

THE CITY OF HURON, OHIO
Proceedings of the Huron City Council
Regular Meeting Tuesday August 8, 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, August 8, 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. 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, Sam Artino and Glen Ginesi. Members absent: Joe Dike.**

Also present: Law Director Laura Alkire, Assistant to the City Manager Mike Spafford, City Engineer Doug Green, Parks and Recreation Operations Manager Doug Steinwart and Management Services Coordinator-Clerk of Council Christine Gibboney.

Motion by Mr. Schaffter to excuse Mr. Dike from the meeting. The Mayor asked if there was any discussion on the motion. The Mayor noted that Mr. Dike and Mr. White would be joining the meeting shortly as they were attending the ECEDC Annual Meeting. The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

YEAS: Schaffter, Hardy, Wassner, Hartung, Artino, Ginesi (6)

NAYS: None (0)

There being five votes or more in favor of the motion, the Mayor declared the motion passed and Mr. Dike excused.

Approval of Minutes

Ms. Wassner referenced a question she had relative to the July 25, 2017 minutes pertaining to Mr. Ginesi abstaining from a vote. Ms. Alkire addressed the inquiring and noted that she discussed the matter with the Clerk who can add clarification language to the minutes in order to reflect Mr. Ginesi's action.

Motion by Ms. Wassner that the minutes of the regular meetings of June 27 and July 11 and the work session and regular meetings of July 25, 2017 be approved with the inclusion of clarification language to be added relative to the vote on Resolution 2017-55 in the minutes of July 25, 2017. 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, Artino, Ginesi, Schaffter, Hardy (6)

NAYS: None (0)

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

There were no Audience Comments; the next item on the agenda was New Business.

New Business

Resolution 2017-58

Motion by Mr. Artino that the three reading rule be suspended and Resolution No. 2017-58 (A RESOLUTION AMENDING RESOLUTION NO. 2017-57, ADOPTED JULY 25, 2017

AUTHORIZING AN AMENDMENT TO THE MASTER SERVICES AGREEMENT WITH LIBERTY DEVELOPMENT COMPANY FORMING A DEVELOPMENT RELATIONSHIP RELATIVE TO THE CONAGRA PROPERTY) 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 (6)
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. Ms. Alkire explained that this agreement takes in to account the modifications that council requested previously (Resolution 2017-57), with the exception of one. She confirmed the changes to the agreement that Council had requested and that are included in the agreement (Exhibit A-Resolution 2017-58) and reviewed same. She referenced the one item (Section 12.6 of the agreement) that remains the same as it was presented to Council originally, noting that it has not been modified. She explained Section 12.6 of the agreement provides for exclusivity within the relationship of Liberty Development and the City for a 180 day period covering Phase 1 of the project. She briefly referenced the next step relative to a Development Agreement that may be presented to Council that would solidify future final terms. (Mr. White and Mr. Dike joined the meeting in progress at this point at 6:34p.m.) She explained that following discussion with Liberty Development and pursuant to the language in the MOU, the original language in Section 12.6 would remain as originally presented. Mr. Hardy commented that as long as Liberty Development had agreed on the geographical testing to be performed on the entire parcel, then it is only fair that the city give them the exclusivity of the entire parcel for the specified six month period. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2017-58. Members of Council voted as follows:

YEAS: Ginesi, Schaffter, Hardy, Wassner, Hartung (5)
NAYS: Artino, Dike (2)

There being a majority vote in favor of adoption, the Mayor declared that Resolution No. 2017-58 had been adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution 2017-59

