session

### **IV. Audience Comments**

**IVa.** The Clerk of Council will read any public comments or questions received.

**V. Old Business**

**Va.** Legal Discussion  
ConAgra Land Swap

**Vb.** Legal Discussion  
Showboat Property

**VI. New Business**

**Via.** Ordinance No. 2020-15  
An appropriations measure amending appropriations, increasing estimated resources and approving cash transfers.

**Vic.** Ordinance No. 2020-16  
An ordinance authorizing the Interim City Manager to enter into a Community Reinvestment Area Agreement with Mobility Works Group, LLC

**VII. City Manager's Discussion**

**VIII. Mayor's Discussion**

**IX. For the Good of the Order**

**X. Executive Session**

**XI. Adjournment**



**TO:** Mayor Artino and City Council  
**FROM:** Terri Welkener , Clerk of Council  
**RE:** Ordinance No. 2020-15  
**DATE:** July 29, 2020

---

### **Subject Matter/Background**

Ordinance No. 2020-15 requests the Council's authorizations for changes to the annual budget appropriations. Please refer to Exhibit "A" of the ordinance for the detailed breakdown and

### **Financial Review**

See Exhibit A for financial review and details of appropriation amendments, increase in estimated resources and cash transfers.

### **Legal Review**

This matter has been reviewed, follows normal legislative procedure, and is properly before you.

### **Recommendation**

The Council should consider a motion to adopt the ordinance as presented in order to maintain budgetary compliance.

[Ordinance No. 2020-15.doc](#)

[Ordinance 2020-15.pdf](#)

**ORDINANCE NO. 2020-15**

Introduced by Joel Hagy

**AN ORDINANCE AMENDING ORDINANCE NO. 2019-27, ADOPTED DECEMBER 10, 2019, TO PROVIDE FOR ADDITIONAL APPROPRIATIONS FROM THE GENERAL FUND AND OTHER FUNDING SOURCES AND AN INCREASE IN ESTIMATED RESOURCES AND FURTHER APPROVING CASH TRANSFERS BETWEEN FUNDS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, pursuant to Ordinance No. 2019-27, adopted December 10, 2019, Huron City Council adopted the annual budget for the fiscal year ending December 31, 2020 for the operations of all City departments and offices; and

**WHEREAS**, Council has established various funds for the financial operation of the City, and through the current fiscal year certain funds have been determined to have insufficient funds and certain Funds have been determined to have excess funds; and

**WHEREAS**, it is necessary to amend the budget to reflect appropriation transfers, supplemental appropriations and an increase in estimated resources and to also approve a cash transfer between funds to accommodate the operational needs of certain City departments and offices and to assure all funds of the City are in proper balance.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:**

**SECTION 1.** That Exhibit "A" of Ordinance No. 2019-27, adopted on the 10<sup>th</sup> day of December, 2019, as amended by Ordinance No. 2020-1 adopted January 28, 2020, and as amended by Ordinance No. 2020-7 adopted on March 10, 2020, and as amended by Ordinance No. 2020-8 adopted on March 31, 2020, and as amended by Ordinance No. 2020-9 adopted on May 12, 2020, and as amended by Ordinance No. 2020-14 adopted on July 14, 2020, is hereby amended to provide for appropriation transfers, supplemental appropriations and an increase in estimated resources as to each fund set forth in Exhibit "A" attached hereto and made a part hereof.

**SECTION 2.** That the Director of Finance and the City Manager are hereby authorized to expend the funds herein appropriated for the purpose of paying the operating expenses of the City for the fiscal year ending December 31, 2020 and to make the necessary entries on the accounting records of the City to reflect the appropriations and expenditures herein authorized.

**SECTION 3.** That, to properly balance the various funds of the City, the Finance Director shall be, and he hereby is, authorized and directed to make the cash transfer between and among those certain funds of the City, in the amounts as set forth in Exhibit "A" attached hereto and made a part hereof.

