

THE CITY OF HURON, OHIO
Proceedings of the Huron City Council
Regular Meeting Tuesday May 23, 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, May 23, 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, Joe Dike, Sam Artino and Glen Ginesi.**

Also present: City Manager Andy White, Law Director Laura Alkire, Assistant to the City Manager Mike Spafford, Parks and Recreation Operations Manager Doug Steinwart, City Engineers Gene Esser and Doug Green, Fire Captain Kurt Schafer and Management Services Coordinator ~ Clerk of Council Christine Gibboney. Also in attendance: Dennis Burnside of Juniper CRE and Dru Siley of Liberty Development.

Approval of Minutes

Motion by Ms. Wassner that the minutes of the work session and regular meeting of May 9, 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

- Colleen Mann, 917 Ridgeview Drive. Ms. Mann recognized Council for all the accomplishments and improvements that have been made within the city. She explained the history on the construction of the Center Street underpass which occurred in 1985, explaining that her father Jim Mann began fighting for this underpass in 1969, and referencing that in 1972 her brother was killed on these tracks. She referenced the graffiti on the underpass and asked for Council consideration to have it painted and sealed so graffiti could be easily removed. In addition she also suggested that Council consider commissioning artist Beth Sage to do a mural on the underpass. Lastly, she noted the difficulty getting into the municipal building as the ADA accessibility to the exterior doors were not working properly.

New Business

Motion by Ms. Wassner to set a Public Hearing on June 27, 2017 at 6:30p.m. for the 2018 Tax Budget. 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, Dike, Ginesi, Schaffter, Hardy (7)
NAYS: None (0)

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

Resolution 2017-42

Motion by Mr. Schaffter that the three reading rule be suspended and Resolution No. 2017-42 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF HURON, OHIO, WITH HURON RIVER FEST, INC. TO HOLD THE 26th ANNUAL RIVER FEST EVENT IN THE CITY OF HURON, OHIO DURING THE PERIOD OF JULY 7, 2017 THROUGH JULY 9, 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: 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 this is an annual event, noted the terms of the agreement remained the same, and referenced the public safety hours of operation during the festival. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2017-42. 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. 2017-42 had been adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution 2017-43

Motion by Mr. Artino that the three reading rule be suspended and Resolution No. 2017-43 (A RESOLUTION ACCEPTING A GRANT AWARD AND AUTHORIZING AN AGREEMENT WITH ERIE METROPARKS LOCAL PARKS CAPITAL IMPROVEMENT GRANT PROGRAM FOR FUNDING IN THE AMOUNT OF FOUR THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$4,500.00)) 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: 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 referenced the authorization of the grant submission in April and explained the award funding would be used toward the purchase of a beach access mat for use at Nickel Plate Beach. Mr. Steinwart explained that this is the first phase of the improvement, noting that the department would like to apply again next year for another mat. Mr. Dike commented that it would be good to just do both phases this year and asked what the cost would be for phase two. Mr. Steinwart noted it would be the same cost. Mr. Dike stated that it should be considered if there are funds in the budget. In response to questions by the Mayor, Mr. Steinwart confirmed these are just temporary walkways and will be stored after the season. Mr. Steinwart explained that the master plan from KKG did recommend a permanent walkway running east to west, not north/south. The Mayor agreed that he liked

the idea of getting both phases done this year. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2017-43. 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. 2017-43 had been adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution 2017-44

