



William Biddlecombe	Joe Dike	Sam Artino	Monty Tapp	Mark Claus	Matt Grieves	Joel Hagy
Councilmember	Councilmember	Councilmember	Mayor	Vice-Mayor	Councilmember	Councilmember

CITY COUNCIL — REGULAR COUNCIL MEETING

Tuesday, December 12, 2023 @ 6:30 PM

City Council Chambers

417 Main Street

Huron, Ohio 44839

LIVESTREAM MEETING INFORMATION

This regular meeting of Council will be conducted in person in Council Chambers at Huron City Hall and live-streamed on the City of Huron's YouTube channel. The public is free to observe and hear the discussions and deliberations of all members of City Council via the following link: <https://www.youtube.com/channel/UCpRAV-AnmlA6lfukQzKakQg>

I. Oaths of Office (Monty Tapp)

Swear in Monty Tapp as Councilman and Mayor.

II. Call To Order Regular Council Meeting

Moment of silence followed by Pledge of Allegiance to the Flag.

III. Roll Call of City Council

IV. Oath of Office (Jax)

Swear in K-9 Officer "Jax" as a member of the Huron Police Department.

V. Temporarily Adjourn Regular Council Meeting

VI. Call to Order Public Hearing

VI.a Roll call for Public Hearing.

VI.b Public Hearing on the proposed 2024 Municipal Budget for the City of Huron.

VI.c Swear in Witnesses.

VI.d Witness Testimony.

VI.e Motion to approve proposed 2024 Municipal Budget, as presented.

VI.f Adjourn Public Hearing

VII. Return to Regular Council Meeting

VIII. Approval of Minutes

IX. Audience Comments

Citizens may address their concerns to City Council. Please state your name and address for the recorded journal. (3-minute time limit)

X. Old Business

- X.a** Ordinance No. 2023-42 **(third and final reading)** *(submitted by Stuart Hamilton)*
A resolution authorizing executing of the 2024-2028 Landfill Energy Schedule with American Municipal Power, Inc. and taking other actions in connection therewith regarding Landfill Generated Power Purchases.
- X.b** Ordinance No. 2023-45 **(third and final reading)** *(submitted by Chief Terry Graham)*
An ordinance amending Chapter 501 (General Provisions and Penalty) to establish a new Section 501.13 (Criminal Activity as a Nuisance; User Charge for Excessive Consumption of Public Services) of the Huron Codified Ordinances.
- X.c** Ordinance No. 2023-44 **(third and final reading)** *(submitted by Chief Terry Graham)*
An ordinance establishing a new Section 909.04 (Criminal Activity as a Nuisance; User Charge for Excessive Consumption of Public Services) under Chapter 909 (Assessments) of the Huron Codified Ordinances.

XI. New Business

- XI.a** Motion to appoint Carolyn Mitchell to the Utilities Commission, which appointment has no expiration date.
- XI.b** Motion to acknowledge compliance with Section 7 of Ordinance No. 2022-50, with no changes.
- XI.c** Resolution No. 81-2023 *(submitted by Matt Lasko)*
A resolution ratifying an application for grant funding from the Ohio Department of Water & Wastewater Infrastructure Grant Program in the amount of \$1,899,130 for the South Main St Watermain Project, and if awarded, further authorizing an agreement accepting the grant award.
- XI.d** Resolution No. 85-2023 *(submitted by Matt Lasko)*
A resolution authorizing a Second Amendment to Employment Agreement with Andrea Rocco for the provision of Human Resources services for the City of Huron for calendar year 2024.
- XI.e** Resolution No. 86-2023 *(submitted by Matt Lasko)*
A resolution authorizing a Third Amendment to Prosecutor Agreement with Andrea Rocco for provision of Prosecutor services to the City of Huron for the period of January 1, 2024 through December 31, 2024.
- XI.f** Resolution No. 87-2023 *(submitted by Jack Evans)*
A resolution awarding the bid for the purchase of water treatment chemicals to Bonded Chemicals Inc. in an amount not to exceed \$21,440.00.
- XI.g** Resolution No. 88-2023 *(submitted by Jack Evans)*
A resolution awarding the bid for the purchase of water treatment chemicals from JCI Jones Chemicals Inc. in an amount not to exceed \$35,000.
- XI.h** Resolution No. 89-2023 *(submitted by Jack Evans)*
A resolution awarding the bid for the purchase of water treatment chemicals from Univar Solutions in an amount not to exceed \$13,839.60.
- XI.i** Resolution No. 90-2023 *(submitted by Jack Evans)*
A resolution awarding the bid and authorizing the purchase of water treatment chemicals from Applied Specialties in an amount not to exceed \$115,920.
- XI.j** Resolution No. 91-2023 *(submitted by Jack Evans)*
A resolution awarding the bid and authorizing the purchase of water treatment chemicals from Chemrite Inc. in an amount not to exceed \$39,960.
- XI.k** Resolution No. 92-2023 *(submitted by Chief Terry Graham)*
A resolution authorizing application for a Marine Patrol Grant from the Ohio Department of Natural Resources, Division of Watercraft, and if awarded, further authorizing an agreement accepting the grant award.
- XI.l** Ordinance No. 2023-46 *(submitted by Cory Swaisgood)*
An appropriations and cash transfers ordinance.
- XI.m** Ordinance No. 2023-47 *(submitted by Cory Swaisgood)*
An ordinance establishing Huron Codified Ordinance Section 161.04(A) Exhibit "A" Position and Salary

