

THE CITY OF HURON, OHIO
Proceedings of the Huron City Council
Regular Meeting Tuesday, January 22, 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 January 22, 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, City Engineer/Zoning Inspector Doug Green, and Management Services Coordinator-Clerk of Council Christine Gibboney. Also in attendance: Thomas Lee and Josh Mandel, of Taft, Stettinius, & Hollister.

There were no minutes available for approval, and no Audience Comments made; the next item on the agenda was Old Business.

Old Business

Mucci Farms Light Emissions

The Mayor referenced discussion and action at the last meeting to order in legislation relative to a moratorium appearing on tonight's agenda (Ordinance 2019-3). Mr. White introduced special Counsel, Mr. Tom Lee and Mr. Josh Mandel, who have been retained by the city relative to Council direction and are in attendance to explain the legislation. The Mayor noted several members of Council met with Mucci officials to address the matter. Mr. Dike reported on the meeting referencing the remedy options Mucci has researched, the noticeable change recently with regard to the emissions, comments by Mucci of the learning curve with the ventilation issues contributing to the light emissions, the October to April time frame that lighting is used and his continued contact with members in the community affected by the light pollution. Ms. Crawford referenced discussion at the work session meeting prior to this meeting, noting Mucci had been working on solutions to the problem and have expressed concern with regard to the relationship with the community as they want to resolve the issue as well. Mr. Ginesi noted this is a ventilation problem and feels it can be solved, noting that Mucci Farms is working on the matter. Mr. Ginesi noted that the city still does need to have citywide regulations with regard to light pollution in general. Mr. Artino commented that he would like to invite Mr. Mucci to speak. Mr. Burt Mucci of Mucci Farms addressed Council and the audience in attendance, apologizing for the aggravation and frustration this lighting issue has caused the city and residents. Mr. Mucci clarified that this is not new technology, but noted it is new to Mucci, explaining growers are still learning with regard to the lighting and ventilation and noted that Mucci Farms has hired a consultant to work with them on this issue through the end of the lighting season which is in April. He explained that they would like to continue to proceed with their plans for Phase II of their expansion. Discussion on the timeline for Phase II ensued, as Mr. Mucci explained the lighting for Phase II would be operational in December 2019. The Mayor referenced the numerous complaints and questions the city has received about this issue and the affect this has had on those in the community, explaining that the moratorium would provide time to get answers on the environmental study which was asked about and to establish regulations within the code. He acknowledged that Mucci Farms wants to keep moving forward, but advised in his opinion, that this has to be done.

New Business

Resolution 2019-2

Motion by Ms. Crawford that the three reading rule be suspended and Resolution No. 2019-2 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR A GRANT AWARD THROUGH THE NATUREWORKS LOCAL GRANT PROGRAM IN AN AMOUNT NOT TO EXCEED THIRTEEN THOUSAND FOUR HUNDRED SIXTY DOLLARS AND 00/100 (\$13,460.00)) 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: 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 recognized Mr. Green in attendance and explained this matter was vetted through the Safety Committee and supported. He referenced the placement of ladders every 200' along the pier and the addition of emergency life rings. Mr. Green added that installation would begin as soon as weather permits and advised that he would be working with a local fabricator relative to the ladders and railings. In response to a question by Mr. Dike, the Mayor explained the city has lease agreements with the Corps of Engineers and Mr. Green noted he had received permission from the corps for the improvements. Mr. Dike referenced safety issues on the pier with regard to ice and dangerous conditions, suggesting possibly a chain and lock to keep people out of the area in dangerous weather. The Mayor suggested the topic go to Safety Committee for discussion. A brief discussion ensued relative to the spoils site/pier and the need for coordination with the Corps of Engineers for any suggested improvements. Mr. White referenced past discussions of passive recreational ideas for the area and encouraged members to share any ideas they may have. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2019-2. 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. 2019-2 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution 2019-3