Motion by Ms. Wassner that the three reading rule be suspended and Resolution No. 2017-44 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD THE BID AND ENTER INTO AN AGREEMENT WITH ATHOS CONTRACTING INCORPORATED FOR LABOR AND MATERIALS RELATED TO THE U.S. ROUTE 6 BRIDGE IMPROVEMENT PROJECT IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THIRTEEN THOUSAND AND 00/100 DOLLARS (\$213,000.00)) 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: Wassner, 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 Law Director to read the Resolution by its title only. The Mayor asked if there was any discussion. Mr. White referenced the summary noting that this project had been re-bid. He referenced the one bid received was over the 10% threshold. He explained that OHM worked with ODOT and the contractor to non-perform some of the items in the bid which reduced the bid under the 10% threshold. Mr. Esser explained that the bid specified the railing was to be removed, painted and re-installed. He explained OHM discussed the bid with Athos, noting that the contractor has performed similar ODOT projects where he has prepped and painted the rails in place rather than removing the railing. In addition they discussed the permanent traffic control bid item as the contractor said he would like to do work zone traffic control which would be removed each night when they are not working. Mr. Esser explained that between both of those items they were able to reduce the bid. Mr. Esser noted the city will get the same result with regard to paint and noted that the bid is now within 10% of the estimated project cost and OHM does not believe the city would get a better price since this is the second time the city has bid. He explained that according to ODOT, this is considered a confidential bid and refers back to ORC which states that as long as the city has a fair and reasonable bid that meets all the criteria, the bid can be awarded. Mr. Esser noted the bid is contingent upon final sign off by ODOT and the Corps of Engineers with regard to the painting technique over the waterway. Mr. Esser asked for Council to award the bid in order to move forward in getting the final approvals. The Mayor reference the MPO funding portion of the project which was awarded a few years ago and noted his desire to move forward. In response to a timeline question from Mr. Dike, Mr. Esser replied that once the approval is received, they anticipate starting this summer and the project should take approximately 1-2 months to complete. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2017-43. Members of Council voted as follows:

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

There being a majority vote in favor of adoption, the Mayor declared that Resolution No. 2017-43 had been adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Ordinance 2017-15

Motion by Mr. Schaffter that the three reading rule be suspended and Ordinance 2017-15 (AN ORDINANCE AMENDING SECTION 931.02-CONTAINERS; SECTION 931.03- GARBAGE, RUBBISH, AND RECYCLABLE MATERIALS; AND SECTION 931.04- RATES FOR COLLECTION AND DISPOSAL; WITHIN CHAPTER 931-GARBAGE, RUBBISH AND RECYCLABLE MATERIAL COLLECTION, OF THE CODIFIED ORDINANCES OF THE CITY OF HURON, 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, 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 Ordinance by its title only. **Motion was made by Mr. Schaffter that Ordinance 2017-15 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, Wassner, Hartung, Dike, Artino, Ginesi (7)

NAYS: None (0)

There being five or more votes in favor of the motion, the Mayor declared the motion passed on the emergency measure. Mr. White recapped that Republic Services was the lone bid received and Council has awarded and authorized a five-year agreement commencing on July 1, 2017. He referenced the extensive discussion at the Finance Committee level relative to the 40% increase in cost to the city from Republic and the review and recommendation with regard to the rate to be set to the residential customers. He noted the rate being proposed is still one of the lowest rates around for the service being provided. He then recapped the rate options that administration had prepared for the Finance Committee: \$75/quarterly fixed five year rate or a rate that increased each year over the five-year term. He explained that both options included a Stormwater Fee. Mr. White explained that the Finance Committee considered the options and ultimately recommended a fixed five year rate of \$70/quarter, noting that this decreased rate will require a declining balance to the administrative fee included within the rate. Mr. White then recapped the need for establishing a stormwater fee and explained that revenue from this fee would be used for stormwater management, stormwater drainage repairs and to fund the return of a leaf pick up program and manpower needed in 2018 which would be in addition to the yard waste service in the contact. In response to Mr. Artino, Mr. White clarified that this ordinance only sets the rate for garbage/recycling/yard waste; the next ordinance establishes the rate for the storm water fee. The Mayor commented that he doesn't like the 40% increase the city received and has concerns about the rate to customers following the five year period. He also noted that as he has expressed before, he is not in favor of some of the components of the service, specifically the large containers, but said that he understands that the city has to do this. Mr. Artino commented that the bid was written for one hauler and one hauler only and stated that he thinks that was a shame. Mr. Ginesi recapped the discussion at the Finance Committee level, explaining that the majority of the committee felt the rate should be kept at a fixed rate for the five year term rather than an escalating rate over the term. He also noted that the Finance Committee set the rate at \$5 less than the recommendation prepared by administration. Mr. Schaffter noted he agrees with many of the comments made but referenced the comprehensive service that is

