

THE CITY OF HURON, OHIO
Proceedings of the Huron City Council
Regular Meeting Tuesday October 10, 2017 at 6:30 p.m.

A regular meeting of the City Council of the City of Huron, Ohio was called to order by Mayor Hartung on Tuesday, October 10, 2017 at 6:30 p.m. in the Council Room of City Hall, 417 Main Street, Huron, Ohio.

The Mayor called for a moment of silence. The Mayor asked that all remember the victims in Las Vegas and recognized the passing of Mr. Mike Mulaney who served on the City's Building and Zoning Appeals Board. 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, Phyllis Wassner, Brad Hartung, Joe Dike, Sam Artino and Glen Ginesi.**

Also present: City Manager Andy White, Law Director Laura Alkire, Finance Director Cathy Ramey, Assistant to the City Manager Mike Spafford, Street Foreman Steve Didelot, City Engineer Doug Green, and Management Services Coordinator-Clerk of Council Christine Gibboney.

Approval of Minutes

Motion by Ms. Wassner that the minutes of the work session and regular meeting of September 12 and the work session meeting of September 26, 2017 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: Wassner, 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

- Lisa Koehler, 1504 Cleveland Road West: Ms. Koehler addressed City Council to express her compliant with increases to water and garbage fees. She explained she is on a fixed income and she doesn't dispose of much garbage. She asked if there was any way that her bill for garbage could be reduced; explaining that she understood that the cost is consistent for all residents and noted she doesn't believe it is overpriced, but referenced her situation and asked if any reduction could be accommodated. The Mayor replied that she was correct as far as the public bid and pricing for all residential customers, but added that Administration would follow up with her.

Old Business

Resolution 2017-67

Motion by Mr. Schaffter that the three reading rule be suspended and Resolution No. 2017-67 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL CONSULTING SERVICES AGREEMENT WITH SAWVEL AND ASSOCIATES INCORPORATED FOR THE PROVISION OF A CONSULTING ENGINEER'S REPORT (CER), IN AN AMOUNT NOT TO EXCEED THIRTEEN THOUSAND TWO HUNDRED THIRTY FIVE AND 00/100 DOLLARS (\$13,235.00)) 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, Wassner, Hartung, Dike, Artino (6)
NAYS: None (0)
ABSTAIN: Ginesi (1)

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 Law Director to read the Resolution by its title only. The Mayor asked if there was any discussion. Mr. White noted the \$13,235 will provide for a Consulting Engineer's Report that would be supporting the city's request for access to the Ohio Market Access Program which gives the city the state bond credit rating. He explained that administration believes the report will add credence to the overall project associated with the electrical substation the city will own related to the Mucci Farms operation. He added that the city is looking into various means of financing options. The Mayor asked about the language in the contract relative to the establishment of a greenhouse electric rate schedule. Mr. White noted that the city would recommend a modification to the city ordinance relative to the fee itself and instead of stating a specific use such as a greenhouse; the city would look for a qualifying volume of electricity served. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2017-67. Members of Council voted as follows:

YEAS: Schaffter, Hardy, Wassner, Hartung, Dike, Artino (6)
NAYS: None (0)
ABSTAIN: Ginesi (1)

There being a majority vote in favor of adoption, the Mayor declared that Resolution No. 2017-67 had been adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

New Business

Resolution 2017-71

Motion by Mr. Dike that the three reading rule be suspended and Resolution No. 2017-71 (A RESOLUTION AUTHORIZING THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED THIRTY NINE THOUSAND SEVEN HUNDRED TEN AND 00/100 DOLLARS (\$39,710.00) FOR ROCK SALT PURCHASED THROUGH AN AGREEMENT BETWEEN MORTON SALT INCORPORATED AND THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY FOR THE PURPOSE OF FURNISHING BULK DEICING ROCK SALT TO THE CITY OF HURON AND VARIOUS OTHER POLITICAL SUBDIVISIONS THROUGHOUT ERIE COUNTY DURING THE 2018 CALENDAR YEAR) 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, Schaffter, Hardy, Wassner, Hartung (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 Law Director to read the Resolution by its title only. The Mayor asked if there was any discussion. Mr. White noted this is annual legislation for the purchase of rock salt through a bid process conducted by Erie County. Mr. White recognized Mr. Didelot in attendance. Mr. Didelot referenced the quantity of salt the department has on hand and the funding to be incorporated for 2018. Mr. White referenced the bump outs on Main Street as it relates to snow plowing. Mr. Didelot noted that he would be placing reflective poles on these areas to help with plowing efforts on