**SECTION 4.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that

resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

**SECTION 5.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the residents and for the further reason that this Ordinance shall become immediately effective to fund the operations of the City of Huron; additionally, in accordance with Section 3.06 of the Charter of the City of Huron, appropriation ordinances shall take effect immediately;

**WHEREFORE** this Ordinance shall take effect immediately upon its adoption.

---

Sam Artino, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_.

CITY OF HURON  
BUDGET APPROPRIATION ADJUSTMENTS, ESTIMATED RESOURCES, AND CASH TRANSFERS  
SUMMARY SHEET

DATE: 7/28/2020  
ORDINANCE: 2020-15

**Appropriation Measure**

**Reason for Appropriation Measure**

The Fund 401 supplemental appropriation and increase to estimated resources is a result of direct pays made to Smith Paving from the State for the Safe Routes to School project completed at the end of 2019. The City must properly recognize the expense and revenue in accordance with accounting standards. The net change to the fund balance is zero for these amendments to the budget. The City did not actually receipt or expend any funds for the below SRTS items.

In addition, the supplemental appropriation out of Fund 277 relates to paving at the showboat property. Due to initial budget cuts in Fund 277 due to the COVID-19 pandemic, Staff feels an appropriation measure is necessary so Council and the public is fully aware of this project prior to construction. Staff understands this project will save costs on maintenance and current upkeep of the parking lot.

**APPROPRIATION MEASURE**

Fund Name	Fund Number	Department/Activity	Object Level	Increase/(Decrease) Amount	Total Appropriations After Adjustment
CAPITAL IMPROVEMENT	401	SRTS PROJECT	OTHER EXPENSES	\$ 348,164.85	\$ 3,484,695.66
ECONOMIC DEVELOPMENT	277	ECONOMIC DEVELOPMENT	OTHER EXPENSES	\$ 22,000.00	\$ 134,900.00

**NET IMPACT ON TOTAL APPROPRIATIONS** \$ 370,164.85

**ESTIMATED RESOURCES AMENDMENT**

Fund	Fund - Account #	Account Description	Increase/(Decrease) Amount	Total Est. Resources After Adjustment
CAPITAL IMPROVEMENT	401-0005-41425	ODOT FUNDS	\$ 348,164.85	\$ 1,701,604.85

**NET IMPACT ON TOTAL EST. RESOURCES** \$ 348,164.85

**Net Overall Impact to Budget** \$ (22,000.00)

**Cash Transfer between Funds**

**Reason for Cash Transfer:**

These are quarterly budgeted cash transfers related to various funds. These transfers relate to funding for various 2020 budgeted expenditures, such as capital, debt, and pension. Only non discretionary budgetary transfers are included in this quarterly transfer due to the potential negative impact of COVID-19 on the City's financial outlook for 2020. Transfers not included are related to transfers to the IT computer fund, employee benefit reserve (vacation payouts and merit bonuses), and capital equipment. The City wants to maintain sufficient fund balances in operational funds, such as the General Fund and Fire Fund, during this time. Transferring cash out of such funds cannot be returned under the ORC, in most cases.

**CASH TRANSFER FROM:**

Fund Name	Fund Number	Department/Activity	Description	Amount	Cash Balance After Transfer
GENERAL FUND	110	TRANSFER OUT	TRANSFER TO POLICE PENSION FUND	\$ (27,500.00)	





**TO:** Mayor Artino and City Council  
**FROM:** Terri Welkener , Clerk of Council  
**RE:** Ordinance No. 2020-16  
**DATE:** July 29, 2020

---

### **Subject Matter/Background**

Mobility Works, currently located within the Port Huron Plaza, submitted an application for economic development assistance through a property tax abatement utilizing the City's Community Reinvestment Area (CRA) Program. All applications for utilization of the CRA go through the Tax Incentive Review Council (TIRC), the Huron City School Board, and City Council. The TIRC met with the applicant and recommended that the parties approve a 15-year abatement with 5 incremental phases; years 1-5 at 75%, years 6-10 at 50%, and years 11-15 at 25%. The agreement was then presented to and approved by the School Board on July 21st.

The specifics of the project relative to job creation and anticipated project investment can be found within the application.