Motion by Mr. Hardy that the three reading rule be suspended and Resolution No. 2017-59 (A RESOLUTION AMENDING RESOLUTION 2016-72, ADOPTED SEPTEMBER 13, 2016, AUTHORIZING THE CITY MANAGER TO APPROVE A CONTRACT MODIFICATION FOR ADDITIONAL COSTS FOR CONSTRUCTION MANAGEMENT, CONSTRUCTION INSPECTION, AND MATERIAL TESTING SERVICES FROM QCI INCORPORATED, RELATED TO THE MAIN STREET STREETScape PROJECT (ODOT ERI-PID 93574) IN AN INCREASED AMOUNT NOT TO EXCEED FIFTY SIX THOUSAND SEVENTY SEVEN AND 17/100 DOLLARS (\$56,077.17)) 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 referenced the unanticipated conditions on the project site and the additional work that had to be performed by the contractor which in turn required additional time of the Inspector to be on site. Mr. Green referenced the time overruns on the project, subgrade conditions, undercutting, storm drain issues, and unmarked utilities all of which contributed to the additional time on the project. Mr. Green referenced the original proposal from QCI which was significantly over the value of their current contract plus this Change Order amount. He explained that he spoke to QCI at that time and asked them if they had spoken to the Contractor about their estimated schedule and following discussion with the contractor, the final proposal submitted by QCI was reduced. A lengthy discussion ensued regarding the State/LPA timeline of the project versus the contractor's estimated construction schedule and the basis of the QCI Inspection Services proposal and subsequent change order. The Mayor inquired about the contract time frame versus the contractor schedule, noting that the completion per the contract is October 2017. Mr. Green noted that the QCI bid specified a schedule of estimated hours and noted this is a standard way of billing for inspections. He explained that if the project had come in under the number of hours estimated then the city wouldn't have been billed for the unused hours. Mr. White referenced that the state sets the timeline for the date of completion explaining that in some ways this creates an issue in that the city cannot force the Contractor to stick to a daily schedule. He referenced that there were times that the contractor was not working on the project, they were on other jobs, but the city does not have control over that because the completion dates are established and the contractor just has to complete the project by the contracted completion date. Mr. Ginesi, Mr. Hardy, and Mr. Schaffter all expressed dissatisfaction with the amount of the change order. Mr. Ginesi asked for information on what Inspection Services entails, referenced the exorbitant overall percentage QCI was charging for inspection services, and suggested the city take this into consideration on future dealings with QCI. He also recommended that future proposals contain rates to be based on the contracted completion date of the project. In response to Mr. Ginesi, Mr. Green explained the function of the Inspector and more specifically the extensive documentation required by the Inspector on an LPA project. Mr. Hardy voiced his frustration over the process of change orders in general and specifically with this change order amount. Mr. Ginesi and Mr. Schaffter inquired about the overtime reflected in the change order. Mr. White and Mr. Green confirmed that the overtime costs were validated in the documentation. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2017-59. Members of Council voted as follows:

YEAS: Hardy, Wassner, Hartung, Ginesi (4)
NAYS: Dike, Artino, Schaffter (3)

There being a majority vote in favor of adoption, the Mayor declared that Resolution No. 2017-59 had been adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution 2017-60

Motion by Mr. Schaffter that the three reading rule be suspended and Resolution No. 2017-60 (A RESOLUTION AUTHORIZING AND DIRECTING CERTAIN TRANSFERS AMONG THE VARIOUS FUNDS OF THE CITY) 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 referenced Exhibit "A", and reviewed entries,

explaining entries reflect previously budgeted transfers. There being no discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2017-60. 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. 2017-60 had been adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Ordinance 2017-32

Motion by Ms. Wassner that the three reading rule be suspended and Ordinance 2017-32 (AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE AGREEMENT WITH MOST REVEREND DANIEL E. THOMAS, BISHOP OF THE ROMAN CATHOLIC DIOCESE OF TOLEDO IN AMERICA, FOR THE ACQUISITION OF PROPERTY LOCATED ON RYE BEACH ROAD, HURON, OHIO, PARCEL NUMBER 42-00120.000, AT AN AMOUNT NOT TO EXCEED SIXTY EIGHT THOUSAND SEVEN HUNDRED FIFTY AND 00/100 DOLLARS (\$68,750.00) 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: Wassner, Hartung, Dike, Artino, Schaffter, Hardy (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 Ordinance by its title only. **Motion was made by Ms. Wassner that Ordinance 2017-32 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: Wassner, Hartung, Dike, Artino, Schaffter, Hardy (6)
NAYS: None (0)
ABSTAIN: Ginesi (1)

There being five or more votes in favor of the motion, the Mayor declared the motion passed on the emergency measure. Mr. White explained that in an effort to meet the electrical capacity needed for the Mucci Farms operations; the city negotiated with the Diocese for the purchase of 5.25 acres on which an electrical substation will be constructed on approximately a 1 acre portion of the site. He explained that the other 4 acres can be utilized as the city desires. He explained that he would be making application to the Erie County Revolving Loan Fund for this expense explaining that they could award funding as a grant or a 10-year interest optional loan. Mr. White noted he would apply for a grant and should the city not be awarded, then the city would seek the loan for the 10 year term. He also noted that the city could accommodate the expense in the Economic Development Fund if needed. A brief discussion relative to the location of the property ensued. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Ordinance 2017-32. Members of Council voted as follows:

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

There being a majority vote in favor of adoption, the Mayor declared that Ordinance 2017-32 had been adopted. The Ordinance as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Ordinance 2017-33

Motion by Mr. Hardy that the three reading rule be suspended and Ordinance 2017-33 (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 each of the revenue and expense entries on Exhibit "A" of the Ordinance. The Mayor asked if there were any questions. There being none, the Mayor directed the Clerk to call the roll on the final adoption of Ordinance 2017-33. 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 2017-33 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

- Mr. White apologized for being late to the meeting, noting that he was in attendance at the ECEDC Annual Meeting and referenced the award that Mucci Farms received.
- Referenced the Erie County MPO Study of the US 6 Corridor from the entrance of Cedar Point to the Sports Force area. He explained that the city requested to the MPO that this study be expanded down to Rye Beach Road and south to the tracks. He referenced the traffic and signalization in that area that needs to be studied. He noted Perkins Township and the City of Sandusky are funding the study for their portions of the project and explained there would be a cost to the City of Huron and Huron Township for the extended portions. He noted that once he receives quotes, he would provide to Council for consideration to participate.
- Noted discussions with Mr. Green relative to the Road Paving Program explaining that due to the heavy volume of capital projects in 2016-2017, general residential roadway paving had been pushed back. Engineering has reviewed the road rating list (PCR state rating system) and will be preparing bid specs to go out to bid in early 2018. He explained the bid would include all residential streets rated a critical status which would total approximately \$1.6 million in residential road improvements. He added that the streets in the Rye Beach area are estimated at \$600,000 and would comprise the base bid. He explained that although OPWC generally does not offer funding for residential improvements, there have been some discussions with the state and the city would like to submit an application to OPWC to pursue \$260,000 of the \$600,000 in the form of: 1) \$130,000 grant and 2) \$130,000 Loan with the balance of the project paid from city funds. He noted the city has had funds earmarked for this purpose for a couple years. He referenced other streets in critical condition which include a couple in Village Green, Portland

Ave, Brunswick Ave, Beachwood, and Gateway Blvd. Mr. White noted he was seeking Council approval to proceed with this plan and would further recommend that \$300,000 to \$350,000 per year be budgeted for residential paving in the future. Mr. Green confirmed that he would be preparing bid specs this winter and would anticipate bidding the 2018 Road Paving Project in January/February 2018. Mr. Green noted if Council is in agreement with the plan, he would have legislation relative to the OPWC grant/loan on the next agenda. In response to a question by Ms. Wassner, Mr. White noted that Sawmill Parkway is not included in the 2018 Roadway Paving Project as the roadway requires substantial infrastructure improvement at a significant cost, however, he explained that the city would like to discuss Sawmill Parkway with the state to see if there were any funding programs available to offset to the extensive cost that will be involved. Noting no objections from Council members, Mr. White stated he would move forward with the plan presented relative to the 2018 Road Program. Mr. White mentioned the US6 Corridor project and referenced that a public outreach meeting at the library would be scheduled for that project as required by the state.

- Refuse Collection program continues to be monitored. Administration met with Boulder Shores Condominiums and have established a compromise with regard to their receptacle issue. The association residents will continue to pay the city according to the ordinance, however, they will not receive individual carts as they will retain a dumpster and would not be paying a separate fee for the dumpster. The association was appreciative of the solution, but did ask that the city consider their situation in the future.
- Referenced numerous conversations with Council/Council members relative to Code Enforcement. Mr. White noted that administration has been working on a plan to upgrade efforts, but noted that the city does not have the resource allocations needed. He noted that the city must look at having someone dedicated to serve in this capacity.
- Referenced a meeting, organized by Mr. Burnside relative to economic development efforts, with the owner of Burger King, who provided the city status of potential offers.

Mayor's Discussion

- Referenced Fire Committee meeting – August 21st at 4:30p.m.
- Congratulated Mucci Farms on their ECEDC Award.
- Referenced email correspondence requesting recognition for resident Colonel Joel Hagy. Administration will be working on drafting a proclamation.
- Referenced a call from resident Tim Golling regarding transmission issues he experienced with Buckeye Broadband and had asked for Council consideration at opening up the opportunities once the franchise agreement with Buckeye is over. The Mayor noted he has heard several complaints with regard to service and cost. Mr. White explained that the Franchise Agreement was a 25 year agreement and provides the city \$125,000 to \$135,000 annually, noting that the city would need to come up with cuts to the budget or try to find revenue elsewhere should the city make a change in the future. He noted this would have to be looked into further. Mr. Spafford commented he believed there may be approximately 6 years remaining on the contract. Ms. Alkire noted she would provide Council information regarding the current agreement.

