

THE CITY OF HURON, OHIO
Proceedings of the Huron City Council
Regular Meeting Tuesday, February 12, 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 February 12, 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, and City Engineer/Zoning Inspector Doug Green. Also in attendance: Attorney Jeff Kay. Note: Mr. Spafford acted as Clerk of Council at the meeting.

Approval of Minutes

Motion by Mr. Dike that the minutes of the regular meeting of December 11, 2018 and the special meeting of December 20, 2018, 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, Schaffter, Hardy, Crawford, Hartung (7)

NAYS: None (0)

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

Audience Comments

- John Zimmerman, Building Official-City of Huron/Huron Township. Mr. Zimmerman referenced a memo he had provided to City Council regarding the Township involvement in the Mucci Farms development. Mr. Zimmerman provided a summary of the memo; explaining the township became involved on Sept. 1, 2016 with a meeting of city officials, township officials, and legal advisors, relative to the review of the development and advisement that there would be an annexation request. He referenced the annexation process, and explaining while not unanimous, the Township Trustees voted not to contest the annexation. He referenced the annexation process was estimated to take 45 days, but took over a year, noting that Mucci Farms had permission from BGSU to start building before the sale, explaining this added to the issues. Mr. Zimmerman explained he had contacted the engineering firm hired by Mucci Farms to request a larger set of plans for building review, and was advised they were claiming an agricultural exemption. Mr. Zimmerman referenced contacting the Prosecutor and the Ohio Board of Building Standards, who confirmed the development is agricultural, and in response to his question of the shipping/receiving and dormitory areas; was advised shipping/receiving was an accessory use, and the dormitory is designated as an agricultural labor camp which is exempt from both the Building and Fire Codes. He explained the Township Zoning Code follows the ORC, as they are not a home rule Township, and the ORC states that as agricultural it is exempt from zoning, and as previously noted exempt from the Building and Fire Codes. He noted Mucci

Farms has allowed the Huron Fire Department to come in and perform inspections in the dormitory and they have made changes as suggested. He reported the Department of Health regulates agricultural labor camps. Mr. Zimmerman referenced that the Township hands were tied from the beginning due to the fact of the exemptions in the code for Townships, but explained they are not exempt from City Zoning, but are exempt from the Building Code within the city. In response to a question from Mr. Dike, Mr. Zimmerman referred to the definition that he supplied Council, confirming that Mucci Farms is designated agricultural and reminded members that Zoning and Building are two completely different things. The Mayor reference the legislation being created related to lighting regulations and mentioned the next steps going forward for the subsequent phases of development. Members thanked Mr. Zimmerman for attending.

- Nick Katsaros, First Energy. Mr. Katsaros introduced himself to Council as the new area representative for First Energy, provided a brief background, distributing his contact information and welcoming Council to contact him with any questions.
- Chuck Allendorf, 820 Lakeway. Mr. Allendorf referenced his dissatisfaction with the service from Buckeye Cablesystem sharing his experience with them over the last 12 months and referencing the monopoly they have in the city. The Mayor referenced discussions relative to research into municipal broadband, noting estimated costs of \$10 to \$15 million dollars for infrastructure upgrades. Mr. Spafford reviewed the preliminary research to date, discussions at committee levels, and noting the first step recommended would be a feasibility study. Mr. White clarified that the franchise agreement between the city and Buckeye is non-exclusive, but explained the cable company installed the infrastructure and therefore if another company were to come in they would have to install their own or negotiate with the service provider. He referenced the discussion/research with regard to looking into municipal broadband, but noted there is no quick answer to this issue. Mr. Allendorf volunteered to help in any way as he stated something needs to be done. Mr. Ginesi reported discussion at the EDC level and suggested that Mr. Allendorf read the minutes when available. Mr. Allendorf also reported on the lack of city service with regard to street sweeping, leaf pick up and snow removal services on Lakeway, citing obstructions within the right of way (trees, fencing, landscaping) causing the narrowness of the roadway and the need for code enforcement to have these issues addressed. The Mayor noted he would look into the matter and get back with Mr. Allendorf.
- Joe Catri, 902 Superior. Mr. Catri referenced his disappointment with the settlement agreement relative to the Huronia Beach right of way lawsuit, stating that the agreement does not provide anything that was promised and questioned the terms of the agreement. A brief dialogue ensued between Mr. Catri, the Mayor, and Attorney Jeff Kay with regard to what can/can't be done on the city property. Mr. Catri expressed his dissatisfaction with the terms. The Mayor recapped the proceedings through the court and the terms of the agreement, noting that Attorney Mr. Kay will review the agreement terms during discussion of the legislation.
- Stacy Hinners, 1130 Mudbrook Road. Ms. Hinners addressed Council regarding the workers compensation proposed settlement with former HFD Firefighter, Mr. Monty Tapp; providing a summary of Mr. Tapp's employment with the HFD, his service to the community, and his injury on the job. She referenced he was rendered disabled by the state Fire Pension Board and has had a pending workers compensation claim with the city for many years. She stated a settlement was proposed, and referenced an email from CompManagement to the city which she stated recommended the settlement and advised the city that this would not cost anything to the city or effect the city's rating. She stated the settlement was denied, suggesting her theory that this denial was retaliatory in nature by Mr. White against Mr. Tapp. Ms. Hinners recommended City Council approve the settlement, do the right thing and give Mr. Tapp the money he is owed, referencing the city is inviting liability as this is considered first amendment retaliation and a federal violation.