Motion by Mr. Schaffter that the three reading rule be suspended and Resolution No. 2019-3 (A RESOLUTION ADOPTING A RENEWABLE SIX-MONTH MORATORIUM PROHIBITING THE ISSUANCE OF ANY ZONING AND/OR BUILDING PERMITS RELATIVE TO THE CONSTRUCTION OR EXPANSION OF COMMERCIAL GREENHOUSE FACILITIES, PENDING THE ENACTMENT OF REGULATIONS GOVERNING THE RELEASE OF COMMERCIAL GREENHOUSE LIGHTING OUTSIDE OF ANY GREENHOUSE FACILITY, 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, Hartung, Dike, Artino (4)

NAYS: Hardy, Crawford, Ginesi (3)

Note: There were not enough votes to suspend the rules, as this requires 5 votes. Therefore, the resolution placed upon its first reading. The Mayor directed the City Manager to read the Resolution by its title only. **Motion was made by Mr. Schaffter that Ordinance 2019-3 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, Hartung, Dike, Artino (4)

NAYS: Hardy, Crawford, Ginesi (3)

Note: There were not enough votes to approve the emergency measure. Following the vote, there was brief discussion regarding the requirement of five votes needed for an ordinance to be passed as an emergency, but it was noted resolutions become effective immediately upon adoption regardless, but in this case the resolution was only placed upon its first reading this evening. Mr. White explained this resolution would provide a six (6) month moratorium which could be lifted at any time. Mr. Lee then addressed Council to provide explanation of their review and legislation. He referenced the lack of regulations in the city code with regard to light pollution and noted the subsequent lack of enforcement tools the city currently has explaining that language would need to be created and built into the code to address lighting. He explained that his firm has researched and have not found similar code relative to this type of lighting, but noted the moratorium provides the city the time to create regulations relative to lighting and noting his recommendation is to adopt the moratorium. A lengthy discussion ensued relative to the moratorium language as prepared, time needed to continue research and prepare regulation legislation, the actions of Mucci Farms in trying to solve the issue, and the recent noticeable improvement to the lighting issue. Discussion of the effect of the 6 month moratorium relative to the timetable for Phase II & III as far as the process through the Planning Commission and Council ensued. Mr. Lee stressed the need for at least 6 months to provide time for the research and creation of legislation for regulations, but explained that the moratorium could be cancelled at any time, and also referenced that the review process through Planning Commission for Phase II & III could still continue and only the final permitting could be withheld. **Motion by Mr. Ginesi to table Resolution 2019-3.** The Mayor asked if there was any discussion on the motion. In response to questions from members on the moratorium language targeting permitting, Mr. Lee noted he would not recommend changing the moratorium language to specifically target lighting, explaining the city does not currently have lighting regulations in the code. Discussion regarding the future rezoning to a PUD and the process timeline ensued. Discussion ensued relative to the tabling of the resolution and the issue that the legislation could be brought off the table at any time if desired.

The Mayor asked if there was any further discussion on the motion. There being none, he directed the Clerk to call the roll on the motion. Members of Council voted as follows:

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

NAYS: Schaffter, Hartung (2)

There being a majority vote in favor of the motion, Resolution No. 2019-3 was tabled. Mr. Ginesi acknowledged the lighting pollution being unacceptable, and explained his reasoning in tabling the moratorium was due to his belief that there may be ways to word the moratorium allowing for Mucci to continue in the short term and still protect the city long term.

City Manager's Discussion

- Referenced the bid opening for the Wheeler Drive Culvert Replacement Project, 6 bids received with the low bid coming in from Dellinger Excavating at \$50,000 under the project estimate of \$278,000, and reporting that bid award legislation would follow.
- Recognized the efforts of the Street Department with regard to snow removal efforts and the Police Department for enforcement of the snow ban parking.
- One executive session for the purpose of threatened litigation and strategic discussion with legal counsel was requested with no business expected to follow.