### **Financial Review**

The CRA will not have a negative financial impact to the City, as this project will immediately increase property tax income in the General Fund, and only increase property tax revenue through the years based on the phased out approach.

### **Legal Review**

The matter has been reviewed, follows normal legislative procedure, and is properly before you.

### **Recommendation**

If Council is in agreement, a motion adopting Ordinance No. 2020-16 as an emergency measure is in order.

[Ordinance No. 2020-16.doc](#)

[Ordinance No. 2020-16 Exhibit A.docx](#)

**ORDINANCE NO. 2020-16**

Introduced by: Trey Hardy

**AN ORDINANCE RATIFYING THE COMMUNITY REINVESTMENT AREA AGREEMENT WITH MOBILITY WORKS GROUP, LLC; AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE COMMUNITY REINVESTMENT AREA AGREEMENT SUBSTANTIALLY IN THE FORM ATTACHED TO THIS ORDINANCE UPON EXPIRATION OF THE 14-DAY REVIEW PERIOD PROVIDED FOR UNDER SECTION 5709.83 OF THE OHIO REVISED CODE; AND DECLARING AN EMERGENCY**

**WHEREAS**, the Huron City Council (“Council”) established a Community Reinvestment Area (“CRA”) by the passage of Ordinance No. 2008-10 adopted on May 13, 2008, as repealed and readopted by Ordinance No. 2008-22 adopted July 22, 2008;

**WHEREAS**, the City has received a request for tax abatement within the CRA for construction of a new facility on property to be acquired by Mobility Works Group, LLC;

**WHEREAS**, Mobility Works Group, LLC, will construct and equip a new facility on their property located in corporate park with a total investment of approximately \$1,900,000.00;

**WHEREAS**, on July 13, 2020 the City’s Tax Incentive Negotiating Committee met to consider the proposed application, and the Committee unanimously resolved to recommend approval of the proposed tax abatement for a period of fifteen (15) years at 75% for years 1-5, at 50% for years 6-10, and at 25% for years 11-15;

**WHEREAS**, the EHOVE Joint Vocational School District and its Board of Education have been notified in accordance with Section 5709.83 of the Ohio Revised Code (Agreement Exhibit B) and given a copy of the Application; and

**WHEREAS**, the Huron City School District and its Board of Education have been notified and given a copy of the Application and a draft of this agreement and have further been notified that abatement granted under this Agreement exceeds limitations imposed by Ohio Revised Code Section 3735.671(A)(2) (Agreement Exhibit C). The Huron City School District Board of Education unanimous approved the Agreement on July 21, 2020, a copy of which approval is attached as Agreement Exhibit D; and

**WHEREAS**, it is deemed necessary in order to provide for the immediate preservation of the public health, safety and general welfare of the citizens of the City and to provide for the economic development of the City by adopting this Ordinance as an emergency measure to assure the beginning of the construction of the aforesaid facility and the timely completion thereof;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:**

**SECTION 1.** That this Council hereby approves the CRA Agreement substantially pursuant to the terms and conditions contained in each, copies of which are on file in the office of the Clerk of Council and attached to this Ordinance as Exhibit "A".

**SECTION 2.** That upon expiration of the 14-day review period relating to the notifications sent to EHOVE Joint Vocational School District and its Board of Education and the Huron City Schools and its Board of Education, the Interim City Manager be, and he hereby is, authorized and directed to execute the CRA Agreement with Mobility Works Group, LLC, which agreement shall be in substantially the form of Exhibit "A".

**SECTION 3.** That, if any section, phrase, sentence or portion of this Ordinance is, for any reason, held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 4.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law, including ORC Sec. 121.22.

**SECTION 5.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and general welfare of the citizens of Huron and for the further reason that it is necessary to enhance the economic development of the City by allowing work on the project described herein to commence without delay; **wherefore**, this Ordinance shall be in full force and effect from and immediately after its adoption.