- Jason Hinnners, 1130 Mudbrook Road. Mr. Hinnners referenced the recent article in the *Sandusky Register*, entitled “2018 A Year of Progress” Mr. Hinnners proceeded to read parts of the article, critiquing and taking issue with several statements made by Mr. White within the article, citing the issues and public concern in 2018 including: the lack of transparency in providing the public with information relative to the medical marijuana facility plans, providing OPC confidentially, lack of information on agendas, meeting minutes, and unlawful use of executive sessions. Mr. Hinnners referenced and cited several emails with regard to confidentially provided to OPC, disagreed with statements made in the article relative to the Mucci Farms lighting pollution issue, and referenced the confidentially provided to Mucci Farms as well. Mr. Hinnners referenced the city’s use of the marketing/public relations firm, Studio Think, specifically citing the use of tax payer money for the services of a firm to counter residents and influence Council on the topic of a private medical marijuana company. Lastly. Mr. Hinnners noted the increase of public attendance, and engagement with regard to city operations noting he believes this will lead to public accountability in this election year.

New Business

Resolution 2019-4

Motion by Mr. Schaffter that the three reading rule be suspended and Resolution No. 2019-4 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD THE BID AND ENTER INTO AN AGREEMENT WITH DELLINGER EXCAVATING FOR LABOR AND MATERIALS RELATED TO THE WHEELER DRIVE CULVERT REPLACEMENT PROJECT IN AN AMOUNT NOT TO EXCEED TWO HUNDRED TWENTY FOUR THOUSAND NINE HUNDRED FORTY THREE AND 00/100 DOLLARS (\$224,943.00)) 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, 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 reviewed the issue with the culvert failure on Wheeler Drive, the recap of efforts in securing emergency funding from the OPWC, and noting a total of six (6) bids were received. Mr. Green noted the bid is roughly \$50,000 under the project estimate and weather permitting; the project would start within the next couple weeks and take approximately 2 months to complete. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2019-4. 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. 2019-4 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution 2019-5

Motion by Ms. Crawford that the three reading rule be suspended and Resolution No. 2019-5 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL AND ENTER INTO AN AGREEMENT WITH BIS DIGITAL INCORPORATED FOR THE PROVISION AND INSTALLATION OF A DIGITAL COURT RECORDER SOFTWARE SYSTEM AND AMPLIFICATION SYSTEM IN AN AMOUNT NOT TO EXCEED TWENTY

THOUSAND THREE HUNDRED TWENTY SEVEN AND 51/100 DOLLARS (\$20,327.51)) 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: Crawford, Hartung, Dike, Artino, Ginesi, Schaffter, Hardy (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 past discussion relative to improved communications and public information, explaining approval of this proposal would provide updates to the recording software that would provide features to aid in expedience, and would provide amplification to Council Chambers. He referenced Municipal Court would be sharing costs as the recording software is used by Municipal Court as well. Mr. White noted administration is recommending approval pursuant to Council discussion for improvements. The Mayor referenced that this agreement would also allow for a second license in order for meetings to be recorded in the small conference room and recapped the need for amplification in Council Chambers. He referenced discussions related to transparency and explained that in an effort to get meeting information out to the public sooner, the audio of meetings will be posted to the city website. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2019-5. Members of Council voted as follows:

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

NAYS: None (0)

There being a majority vote in favor of adoption, Resolution No. 2019-5 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution 2019-6

Motion by Mr. Dike that the three reading rule be suspended and Resolution No. 2019-6 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MUTUAL RELEASE AND SETTLEMENT AGREEMENT AND LICENSE AGREEMENT BETWEEN THE CITY OF HURON AND THE JEAN M. STEWART TRUST, DANIEL STEWART, DESTINY VESTING, LLC, JAMES SEITZ, JR., AND JACKY SEITZ RELATIVE TO THE CITY'S RIGHT OF WAY LOCATED ON HURONIA BEACH DRIVE.) 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, Ginesi, Schaffter, Hardy, Crawford, Hartung (6)

NAYS: Artino (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 City Manager to read the Resolution by its title only. The Mayor asked if there was any discussion. Mr. White recognized Attorney Jeff Kay in attendance, and referenced a December meeting with Magistrate Bechtel explaining Administration, Mr. Kay, and several members of Council attended this meeting at which time the case against the city was reviewed and terms reached which all parties in attendance agreed to. Mr. Kay provided a summary of case and lawsuit, noting the basis of the case was the neighboring property owners desire to take the public property from the city and recapped the history of the property. He reviewed the terms of the settlement and license agreement, explaining the property is still city owned property and the agreement provides terms for the limited use of the property. In response to questions by City Council members, Mr. Kay clarified the terms of the agreement, noting this is city property and the license agreement defines what the property

owners can do, and noting it would be the city's right of enforcement in the event of any violations. Addressing questions about the property owner's ability to plant trees on the property, Mr. Kay explained they cannot do so without city approval. The Mayor asked about the re-placement of the large rocks, Mr. Kay recommended they be placed back in the location where they were. In response to several questions relative to potential city improvements being made on the site, Mr. Kay stressed this is city property and the city can make any improvements desired on its property, referenced the importance of the protection of the shoreline, and the provision of public access. Members and Mr. Kay reviewed the agreement relative to the right of transfer within the agreement. Pursuant to a request by Mr. Ginesi, Mr. Kay explained the basis of the lawsuit, the request for vacation, the statutory authority related to the suit, and the past history with the property. Mr. Artino referenced Section 6 of the agreement, stating this puts the burden on the city to monitor the sale of the property, and stating in his opinion the city is rewarding people who are violating city codes. Audience members questioned Mr. Kay relative to the ORC, a brief discussion ensued. The Mayor summarized the history of the property, and the subsequent legal action taken. Mr. Kay referenced that ORC 723.09 is the statute providing them the right to bring this action, noting this was not an adverse possession situation. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2019-6. Members of Council voted as follows:

YEAS: Dike, Ginesi, Schaffter, Hardy, Crawford, Hartung (6)

NAYS: Artino (1)

There being a majority vote in favor of adoption, Resolution No. 2019-6 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution 2019-7

Motion by Mr. Dike that the three reading rule be suspended and Resolution No. 2019-7 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO RE-ENROLL AND EXECUTE PAYMENT TO COMPANAGEMENT, INC., OF DUBLIN, OHIO, FOR THIRD PARTY ADMINISTRATION SERVICES RELATING TO THE 2019 - 2020 WORKERS COMPENSATION GROUP RATING ENROLLMENT PROGRAM IN THE AMOUNT OF THREE THOUSAND FOUR HUNDRED NINETY 00/100 DOLLARS (\$3,490.00) 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: Dike, Ginesi, Schaffter, Hardy, Crawford, Hartung (6)