Main Street. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2017-71. Members of Council voted as follows:

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

NAYS: None (0)

There being a majority vote in favor of adoption, the Mayor declared that Resolution No. 2017-71 had been adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution 2017-72

Motion by Mr. Hardy that the three reading rule be suspended and Resolution No. 2017-72 (A RESOLUTION AMENDING RESOLUTION 2016-53 ADOPTED JULY 12, 2016 AUTHORIZING CHANGE ORDER NO. 5 FOR ROPPER CONSTRUCTION INCORPORATED FOR ADDITIONAL LABOR AND MATERIALS RELATED TO THE, MAIN STREET STREETScape PROJECT, ODOT ERI-PID 93574, IN THE DECREASED AMOUNT OF THREE THOUSAND SIX HUNDRED THIRTY SEVEN AND 75/100 DOLLARS (\$3,637.75)) 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: Hardy, Wassner, 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 Law Director to read the Resolution by its title only. The Mayor asked if there was any discussion. Mr. White noted this resolution and the next are decrease Change Orders related to the Main Street project and recognized Mr. Green in attendance. Mr. Green referenced both Change Order 5 and 6 and noted that there will be a Change Order No. 7 that will be the final quantity adjustment on the project. He explained Change Order 5 relates to quantity adjustments. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2017-72. Members of Council voted as follows:

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

NAYS: None (0)

There being a majority vote in favor of adoption, the Mayor declared that Resolution No. 2017-72 had been adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution 2017-73

Motion by Mr. Artino that the three reading rule be suspended and Resolution No. 2017-73 (A RESOLUTION AMENDING RESOLUTION 2016-53 ADOPTED JULY 12, 2016 AUTHORIZING CHANGE ORDER NO. 6 FOR ROPPER CONSTRUCTION INCORPORATED FOR ADDITIONAL LABOR AND MATERIALS RELATED TO THE, MAIN STREET STREETScape PROJECT, ODOT ERI-PID 93574, IN THE DECREASED AMOUNT OF THREE THOUSAND SIX HUNDRED FORTY NINE AND 95/100 DOLLARS (\$3,649.95)) 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: Artino, Ginesi, Schaffter, Hardy, Wassner, Hartung, Dike (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 Law Director to read the Resolution by its title only. The Mayor asked if there was any discussion. Mr. White recognized Mr. Green who provided an overview of the scope of the Change Order, noting this relates to changing the pavement marking material from epoxy to a standard paint like what is used on all streets. He explained the epoxy painting contractor is not available to complete the project within the timeline. He noted the only issue that may affect the timeline on the marking is the paving of the section of Main Street that has been added to the project. He advised if this happens, then the city may have to come in after the contract end date and have someone else do the roadway markings. The Mayor asked about the changes that Council has asked for and status of same. Mr. Green explained 7L paving is lined up to pave from the curve at the bank south to US6 but prior to doing that the modifications to the three curb bump outs in that area will need to be completed. He explained that Smith Paving is backed up with other jobs and that it will probably be November before they can do the modifications to the curb extension areas. He explained that he will continue to touch base with Smith Paving to get a firm date. Mr. Dike asked for status on electrical lines. Mr. Green noted that the city does not have a firm date from Ohio Edison yet, but he and Mr. Spacek continue to follow up. He mentioned he thought it would be this month and would only take about a week to do. He also referenced concrete work that will need to be completed following the electrical work but advised if they don't meet the timeline of the contract end date, he would have to remove the concrete work out of Ropper's agreement and this would have to be done separately as well. In response to the Mayor regarding striping, Mr. Green stated that the North Main area could be done. Mr. Ginesi asked about the condition of the curbs in the curve area that he had mentioned previously. Mr. Green referenced previous conversation of an improvement being planned for this area next year. Mr. Ginesi asked that rather than waiting on the improvement, could a concrete repair be made in the meantime. The Mayor and Mr. Green noted the truck traffic that routinely run over and damage the curbs in the curve area. Mr. Ginesi asked about possibly prohibiting truck traffic on Main Street and routing trucks down Williams Street. Brief discussion ensued and it was noted this could be done, but would have to be reviewed and legislatively authorized. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2017-73. Members of Council voted as follows:

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

There being a majority vote in favor of adoption, the Mayor declared that Resolution No. 2017-73 had been adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution 2017-74

Motion by Mr. Schaffter that the three reading rule be suspended and Resolution No. 2017-74 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL AND ENTER INTO AN AGREEMENT WITH OHM ADVISORS FOR THE PROVISION OF CONSTRUCTION ADMINISTRATION, MANAGEMENT AND INSPECTION SERVICES FOR THE ANDREW L. FABENS –ADAMS AVENUE ENTRANCE PROJECT, AT A COST NOT TO EXCEED NINETEEN THOUSAND NINE HUNDRED FORTY 00/100 DOLLARS (\$19,940.00)) 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, Wassner, 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 Law Director to read the Resolution by its title only. The Mayor asked if there was any discussion. Mr. White recapped the project scope, funding, and the OHM fee for the Construction Administration, Management and Inspection services. Mr. Green added that the OHM fee is roughly 7% of the bid and noted the project is slated to begin in late October and the project will be completed in May 2018. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2017-74. Members of Council voted as follows:

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

NAYS: None (0)

There being a majority vote in favor of adoption, the Mayor declared that Resolution No. 2017-74 had been adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Ordinance 2017-39

Motion by Mr. Hardy that the three reading rule be suspended and Ordinance 2017-39 (AN ORDINANCE AMENDING ORDINANCE NO. 2016-32 ADOPTED DECEMBER 27, 2016 RELATING TO EXHIBIT "A" APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2017) 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: Hardy, Wassner, 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 Law Director to read the Ordinance by its title only. Mr. White reviewed the revenue and expense entries on Exhibit "A" of the Ordinance. There being no discussion, the Mayor directed the Clerk to call the roll on the final adoption of Ordinance 2017-39. Members of Council voted as follows:

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

NAYS: None (0)

There being a majority vote in favor of adoption, the Mayor declared that Ordinance 2017-39 had been adopted. The Ordinance as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

City Manager's Discussion

- **Mucci Farms Update:** City was notified that the Township Trustees voted in objection of the annexation petition at their regular meeting on Monday and stated that he was advised additionally that on Thursday they voted in a work session to do the same thing. Mr. White noted that the annexation petition being objected to can't stop the process, adding that there are only seven conditions to base an objection on and none of those were met. He did note however the objection can cause a delay in the process. He noted administration continues to work with Mucci's attorney and noted he did contact the Clerk of the Erie County Commissioners and confirmed they do not have a meeting scheduled until October 19th at which time the city hopes Erie County would set the public hearing date. He referenced the timeline of the process which impacts the city being able to facilitate what Mucci Farms requires in advance of operations in 2018. Mr. White referenced that the city would have preferred the Township taking action at a

regular meeting and noted that he and the Law Director have had conversation as to whether the action had any merit since it was done in a work session. Mr. White noted the action of objection by the Township was not anticipated. Mr. White referenced the substation financing and the several options that have been discussed. He referenced an opportunity for financing through a capital group out of Columbus who are interested in potentially financing the project. He noted this company is familiar with this type of infrastructure project and would take the lead. He explained instead of the city managing a public power contract, the city would enter into a ground lease for 30 years with the end user which would take the liability off the city and would also allow the city to divert utility funds into a designated Council chosen fund. He referenced this was an option discussed with the Finance Committee. He noted administration has requested a proposal for Council consideration. Mr. White noted he wished to speak with Chris Jones, attorney for Mucci Farms, in terms of timelines for the annexation and to confirm the timeline relative to building construction and explained that direction is needed from Council with regard to the city being able to accommodate the timeline.