\_\_\_\_\_  
Sam Artino, Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council

ADOPTED: \_\_\_\_\_

## COMMUNITY REINVESTMENT AREA AGREEMENT

This Community Reinvestment Agreement (“Agreement”) made and entered into by and between the City of Huron, Ohio, an Ohio municipal corporation with a Council-Manager form of government, with its main offices located at 417 Main Street, Huron, Ohio 44839 (hereinafter “City”), and Stride Mobility Group, LLC, an Ohio limited liability company (hereinafter “Company”), an Ohio Corporation presently located at 513 ½ Cleveland Rd. W., Huron, Ohio 44839, WITNESSETH;

WHEREAS, the City has encouraged the development of real property and the acquisition of personal property located in the area designated as a Community Reinvestment Area (“CRA”); and

WHEREAS, the Company desires to relocate its existing facility located at 513 ½ Cleveland Rd. W., Huron, Ohio 44839 to the Huron Corporate Park, , containing approximately 3 acres situated behind (north of) 2401 Sawmill Parkway, Huron, Ohio 44839 (hereinafter “Project”) and is further described as being Erie County, Ohio Permanent Parcel Number \_\_\_\_\_ within the boundaries of the aforementioned CRA, provided that the appropriate development incentives are available to support the economic viability of said Project; and

WHEREAS, the City Council of the City of Huron, Ohio by Ordinance No. 2008-10 adopted May 13, 2008, as repealed and readopted by Ordinance No. 2008-22 adopted July 22, 2008, designated the area as a “Community Reinvestment Area” pursuant to Chapter 3735.65, et. seq. of the Ohio Revised Code; and

WHEREAS, effective August 18, 2008, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Ordinance No. 2008-10 contains the characteristics set forth in Section 3735.66 of the Ohio Revised Code and certified said area as Community Reinvestment Area Number 043-37016-01 under said Chapter 3735.65, et. seq.; and

WHEREAS, the City of Huron, having the appropriate authority for the stated type of project, is desirous of providing the Company with incentives available for the development of the Project in said CRA under Chapter 3735.65, et. seq. of the Ohio Revised Code; and

WHEREAS, the Company has submitted a proposed agreement application (hereinafter referred to as "Application" and attached as **Exhibit “A”**) to the City of Huron; and

WHEREAS, the Company has remitted the required State application fee of \$750.00 made payable to the Ohio Department of Development with the Application to be forwarded to said Department with a copy the final agreement; and

WHEREAS, the City Manager of the City has investigated the Application of the Company and has recommended the same to the Council of the City on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in said CRA and improve the overall economic climate of the City of Huron; and

WHEREAS, on July 13, 2020, the City's Tax Incentive Negotiating Committee (the "Committee") met and unanimously voted to recommend that the Application be approved consistent with the terms enumerated below; and

WHEREAS, the EHOVE Joint Vocational School District and its Board of Education have both been notified in accordance with Section 5709.83 of the Ohio Revised Code (**Exhibit B**) and given a copy of the Application; and

WHEREAS, the Huron City School District and its Board of Education have been notified, given a copy of the Application, and informed that abatement granted under this Agreement exceeds limitations imposed by Ohio Revised Code Section 3735.671(A)(2) (**Exhibit C**) and in accordance with Ohio Revised Code Section 3735.671(A)(1) the Huron City School District Board of Education has approved the terms of the Agreement by formal resolution on July 21, 2020. Said resolution is incorporated herein by reference and attached as **Exhibit D**; and

WHEREAS, pursuant to Section 3735.671(A) and in conformance with the format required under Section 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

**Section 1:** The Company shall construct and relocate its business from 513 ½ Cleveland Rd. W., Huron, Ohio 44839 to the Huron Corporate Park, Erie County Parcel Number \_\_\_\_\_, approximately 3 acres situated behind (north of) the property located at 2401 Sawmill Parkway, Huron, Ohio 44839 Said improvements shall be constructed and equipped on land further described as being Erie County, Ohio Permanent Parcel Number \_\_\_\_\_.

The Project consists of the aforementioned construction of the 14,000 square foot facility, installation of certain new machinery, equipment, furniture and fixtures as appropriate for office and retail operations and additional inventory. The Project will involve a total investment by the Property Owner and/or Company of \$1,907,877.30. Included in this investment is \$150,000.00 for real property purchase; \$1,045,900.00 for new construction; \$160,000.00.00 for improvements to existing building site; \$215,000.00 for machinery and equipment; \$131,533.91 for furniture and fixtures; \$32,000.00 in additional inventory; and a \$ 173,433.39 as a 10% contingency. Additionally, the Project includes the transfer of existing inventory relocated from the Company's existing location.