Schedule.

XI.n Ordinance No. 2023-48 (*submitted by Cory Swaisgood*)

An ordinance amending Section 161.04.1 of the Administrative Code of the Codified Ordinances establishing the salaries of the Law Director, Finance Director, Service Director, Fire Chief, and Police Chief.

XI.o Ordinance No. 2023-49 (*submitted by Cory Swaisgood*)

An ordinance adopting the 2024 Municipal Budget.

XI.p Ordinance No. 2023-50 (**first reading**) (*submitted by Erik Engle*)

An ordinance repealing, amending and restating Chapter 1313 (Purpose) of the City of Huron Codified Ordinances.

XI.q Ordinance No. 2023-53 (**first reading**) (*submitted by Erik Engle*)

An ordinance repealing, amending and restating Chapter 1139 of the City of Huron Codified Ordinances.

XI.r Ordinance No. 2023-54 (**first reading**) (*submitted by Erik Engle*)

An ordinance establishing a new Section 1126.29 (Wind Energy) under Chapter 1126 (Special Provisions) of the City of Huron Codified Ordinances.

XI.s Ordinance No. 2023-51 (**first reading**) (*submitted by Erik Engle*)

An ordinance establishing a new Section 505.18 (Chickens) under Chapter 505 (Animals and Fowl) of the City of Huron Codified Ordinances.

XI.t Ordinance No. 2023-52 (**first reading**) (*submitted by Erik Engle*)

An ordinance establishing a new Section 505.19 (Bees) under Chapter 505 (Animals and Fowl) of the City of Huron Codified Ordinances.

XI.u Ordinance No. 2023-55 (**first reading**) (*submitted by Erik Engle*)

An ordinance repealing, amending and restating Section 1123.01(c) (Accessory Uses) under Chapter 1123 (Residence Districts) of the City of Huron Codified Ordinances.

XI.v Resolution No. 2023-56 (**first reading**) (*submitted by Erik Engle*)

An ordinance establishing a new Subparagraph (7) under Section 1125.02(a) (Neighborhood Business District) of Chapter 1125 (Non-Residence Districts) of the City of Huron Codified Ordinances.

XI.w Ordinance No. 2023-57 (**first reading**) (*submitted by Erik Engle*)

An ordinance amending Section 1123.04 (R-3 Multi-Family Residence District) of Chapter 1123 (Residence Districts) of the Huron Codified Ordinances to establish a new Section 1123.04(f).

XII. City Manager's Discussion

XIII. Mayor's Discussion

XIV. For the Good of the Order

XV. Executive Session(s)

XVI. Adjournment



To: Huron City Council
Cc: Finance Committee, Department Heads
From: Matt Lasko, City Manager
Re: Recommended FY 2024 Budget
Date: November 30, 2023

In accordance with Section 6.05 of the Huron City Charter it is my pleasure to present you with the City Manager's Recommended FY 2024 Budget. The 2024 budget document aims to blend realistic revenue and expense projections for next year in a manner that seeks to provide a high level of services to our residents, businesses, and property owners. The 2024 budget coupled with the Capital Improvement Plan and the updated Vision 2020 Action Plan also serves to make recommended capital investments throughout the City.