- Provided report on the meeting of the Economic Development Committee relative to the discussion of the potential opportunity for railroad property acquisition. He referenced the differing opinions of Council members on property acquisitions, but noted administration is just exploring the opportunity at this time. He noted he has spoken to the owner of the Burger King building and they advised there has been an offer made on their facility.
- Main Street: Mr. White thanked Mr. Green for his assistance in working with Administration to prepare a lighting plan package for Council review. He distributed the lighting plan and fixture detail and review ensued. Mr. White explained at this point he is recommending focus on the area of Cleveland Road West north to the Pier with 14 new poles and lighting fixtures, noting the funding available within the budget. He referenced Mr. Spacek's previous recommendation to retain the existing poles in the area in front of City Hall north toward Cleveland Road West and just adding the arm and fixtures. Mr. White noted that he took inventory and there are actually 28 of these older existing poles. The Mayor and Mr. White referenced concerns with retaining the old poles and attaching the arm and fixtures to them, noting the age and condition of the poles. The cost savings in retaining the old poles was noted, however, stability issues, appearance and continuity were concerns expressed. There was discussion that if the city chooses to replace these poles with new poles then a reduction in the number of poles to 18 would be proposed. These 18 new poles and fixtures would cost approximately \$162,000. Mr. White pointed out that at this time, barring any objections, he would move forward with the approval of the north section at a cost of \$172,000. He noted that the old section probably cannot be done with the new lights in 2017. Also noted was that there is tree trimming and/or removal that is anticipated. Mr. Artino noted he didn't realize the concerns in utilizing the old poles during the previous discussion, but now would support approving all new poles and fixtures along Main Street, and understands that Mr. White will have to work within the timeline for what can be accomplished this year. Noting no objections by members, Mr. White noted he would make the call to confirm the purchase of new poles and fixtures for the north section of Main Street and referenced Council's desire that new poles and fixtures are desired throughout the project. Mr. Artino and Ms. Wassner commented on the condition of the lighting at the Boat Basin Amphitheater, noting that many of these globe lights are not working and some globes are damaged. Mr. White noted that he was aware of this and that was being looked at under the Boating Infrastructure Grant opportunity. Mr. Spafford provided a status on Main Street enhancements: brick dumpster enclosure & gate, brick knee wall area, received quotes for lettering, landscaping of areas. He referenced the additional architectural detail and gate for the Clock Tower.
- Liberty Development Update: Environmental reporting is almost complete; geotechnical underway. Provided update on the GeoGradel Company who is working with the Corps of Engineers on the CDF and utilizing a portion of the site for staging equipment for a period of 30 days: The city asked that in exchange for staging access, that they consider removing the stone on

site. He noted GeoGradel confirmed they can remove approximately 50% of the stone and administration is looking into options for the removal of the remaining stone.