No abatement shall be granted for the current appraised value of the existing land or the current real property improvements nor is any abatement granted for the value of machinery, equipment, furniture and fixtures or other items taxed as personal property whether currently owned or hereinafter acquired.

The Project shall commence in Fall/Winter 2020 and all acquisition, construction and installation will be completed by Spring/Summer 2021 or such later date as may be approved by formal

resolution of the Huron City Council and agreed to in writing by all parties as an amendment to this Agreement.

**Section 2:** The Company shall create, within the below delineated time frames, a minimum of five (5) new full-time permanent job positions. The Company’s projected hiring schedule for the jobs to be created is as follows:

<u>Time Period Ending</u>	<u>New Positions</u>
December 1, 2024	5 Full Time

The Company, at the date of this Agreement, has seventeen (17) full-time employees and 1 part-time employee at its existing location. The Company will transfer all seventeen (17) full-time employees and 1 part-time employee from the existing location to the Project. The existing payroll of the Company at its existing location is \$1,598,200.00.

The Company anticipates the hiring of five additional full-time professional positions upon the completion and occupancy of the new professional facility, but no later than Summer 2021.

**Section 3:** The Company shall provide to the proper Tax Incentive Review Council any information reasonably required by the Council to evaluate the Company’s compliance with this Agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised Code, employment records or any other records that may be reasonably requested by the Council or its designated representative(s).

**Section 4:** Subject to compliance by the Company in all material respects with its obligations under this Agreement, the City hereby grants to the Company a tax exemption for eligible real property improvements made to the Project Site to a maximum appraised value of \$1,045,900.00 pursuant Section 3735.67 of the Ohio Revised Code for the increased appraised valuation of property improved as a result of construction and completion of the Project as follows:

<u>Year of Tax Exemption</u>	<u>Percentage of Appraised Valuation of Real Property Improvements Exempted</u>
1	75%
2	75%
3	75%
4	75%
5	75%
6	50%
7	50%
8	50%
9	50%
10	50%
11	25%
12	25%
13	25%
14	25%
15	25%

The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. Each appraisable improvement will receive a fifteen (15) year exemption period.

No real property tax exemption for the Project shall commence after January 1, 2022 nor extend beyond December 31, 2037.

**Section 5.** It is the responsibility of the Company to file, as appropriate, an Application for Real Property Tax Exemption and Remission (Tax Form DTE 24) or any other appropriate tax forms with the Erie County Auditor to effect and maintain the real property exemption covered in the agreement.

**Section 6.** The Company hereby agrees to pay an annual monitoring fee to the Erie County Regional Planning Commission in the amount of Five Hundred Dollars (\$500.00).

The fee shall be invoiced by and be payable to the Erie County Regional Planning Commission, once per year for each year this agreement is effective and is payable as follows: The fee is to be paid in cash or by check to the Erie County Regional Planning Commission by April 15 following each year the Agreement is in effect or at such later date as may be approved in writing by the City of Huron. The fee is to be paid by check made payable to the Erie County Regional Planning Commission.

This fee shall be deposited in a special fund created for such purpose and shall be used exclusively for the purpose of complying with Section 3735.671(D) of the Revised Code and by the Tax Incentive Review Council created under Section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section.

**Section 7:** The Company shall pay such real, commercial activities tax and tangible personal property taxes as are not exempted under this Agreement and are charged against such property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns, all incentives granted under this Agreement are and shall be automatically rescinded beginning with the year for which such unpaid taxes are charged or such reports or returns are required to be filed and thereafter.

**Section 8:** The City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

**Section 9:** If for any reason the CRA designation expires, the Director of the Ohio Department of Development revokes certification of the zone, or the Huron City Council revokes the designation of the zone, entitlement granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement.