provided, the fact that costs do go up and the city had previously been able to maintain costs to the customer over the years. Ms. Wassner noted she was not happy about the increase either, but the city must provide service. She also referenced the mandates by the government in regard to storm water management. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Ordinance 2017-15. Members of Council voted as follows:

YEAS: Schaffter, Hardy, Wassner, Hartung, Dike, Ginesi (6)
NAYS: Artino (1)

There being a majority vote in favor of adoption, the Mayor declared that Ordinance 2017-15 had been adopted. The Ordinance as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Ordinance 2017-16

Motion by Mr. Schaffter that the three reading rule be suspended and Ordinance 2017-16 (AN ORDINANCE ESTABLISHING CHAPTER 923-STORMWATER MANAGEMENT FEE, WITHIN THE STREETS, UTILITIES, AND PUBLIC SERVICE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF HURON, 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, 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 Ordinance by its title only. **Motion was made by Mr. Schaffter that Ordinance 2017-16 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, Hartung, Dike, Artino, Ginesi (6)
NAYS: Wassner (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 this ordinance is relative to the establishment of a storm water fee to generate revenue for expenses relative to EPA mandates associated with stormwater management. He referenced discussion at the Finance Committee level where the quarterly fee schedule of: \$5 single, \$7 multi-family residential and \$10 Commercial was recommended. He explained the anticipated revenue generated of \$84,000 will be allocated to the Street Department to offset the stormwater management associated expenses such as catch basin repairs, storm water drainage and expenses associated with a leaf pickup program either in-house or contracted out in 2018. The Mayor referenced EPA mandates and associated expenses and noted the city must pass these costs on to constituents, he did however point out the return of the leaf pick-up program as a benefit to customers who have been asking for the return of this service. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Ordinance 2017-16. Members of Council voted as follows:

YEAS: Schaffter, Hardy, Hartung, Dike, Artino, Ginesi (6)
NAYS: Wassner (1)

There being a majority vote in favor of adoption, the Mayor declared that Ordinance 2017-16 had been adopted. The Ordinance as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Ordinance 2017-17

Motion by Mr. Hardy that the three reading rule be suspended and Ordinance 2017-17 (AN ORDINANCE AMENDING ORDINANCE 2017-7, ADOPTED MARCH 28, 2017, RELATIVE TO AMENDMENTS TO CHAPTER 175 –ECONOMIC DEVELOPMENT COMMITTEE WITHIN THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF HURON 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: 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. **Motion was made by Mr. Hardy that Ordinance 2017-17 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: Hardy, Wassner, Hartung, Dike, Artino, Ginesi, Schaffter (7)

NAYS: None (0)

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 this ordinance was ordered in by City Council; he read aloud the composition of the current members in the ordinance (Exhibit A) and the proposed amendment language (Exhibit B). He referenced the discussion at the work session meeting relative to applicants for the public at-large members comprising this committee. The Mayor referenced the six applications received and stated that he believes the city should have another public person as a member as input from the general public is important. He referenced his discussion at the work session to remove the Mayor as a member in order to add a third public at large member. **Motion by Mr. Ginesi to amend Ordinance 2017-17 to eliminate the Mayor position as a member and to increase the public at large members from two to three.** The Mayor asked if there was any discussion on the motion, there being none, he asked the Clerk to call the role on the motion. Members of Council voted as follows:

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

NAYS: None (0)

There being a majority vote in favor of the motion, the Mayor declared the motion passed to amend Ordinance 2017-17 as noted. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Ordinance 2017-17. 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 2017-17 had been adopted. The Ordinance as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Ordinance 2017-18