This 2024 budget was presented through an online interactive platform, called OpenGov¹, intended to provide the reader with multiple levels of information including: a user guide, defined city policies, the budget process, fund breakdown, debt obligations, capital equipment summary, and capital improvement plan (CIP). While establishing a plan for 2024, this budget additionally forecasts the impact of its adoption through 2033. Detailed plans have been analyzed and included for all City operations on an annual basis for 2024 through 2033. Inflationary cost and revenue adjustments have been made for all departmental activities as well as inclusion of capital investment expenses over the next ten (10) years. Council went through a master plan update (included in the budget book), termed the Vision 2020 Action Plan in 2021. The CIP references various initiatives that were prioritized in the master plan to be undertaken in the next 3-5 years. We also incorporated a new column in the CIP. The CIP now labels each project as "new" or "maintenance". "New" meaning the project is more of an addition or a wish list item and "maintenance" is more of a necessity in the sense that the City already owns a project or facility that must be maintained.

The City's adopted General Fund Balance reserve policy is reflected on an annual basis through 2033. The policy requires a minimum available surplus of 15% (a maximum of 25%) of operating expenditures. Based on year-to-date activity the City's General Fund is expected to exceed this minimum and be at or exceed 25% at year end. Without fully funding major capital projects over the next three years, the General Fund is expected to maintain an 18% reserve or higher through 2033. The City is requesting a one-time capital transfer for future projects planned for 2024 and beyond and a transfer to the payroll stabilization fund thereby reducing the General Fund balance to minimally, the required maximum. This reserve has a direct impact to the City's Bond Rating and spending plans and is trending in a positive direction. In 2023, the City received a positive outlook on the City's current AA3 rating. We are hopeful this will result in a rating upgrade in 2024.

Since the COVID-19 pandemic, fiscal controls were put into place to both protect the fiscal solvency of the City and ensure our employees and community at large were insulated from as much as harm from the pandemic as possible. Based on those measures and in combination with various aid programs and economic development activities, the City has improved its annual fiscal position while also ensuring stability during the pandemic. A great deal of this financial activity and benefit has been rooted in economic development projects - years in planning - that are beginning to positively impact the City's

¹ [Online Budget Book Link](#)

budget – and therefore operations. The City will continue to monitor these projects and related revenue streams to determine how and when additional investments can be recommended and planned for – while simultaneously exploring additional economic development projects that will benefit the community and enhance quality of life for all.

The FY 2024 Budget provides an opportunity to continue that dialogue and exploration with the ultimate goal of strong and reliable service delivery. As resources increase above the minimum General Fund reserve the City has had the opportunity to consider additional investments in areas such as parks and recreation, economic and community development, fleet and facilities, and infrastructure. However, additional investments with General Fund reserves are increasingly becoming necessary for operational needs in areas that are traditionally supported by other taxes and contributions. The City's General Fund subsidized over \$225,000 of operations for the Parks and Recreation Department and Street Department in 2023. As shown in each department's budget summary¹, this is not a sustainable practice. The 2024 budget book was recommended to Council by the Finance Committee with a request to explore other revenue sources in order to fiscally manage operational needs and fund major capital projects in the City's the master plan.

Financial Performance – A Review 2023

General Fund Performance: Staff has projected that we will end FY 2023 with over \$1.9 million in unencumbered fund balance, a factor of 29%. Budgeting conservatively for the next ten years, the General Fund is expected to maintain an 18% or higher fund balance reserve. However, potential debt liabilities for planned capital projects without additional revenue sources such as grants, low-interest loans, or increased income taxes will lower the General Fund reserve balance under 15% by 2029.

Revenues: The City's major revenue sources, such as income taxes and utility charges, have seen inflationary increases over the past year. In 2021, the City was awarded with over \$700,000 in federal stimulus funds to be used on the local economy. These funds are mostly committed to downtown improvements and future economic development investments. City property taxes and state states (e.g. gas tax) have remained consistent over the last 3 years, resulting in additional General Fund subsidies to various operational funds such as the Street Maintenance Fund and Parks and Recreation Fund.

Notable revenue increases in 2023 include interest earnings (+\$200,000 from 2022) and water sales (+\$400,000 from 2022). The City received federal and state grants during the year for the fish cleaning station and Sawmill Parkway improvements. The City also received contributions from the Townships for the joint recreation district and replacement of Fabens tennis courts.

The main source of revenue within the General Fund is the collection of an income tax on all withholdings and corporate net profits. Staff is forecasting a 7% increase in income tax collections for 2023. The reason for the 7% increase is mostly due to the annexation of the Sawmill Creek Resort (+\$60,000 in withholdings for 2023) and continued expansion and production at the Ardagh facility on Sawmill Parkway. Growth in existing commercial businesses such as Mucci Farms and Firelands Scientific also played a factor. The City is anticipating a 2% increase in income tax revenue in 2024.

Staff conservatively budgeted increases for all other revenue sources at 1-2% unless historical trends show consistency in annual revenue.