NAYS: Artino (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 City Manager to read the Resolution by its title only. The Mayor asked if there was any discussion. Mr. White referenced the executive summary explaining CompManagement is the city's third party administrator who provides claim overview and consulting services relative to workers compensation claims and reviewed the projections relative to group rating for 2020. Mr. Artino stated he has a concern with the payment of \$50,000 to this company, stating that CompManagement appears to be sending mixed messages in the matter of the Monty Tapp settlement agreement, stating that Mr. White has stated that CompManagement had advised against agreement to the settlement but Mr. Artino referenced the letter from CompManagement stating that the settlement doesn't affect the city's premium. **Motion by Mr. Artino to table Resolution 2019-7 until a representative from CompManagement can explain their recommendation relative to the Monty Tapp settlement agreement.** Discussion ensued relative to the due date for renewal. Mr. White stated as he understands it, the decision on the BWC settlement agreement has nothing to do with the city; the city is provided a due process to accept, reject or abstain. He explained in December, the Law Director contacted

CompManagement and requested an opinion on the matter, noting the OBWC provides the city a 30 day period to review and respond, but it is not binding to their decision. He pointed out the city was in late in response but was advised to file it regardless, noting as he understands it, it does not have a bearing on OBWC's decision. Mr. Ginesi agreed with having CompManagement come in, but clarified for the record, this resolution relates to renewal with CompManagement for third party administration and the 2020 group rating program. He addressed Mr. Artino and noted that CompManagement is paid \$3,490, not \$50,000; the premium to OBWC is \$50,000. There being no further discussion, the Mayor directed the Clerk to call the roll on the motion to table.

YEAS: Artino, Dike (2)

NAYS: Ginesi, Schaffter, Hardy, Crawford, Hartung (5)

There being less than a majority in favor, the motion to table failed. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2019-7. Members of Council voted as follows:

YEAS: Ginesi, Schaffter, Hardy, Crawford, Hartung (5)

NAYS: Dike, Artino (2)

There being a majority vote in favor of adoption, Resolution No. 2019-7 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution 2019-8

Motion by Mr. Schaffter that the three reading rule be suspended and Resolution No. 2019-8 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A COMMUNITY HOUSING IMPACT AND PRESERVATION PARTNERSHIP (CHIP) AGREEMENT BETWEEN THE CITY OF HURON, ERIE COUNTY, THE CITY OF SANDUSKY, AND THE CITY OF VERMILION IN SUPPORT OF AN APPLICATION TO THE STATE OF OHIO FOR CHIP PROGRAM FUNDING.) 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 expressed recommendation to participate in the program again this year. Mr. Green provided overview of the grant program, and recapped details from last year's program. He explained this grant would dedicate \$300,000 to Huron for low to moderate income families, or landlords of low to moderate income families, for emergency home repairs. He referenced the benefit this program provides relative to zoning enforcement for those that qualify. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2019-8. 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. 2019-8 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Ordinance 2019-1

Motion by Mr. Hardy that the three reading rule be suspended and Ordinance 2019-1 (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 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, 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 Law Director to read the Ordinance by its title only. The Mayor asked if there was any discussion. Mr. White referenced the executive summary and provided a review of the revenue and expense entries appearing on Exhibit "A" of the ordinance. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Ordinance 2019-1. 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, Ordinance 2019-1 was adopted. The Ordinance as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Ordinance 2019-2

Motion by Mr. Schaffter that the three reading rule be suspended and Ordinance 2019-2 (AN ORDINANCE ESTABLISHING THE SALARY OF THE CITY MANAGER, 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: Schaffter, Hardy, Crawford, Hartung, Dike, Ginesi (6)

NAYS: Artino (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 Ordinance by its title only. **Motion was made by Mr. Schaffter that Ordinance 2019-2 be passed as an emergency measure.** The Mayor asked if there was any discussion. There being no discussion, the Mayor directed the clerk to call the role on the motion. Members of Council voted as follows:

YEAS: Schaffter, Hardy, Crawford, Hartung, Dike, Ginesi (6)

NAYS: Artino (1)

There being five or more votes in favor of the motion, the Mayor declared the motion passed on the emergency measure. The Mayor asked if there was any discussion. Mr. White explained this is annual legislation that sets the salary for the City Manager in accordance with the adopted budget, noting the salary reflects the 3% raise consistent with the rest of administration, totaling \$112,361.60. Mr. Artino asked if this ordinance reflects a bonus; the Mayor and Mr. White responded the bonus is not inclusive in the salary. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Ordinance 2019-2. Members of Council voted as follows:

YEAS: Schaffter, Hardy, Crawford, Hartung, Ginesi (5)

NAYS: Dike, Artino (2)

There being a majority vote in favor of adoption, Ordinance 2019-2 was adopted. The Ordinance as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Motion to refer a rezoning application to the Planning Commission

The Mayor referenced the receipt of a rezoning application from Mucci Farms, 1101 Rye Beach Road, from R-1 to B-3 PUD.