Motion by Mr. Schaffter that the three reading rule be suspended and Ordinance 2017-18 (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: 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 Ordinance by its title only. Mr. White referenced the summary and reviewed the entries on Exhibit "A" which included revenue and expense related to the grant award associated with Resolution 2017-43. He referenced the transfers between funds requested by the Police Chief for a decrease to the In-Service Training line item to offset expense related to maintenance of police cruisers. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Ordinance 2017-18. 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 Ordinance 2017-18 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

- Requested one executive session for the purpose of economic development negotiations requiring confidentiality.
- Referenced an email from Road Safe, on behalf of Norfolk Southern, relative to upcoming RR crossing closures to River Road, Main Street, Williams Street, and Rye Beach in June to complete repairs to the RR tracks.
- Referenced a meeting with Building Department Officials from the City of Fairlawn to explore potential upgrades to the city's entitlement process and zoning code enforcement. He mentioned he would like Council to consider having them come to a work session meeting to explain how their process works.
- Requested to schedule a meeting of the Finance Committee in the next couple weeks to discuss notes coming due.
- Provided updated on Mucci Farms: Deed is at the state level awaiting execution. Noted that he, the Mayor, and Law Director met with Mr. Zimmerman today regarding the site plan review. Mr. Zimmerman expressed that there was desire from the Township to have this annexed into the city for the site plan review to be done by the city. Mr. White explained that he and the Law Director discussed the process relative to this possibility which would require the Township Trustees sign off on their desire to initiate annexation and BGSU would then initiate the annexation. He noted that Mr. Zimmerman seemed to think that the Township would endorse that process as they want the city to be responsible for the site plan review. He explained that the city believes a full site plan rendering is expected later this week. Mr. White also referenced the substation, explaining that AMP does have a 20 year loan program which could be a consideration, noting that he would

like to talk to the Finance Committee about this as this type of debt would not go against the city indebtedness.

- Mr. Ginesi asked if the city could provide him 50-60 of the draft brochures from Republic Services as he would distribute them to the associations on the east side of town during the upcoming weekend at their association meetings.

Mayor's Discussion

- Referenced meetings with the owners of Gathering Grounds. He explained that they reviewed the terms of the agreement. The Mayor noted that the owner has since complied with the agreement and filed for an extension which will have to go through Zoning. The one condition the owner asked for relates to the sidewalk construction; he is asking for the sidewalk work to be performed by the city and assessed to him.
- Referenced attendance and presentation at the McCormick Academic Awards Ceremony; attendance at the D.A.R.E. Graduation; and congratulated the 2017 HHS Graduates.

For the Good of the Order

- Ms. Wassner noted attendance at the Police Officer's Memorial Service on Sunday. She referenced her vote against the implementation of the stormwater management fee (Ordinance 2017-16) explaining that her vote was not against city administration but rather against the Federal Government.
- Mr. Ginesi referenced that he and Councilwoman Wassner attended a tour last week with the City Manager relative to economic development and noted his observation that Mr. White spent the majority of the time on the phone related to coordination of issues relating to Mucci Farms. He explained that he felt it important to make Council aware of the time the City Manager devotes to projects that often times Council is not aware of.

Executive Session

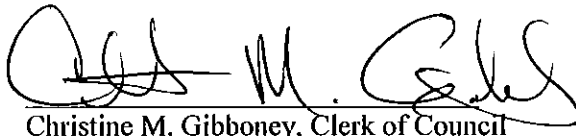
Motion by Ms. Wassner that the regular meeting of May 23, 2017 be recessed for the purpose of holding an executive session to discuss economic development agreements requiring confidentiality. The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

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 7:19p.m. The Council, City Manager, and Law Director discussed economic development agreements requiring confidentiality. The Mayor noted the discussion had concluded and declared the regular meeting of May 23, 2017 reconvened at 9:00 p.m.

There being no further business to come before the Council, the Mayor declared the regular meeting adjourned at 9:00p.m.



Christine M. Gibboney, Clerk of Council