Questions from members:

- Mr. Dike referenced an inquiry from a resident regarding municipal broadband potential. Mr. White provided recap of past discussions, referencing the city's 25 year franchise agreement with Buckeye Cable which generates approximately \$135,000 annually to the General Fund. He explained the agreement does have termination clauses, but the city would need to consider the revenue and it was also noted that the city does not have the infrastructure in place for a broadband utility. He referenced preliminary research into communities with broadband, noting if Council wishes further investigation, Administration could revisit the topic beginning with review of the current contract.
- Mr. Artino inquired as to interest in the Showboat property. Mr. White referenced some inquiries; noting Administration would be meeting with a developer later in the week who has expressed interest in waterfront properties in the city and another from Columbus who has also expressed interest, noting these are just preliminary discussions. He referenced discussions with the Economic Development Committee (EDC) relative to activities/ideas on the Showboat property.
- The Mayor referenced an email from Mr. Artino regarding his desire to facilitate a Citizen's Task Force to review the information provided to the city by Liberty Development pertaining to the ConAgra site and has recommended the following people to serve on the Task Force: Doug Green, Gary Boyle, Bob Howell, Shaun Bickley, Dave Finger, Jim Delahunt, Jason Hinners and the Chair of the Joint Port Authority. The Mayor referenced the community responses relative to the site and their opposition to the agreement with Liberty Development. The Mayor asked for member input. Mr. Artino explained he believes the concern of the public was over the findings relative to the condition of the property; suggesting that local people with expertise would review all the studies and analysis from Liberty Development and provide a report to Council relative to their findings and shovel ready information. Mr. Artino stated the task force members will be provided the information to review over a period of a couple weeks and then would provide presentations to Council and Committees. Council members discussed deliverables expected from the Task Force; Mr. Artino confirmed they are to only verify/validate the information provided to the city by Liberty Development, and not to provide any suggestions for the site. Reference to members of the task force was made; Mr. Artino explained several serve on city committees and commented on the expertise of others he had selected. Council members referenced other committee members as well and also mentioned the potential risk of selecting a handpicked group rather than opening this up to the community for interest. Mr. Artino commented he would have no problem adding more members, but didn't want too large of a group and noted he would like to get started. Mr. Artino commented that he would like to have Mr. Boyle chair the Task Force. Mr. White noted all the information is public and could be made available and would get this to Mr. Artino. Mr. Artino noted these would be public meetings and anyone could provide comment.

Mayor's Discussion

- Referenced the need for a January meeting of the FF Dependent Fund.

- Referenced an email from Tone Fantozzi relative to sensory pollution and mentioned his continued interest in Quiet Zones for the city.
- Reported a few lights out on Main Street.

For the Good of the Order

- Ms. Crawford referenced the upcoming Safety Committee meeting on January 29th at 5pm.
- Mr. Dike thanked those in the audience for attending. He referenced the email from Mr. Fantozzi about Quiet Zones and asked if the EDC could review this topic. In response to a question by the Mayor, Mr. Dike noted he had not reviewed the study. Mr. Ginesi noted the study is available on the city website. Mr. Dike referenced attendance at the boat show, acknowledged city presence and local businesses in attendance.
- Mr. Artino thanked those in the audience for attending.
- Mr. Ginesi recognized the Street Department staff for their efforts with snow removal. He referenced the topic of municipal broadband and mentioned he would bring this topic up at the EDC level and would recommend discussing it at the work session as he believes it would have tremendous economic benefit to the community. He noted he would not be in attendance for the work session as he would be out of town. He also referenced the Quiet Zone Study, noting he has reviewed the study and believes this would be something that the community would support but also noted that he believes the options in the study could be modified to bring the costs down.

Executive Session

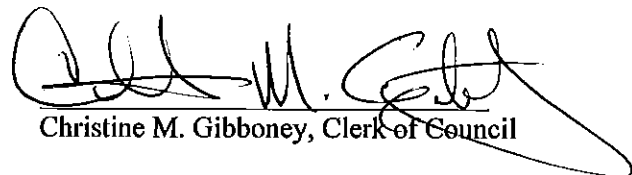
Motion by Mr. Hardy that the regular meeting of January 22, 2019 be recessed for the purpose of holding an executive session to discuss threatened litigation/legal strategy. The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

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 8:03p.m. The City Council, City Manager, and Thomas Lee and Josh Mandel, of Taft, Stettinius, & Hollister discussed matters relating to legal strategy of threatened litigation. The Mayor noted the discussion had concluded and declared the regular meeting of January 22, 2019 reconvened at 8:48p.m.

There being no further business to come before the Council, the Mayor declared the regular meeting of January 22, 2019 adjourned at 8:48p.m.


Christine M. Gibboney, Clerk of Council