For the Good of the Order

- Mr. Ginesi reported on Scott Cemetery, noting it was time renew the agreement which is based on property values and noted the city would have an assessment of \$5,000 to \$7,500. Mr. Ginesi asked if an estimate of cost for roadway resurfacing per foot could be provided. Mr. Green noted that he could provide this information. Mr. Ginesi added that he believes the Finance Committee should set policy relative to establishing an annual budget for road paving.
- Mr. Artino referenced an email that he stated all Council members received from Ms. Hinnars relative to the lack of code enforcement and noted the city needs to look at adding staff to address

issues. He referenced that several people have made comment and are concerned over the lack of code enforcement.

- Mr. Dike inquired about the buoy issue and asked if any more research has been done. Ms. Alkire noted that the city has the paperwork from ODNR on the Navigational Aids Grant Program that would secure buoys. She explained that what the grant requires is that the buoys get turned over to the public entity and the public entity is responsible to place them, noting that they do not grant these to private entities. She added that there has been no direction at this point instructing administration to go forward with this. She explained that administration did contact the city's liability insurance carrier and received estimates for the increase to liability insurance if the city were to do this. Mr. Dike asked if Council could be provided the information from the insurance company. Ms. Alkire noted she would forward the email. Mr. Dike noted he has heard chatter on the topic of Quiet Zones and asked if this was a discussion that Council should have. He also asked for the basis of using concrete versus asphalt on road paving projects, citing Beachwood as an example. Mr. Green explained typically he would just do concrete on a concrete street, but on that particular street, with the drainage problems that exist, he would recommend repair of the bad concrete slabs and then application of an asphalt topping. Mr. Dike referenced his attendance at the ECEDC meeting, and referencing the presentation relative to the recreation/pool complex suggested that perhaps Huron City Schools reach out and contact the entities involved.
- Mr. Hardy referenced receiving a call from Mr. Golling on the cable issue and receiving other complaints relative to garbage service. He explained the issues involving garbage service is trash being left on the street following the automated dumping. Mr. White noted the city has received calls as well and Republic has been responsive to return to remedy the issues, but he also noted that it has been found that some residents are not bagging the garbage in their refuse containers which is also contributing to the problem.
- Mr. Schaffter referenced a call from Mr. Golling and explained that the issue expressed to him related to a payment issue. Mr. Schaffter inquired about the status of the Oklahoma Project, noting that he has received several complaints of the delay in contractors coming back. Mr. Green noted that the contractors would be back on site tomorrow to complete the final paving by the end of the day on Friday. Mr. Green noted that driveways and final items were to be finished up the next week. He did add that the project was not scheduled to be done until the end of August.
- Mr. White referenced the email from the Rye Beach Homeowners Association and the invitation to their upcoming meeting on August 24 at 7pm at the Huron Public Library, noting he would be attending the meeting.

Ms. Alkire advised of the need for an executive session on the purchase/sale of real estate with no business expected to follow.

Executive Session

Motion by Ms. Wassner that the regular meeting of August 8, 2017 be recessed for the purpose of holding an executive session to discuss the potential purchase/sale of real estate. The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

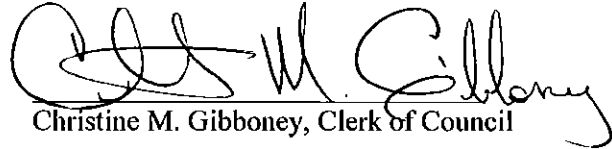
YEAS: Wassner, Hartung, Dike, Artino, Ginesi, Schaffter, Hardy (7)

NAYS: None (0)

There being a majority voting in favor of the motion, the Mayor declared the motion passed and the executive session to order at 7:30 p.m. The City Manager, Council and, Law Director discussed matters

relating to the potential purchase/sale of real estate. The Mayor noted the discussion had concluded and declared the regular meeting of August 8, 2017, reconvened at 7:53p.m.

There being no further business to come before the Council, the Mayor declared the regular meeting adjourned at 7:53p.m.



Christine M. Gibboney, Clerk of Council