Motion by Mr. Dike to refer this re-zoning application to the Planning Commission. Mr. Dike then asked for an explanation of the process as he noted individuals have expressed concerns. The Mayor reviewed the process per the code: the application is received and referred by City Council to the Planning Commission, the Planning Commission will schedule a public hearing on the matter for 30 days out with notices mailed to those 150' from the parcel, Planning Commission will hold the public hearing and will make a recommendation back to Council, Council will then set a public hearing and consider the legislation. In response to a question by the Mayor, Mr. Green noted that the plans have not been submitted to date, but are anticipated soon and noted that the public hearing in the Planning Commission will be set for March 27, 2019.

Mr. Ginesi asked Mr. White if administration had an estimated date for the greenhouse lighting regulations. Mr. White explained he would like the legal consultants to come back to the next meeting and provide a report. He reviewed the timeline for Phase 2 of Mucci Farms referencing completion of Phase 2 construction in December 2019 for a crop planting in January 2020. He noted the city is working internally with Zoning and Building as well as the legal consultants for the modifications to the code. In response to a question from Mr. Dike, Mr. White noted the regulations would be city-wide, not specific to Mucci Farms. The Mayor cautioned it may take time to create the regulations and explained the legislation should be read on three readings, noting his concern with the timelines, commenting that Mucci Farms must correct the light issue first and the legislative process may not accommodate Mucci's schedule. Mr. Dike referenced the notable improvements with regard to lighting, but acknowledged the need to have regulations. Discussion ensued relative to the improvements that Mucci has made, the reasons for potential failures with the systems, and the need for the regulations. Mr. Ginesi noted that he wants to make sure that terms of the PUD require them to accept the conditions of the regulations, if the regulations are not yet adopted, and referenced this was discussed with legal counsel who agreed this could be done. Mr. White referenced that the schedule determined internally is conservative and should be able to accommodate the timeline.

There being no further discussion, the Mayor asked the Clerk to call the role on the motion. Members of Council voted as follows:

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

NAYS: None (0)

There being a majority vote in favor of the motion, the motion passed and application referred to the Planning Commission.

City Manager's Discussion

- City was contacted by OEPA relative to interest in a meeting pertaining to the 2019 dredging program. OEPA, Army Corps of Engineers, and The Great Lakes Initiative have identified Huron as a potential area for discussion of possible repurposing of dredging material.

- Chamber of Commerce has proposed a 2019 Lake Front Market event. Recapped last year's event details and noted further information is anticipated.
- Public art/signage initiatives for the Pier and ConAgra continue to be discussed.
- Ord. No. 2002-27 – City's franchise agreement with Cablesystem is a non-exclusive franchise agreement which will expire in a few years. Relative to municipal broadband, the first step would be a feasibility study, explaining, as the city understands it, the infrastructure is owned by Cablesystem/Buckeye Cable. He referenced the issue of not knowing what service may come in at the termination of the agreement and advised of not knowing the path forward from a budgetary standpoint, or the operation of this type of utility.
- Executive Session being requested for the purpose of pending litigation with Attorney Jeff Kay.

Mr. Artino asked that a CompManagement Representative come to a Council meeting to explain their position relative to the BWC settlement agreement. Mr. Ginesi noted his agreement.

Mr. Artino referenced City Council's previous request to order in legislation relative to medical marijuana processing and cultivation facilities and asked for status. The Mayor noted that the former Law Director had started working on the legislation and suggested this work would be resumed when a new Law Director is in place.