- Municipal Building roof replacement underway.
- Referenced the Council correspondence packet: Email from Angela Fraifogl of Huron Podiatry expressing displeasure in learning of OPC LLC's location in Corporate Park following information released by the Department of Commerce relative to the 109 applicants for the statewide manufacturing of medical marijuana. The email also referenced her experience with their property purchase. Mr. White noted he intends to contact Huron Podiatry to explain and discuss the matter and noted for the record that the city worked with Huron Podiatry for seven years and met on several occasions relative to their property and tax abatement application. Email from Mr. Jerry Weyer over with traffic concerns with the merge onto Route 2 area - he is suggesting surveillance in the area due to excessive speed (the Mayor read the email), and Ms. Norma Chambers submitted correspondence relative to the due date of water billing. Mr. Ginesi, referencing Mr. Weyer's inquiry, suggested that perhaps the addition of signage with radar to detect speed may be a deterrent. He stated that he would like to know what these may cost. A discussion regarding this location and speed issues ensued.
- Referenced a Columbus Dispatch article relative to the State's efforts to affect municipal income tax collections. He noted he would forward the email. Mr. White noted 70 municipalities that are taking legal action against the state relative to this action.
- US 6 Corridor Plans/Public Meeting- The two plan options were distributed to members. Public Meeting legal advertisement and procedure mandated by ODOT underway. Mr. White advised of the strict timeline for the final plans to be submitted to ODOT. Mr. Green noted the public meeting is November 16 at the Huron Library. Legal notice to be published, notice to be posted on website, social media, and mailings to businesses owners and residents with driveways on US 6 along the corridor. He reviewed the ODOT requirements for public meetings. Mr. White noted he would also be talking to the Sandusky Register in the hopes to have an article as well. Mr. Green noted the plans reflect the directive of Council: one reflects the improvements along the corridor with the road markings as they are now and the other reflects the same improvements but with the addition of bike lanes. He noted that large scale plans will be on display at the public meeting where the public can ask questions of the engineers and comment cards will be available for public input.

Mayor's Discussion

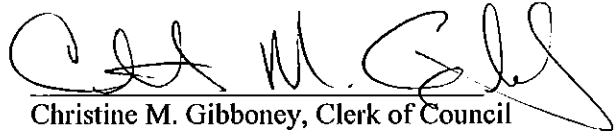
- Referenced Candidates Night to be held on Thursday, October 19th at McCormick and the Boardwalk Bar Scramble being promoted by the Chamber of Commerce.

For the Good of the Order

- Mr. Ginesi noted he continues to receive questions from neighbors about a home with property maintenance violations and asked that he be provided a narrative report on the process and status of the house on Shawnee Place.
- Mr. Artino referenced people having issues with some election signs he had placed and explained that he had spoken to the Mayor ahead of time to get permission, noting there appears to be some disagreement over the language in the code. The Mayor confirmed that Mr. Artino had contacted him and they spoke of signage placement, specifically at 508 Main Street. He referenced the email the Clerk had sent out with the current ordinance language. The Mayor referenced the code is clear relative to prohibiting signage placement in the right of way areas, but explained that he personally does not have a problem with signs on the grass at 508 Main Street, adding that he would not mind if any candidate wants to place signage there. He referenced the language in the city code, but also pointed out that many times the city itself is often not in compliance with the code relative to signage. The Mayor talked about the First Amendment with regard to political

signs, stating that he would support it if the city just needs to amend the language in the ordinance. He noted that Mr. Artino has his support in the placement at the 508 Main Street location. Mr. White noted that this has been discussed internally, adding that while there hasn't been a lot of inquiry, there has been some, relative to compliance and he explained that the email was sent out to get out ahead of any potential conflict. Mr. White noted that it puts staff in a strange position as to what is allowed and compliance efforts and would open up public property to all signage. Mr. White noted staff was just seeking direction as to what Council wants done. Ms. Alkire referenced the two main issues: public property and right of way placement. She noted that language in the code is clear that signage should not be placed in the right of way. Ms. Alkire explained if Council wants to allow signage on public property, while there are First Amendment protections for electoral speech, the municipality can govern the location of political/election signage. The Mayor commented that he didn't know if this requires an amendment as it is not a priority and the city routinely violates the ordinance itself. Mr. Artino noted he just wanted to clarify his actions and make sure that everyone knew that he had checked with the Mayor before placement of his signage. Mr. Dike inquired as to what happens if signs are placed at the City Building or Fire Department – where will the city draw the line regarding public property. The Mayor noted he does not believe this is an issue. Ms. Wassner asked if she was then allowed to put her election sign at 508 Main Street with the Mayor's permission. The Mayor confirmed so.

There being no further business to come before the Council, the Mayor declared the regular meeting adjourned at 7:48p.m.



Christine M. Gibboney, Clerk of Council