**Section 10:** If the Company materially fails to fulfill their obligations under this Agreement or if the City determines that the certification as to delinquent taxes required by this agreement is fraudulent the City may terminate or modify the exemptions from taxation granted under this Agreement.

**Section 11:** The Company hereby certifies that, at the time this Agreement is executed, they do not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which it is liable under Chapters 5733, 5735, 5739, 5741, 5743, 5747, or 5753 of the Revised Code, or, if such delinquent taxes are owed, that the Company is currently paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such petition has been filed against the Company. For the purpose of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

**Section 12:** The Company affirmatively covenants that it does not owe: (a) any delinquent taxes to the State of Ohio or a political subdivision of the State; (b) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (c) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

**Section 13:** The Company and the City of Huron acknowledge that this Agreement must be approved by formal action of Huron City Schools and the Huron City Council as a condition for the agreement to take effect. This Agreement takes effect upon such approvals by the Schools and the Huron City Council and execution by the parties hereto.

**Section 14:** The City of Huron has developed a policy to ensure recipients of CRA tax benefits practice non-discriminating hiring in their operations. By executing this agreement, the Company is committing to follow non-discriminating hiring practices agreeing that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin or ancestry.

**Section 15:** Exemptions from taxation granted under this agreement shall be revoked if it is determined that the Company, any successor property owner, or any related member (as those terms are defined in Section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Sections 5709.62, 5709.63 or 5709.632 of the Ohio Revised Code prior to the time prescribed by that division or any of those sections.

**Section 16:** The Company affirmatively covenants that they have made no false statements to the State or local political subdivision in the process of obtaining approval for CRA incentives. If any representative of the Company has knowingly made a false statement to the State or local political subdivision to obtain the CRA incentives, the Company shall be required to immediately return all benefits received under the Community Reinvestment Area

Agreement pursuant to Ohio Revised Code Section 9.66(C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to Ohio Revised Code Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code 2921.13(F)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

**Section 17:** Neither the City nor Company shall be considered in default of its obligations hereunder in the event of delay in performance of such obligations due to causes beyond its control without its fault or negligence, including but not restricted to acts of God, acts of the Federal or State government, acts of the other party, fires, floods, strikes, freight embargoes or unusually severe weather; it being the purpose and intent of this provision that in the event of the occurrence of any such delay, the time for performance of the obligations by the parties hereto shall be extended for the period of the delay.

**Section 18:** Any notices, statements, acknowledgments, consents, approvals, certificates or requests on behalf of either party shall be made in writing and addressed as follows:

**AS TO THE CITY OF HURON:**

Huron City Council  
Attention: City Manager  
417 Main Street  
Huron, Ohio 44839

with a copy to:

Erie County Regional Planning  
Attention: Enterprise Zone Manager  
2900 Columbus Avenue  
Sandusky, Ohio 44870

**AS TO THE COMPANY:**

Mobility Works Group, LLC  
513 ½ Cleveland Road W.  
Huron, Ohio 44839

or to such other contact or address as may be specified by such notice from time to time in writing.

**Section 19:** This Agreement is not transferable or assignable without the express, written approval of the Huron City Council.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, The City of Huron, Ohio by Mike Spafford, its Interim City Manager pursuant to Ordinance No. 2020-16, and MOBILITY WORKS GROUP, LLC by \_\_\_\_\_, its \_\_\_\_\_, have caused this instrument to be executed effective as of this \_\_\_\_ day of \_\_\_\_\_, 2020.

**THE CITY OF HURON, OHIO**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Mike Spafford, Interim City Manager

**MOBILITY WORKS GROUP, LLC**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Todd A. Schrader, Law Director

**EXHIBIT A**  
**INSERT CRA APPLICATION FROM COMPANY**

**EXHIBIT “B”**  
**INSERT SIGNED EHOVE NOTIFICATION**

**EXHIBIT “C”**  
**INSERT SIGNED HURON SCHOOLS NOTIFICATION**

**EXHIBIT “D”**  
**INSERT HURON SCHOOLS APPROVAL**

**EXHIBIT “E”**  
**INSERT CITY COUNCIL APPROVAL**