Mayor's Discussion

- Referenced emails from resident Jerry Weyer acknowledging and pleased about the amendments made to the Zoning Code relative to ditch maintenance. Mr. Weyer wants to re-visit and discuss the undersized Norfolk Southern railroad culvert, referencing a map he received from Perkins Township, and sharing his concern for a situation in which a train derailment and a flood situation on Bogart Road would prevent Safety Services from responding to the area. The Mayor noted that this topic has been discussed 3-4 times in the last 10 years and there has not been support for the effort. He referenced the existing structure and the regulations Mr. Weyer is citing when the other culverts were changed. He asked members to voice their opinion on whether to look into this topic. The Mayor referenced the recommendation from engineering the last time this inquiry was made which was if the culvert was failing, then the changes would be incorporated when designing the replacement. A lengthy discussion ensued relative to discrepancies in the FEMA map, and the need for a topography study to be commissioned of the ditch area at Bogart Road to the RR tracks to determine the actual flood plain if Council wished look into the matter. Mr. Green noted he could talk to engineers at OHM, but referenced the previous inquiry and research into the matter, noting that he and engineer Gene Esser had determined that the city can enlarge the culvert, but all costs would be on the city. Mayor Hartung read part of the email from Mr. Weyer relative to his concern that safety services would not be able to reach residents in the event of a flood and train derailment and his frustration with lack of action by the city. Mr. Ginesi acknowledged Mr. Weyer's concern, but suggested establishing a contingency plan to deal with such an emergency. The Mayor noted the storms being referenced by Mr. Weyer were in 1913, 1966 the last one in 1969, explaining they were all 500 year storms; the standard is a 100 year storm. Discussion continued on the FEMA Map discrepancies and safety services capabilities in the event of an emergency. Mr. Ginesi noted he would support a contingency plan but was not in favor of looking into the culvert matter further. HFD Captain Kurt Schaffer noted that Safety Services has contingency plans for emergencies and noted the operation/availability of Fire Station 2 as well.

For the Good of the Order

- Mr. Ginesi noted he would not be at the group work session on Feb. 23rd, but noted he would provide his list of goals/objectives.

- Mr. Dike referenced attendance at his first meeting of the Huron Joint Port Authority, noting the committee would be meeting quarterly and invited members to contact him with inquiries or items for discussion. Thanked all for coming and sharing comments.
- Ms. Crawford provided a brief report from the Safety Committee: Awaiting information on the ODNR grant award for buoys, discussion on the need for staffing in Services Department. She referenced the Finance Committee held earlier, noting they discussed the topic of the failure of the expansion of bed tax to transient rentals in the city, noting the county has implemented and is collecting their 4%, and recommended this topic be revisited. The Mayor agreed the matter should be discussed, explaining he voted against the legislation as he had concern with the lack of a specified use for the revenue to the Parks & Recreation Department. He referenced the topics of wayfinding signage and advertising that was mentioned, and pointed out that there may be the need for more than a 3% tax to accommodate these items, and agreed the matter needs to be revisited. It was suggested that this be discussed at the EDC level as well as the group work session on February 23rd. Ms. Crawford noted her agreement in having a Representative from CompManagement come to Council to explain their recommendation relative to the BWC settlement agreement.

Executive Session

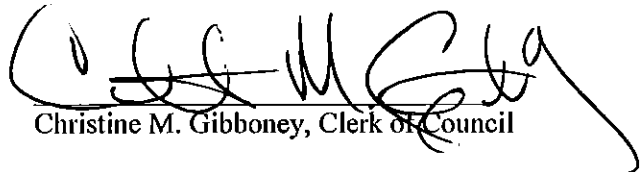
Motion by Mr. Hardy that the regular meeting of February 12, 2019 be recessed for the purpose of holding an executive session to discuss ongoing litigation. The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

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

NAYS: (0)

There being a majority voting in favor of the motion, the Mayor declared the motion passed and the executive session to order at 8:16p.m. The City Council members in attendance, City Manager, and Attorney Jeff Kay attended to discuss ongoing litigation. The Mayor declared the regular meeting of February 12, 2019 reconvened at 8:52.p.m.

There being no further business to come before the Council, the Mayor declared the regular meeting of February 12, 2019 adjourned at 8:52p.m.



Christine M. Gibboney, Clerk of Council

Minutes prepared from audio and Administrative notes.