New initiatives/Revenue in 2023/2024: The City's Finance Committee and Council approved the first water rate increase in fifteen (15) years. Starting in 2023, annual water rates will increase 5% annually for ten (10) consecutive years – although these rates will be studied tri-annually to determine if additional measures (in the form of increases or decreases) are warranted. The rate increase is critical for ensuring the City's ability to maintain water security for our customers as well as undertake a series of major capital projects to ensure the long-term viability of our system. These projects include, but are not limited to, creation of a secondary water intake on the Huron River, South Main Street watermain replacement, Old Platt water line replacement, construction of a new 2-million gallon elevated water tank on the west side of town and the Superior Avenue water line replacement. The City did receive a \$5 million grant from the State of Ohio to help construct a new elevated water tank and continues to aggressively seek federal, state or county funds to reduce local costs.

Additionally, the Sawmill Creek Resort annexation and related development began providing new income tax revenue to the City in 2023. The City is anticipating approximately \$60,000 per year in income tax. Beginning in 2024, the City will also begin receiving the minimum service payment of approximately \$330,000 (once reduced per compensation agreements with Huron Schools and EHOVE Career Center). These funds will be utilized to pay the debt service for 1) reimbursement to Cedar Fair for renovations to the resort, 2) serve as Huron's local contribution to the US 6 transformation, 3) aid in the City's strategic land acquisition efforts at Oster's mobile home park.

Finally, the City began work on various capital projects throughout the City. The South Main Street Corridor Plan was adopted in 2023 and the project is expected to begin construction in 2024/2025. The City has been awarded over \$630,000 in grants from various agencies, including ARPA funds to subsidize design and construction costs. The city also is expected to begin work on the Cleveland Rd. E sidewalk project which was awarded over \$775,000 in grants from the Ohio Department of Transportation, Erie County and Huron Township. The City was also awarded a grant from the Ohio Department of Natural Resources (CMAG) for design work on improvements along the lakeshore near Showboat and Lakefront Park. Two other major capital projects are finishing the design process for construction in 2024 which include the S. Main Waterline replacement project (which includes road replacement for Valley View, Hickory and Forest Hills) and major road reconstruction work in the Chaska, Old Homestead I and Old Homestead II neighborhoods.

Budget 2024

The 2024 budget was built with a mindset of cautious optimism, especially with the uncertainty of current economic inflationary trends. The City is ending 2023 in a strong financial position to implement the 2024 budget. In 2023, income tax continues to grow with inflation. However, revenue shortfalls in other operational funds and rising healthcare costs require more subsidy from the General Fund in 2023 and 2024. Items of note in the 2024 budget include:

Property Tax Revenue: Real property valuations are anticipated to slightly increase in 2024. County Auditor estimates as of October 2023 do not show much of an increase in property tax revenues, therefore, the City is projecting a 2% increase in property tax proceeds for 2024 in the General Fund. Property tax revenue for the Fire Levy Fund is expected to remain the same. Property tax revenue for 2024 is expected to exceed \$1 million for all funds.

Income Tax Revenue: Staff conservatively forecasted this vitally important revenue stream for 2023. However, 2023 income tax revenue is projected at over 7% from 2022 actuals and the City is budgeting a 2% increase in 2024 from the 2023 projections, at \$4.1 million. Growing payroll at Mucci Farms and Ardagh along with annexation of Sawmill Creek Resort justified a 7% projection in 2023.

Personnel: The 2024 budget includes proposed additions to the City's workforce to strengthen City services, as follows:

- 1 FT Service Maintenance Foreman – Budget impact = +\$120,00 (General Fund and Service Funds). A similar position was included in the 2023 budget. The City will continue to monitor the need for this position throughout 2024 as we explore the creation of a unified maintenance department.
- 1 FT Administrative Assistant/Communication position – Budget impact = +\$80,00 (General Fund).
- 1 FT Patrolman – Budget impact = +\$100,00 (General Fund).
- Increase in part-time firefighter wages.

Parks and Recreation Revenue: Overall, Parks and Recreation budgeted revenue decreased from 2022 by \$50,000 in 2023. This is mostly due to the reduction in contributions from the Huron Joint Recreation District (HJRD) - more specifically due to the Huron School District voting to forego its regular 10% contribution that has historically been received by HJRD. Total revenue is anticipated to remain at this level in the foreseeable future. . The 2024 budget does not include the School District's contribution. Maintaining the operations of the Parks and Recreation Department is mostly dependent on the Huron Joint Recreation District's annual contribution, making up 71% of the total budget in 2024. Any net impact on HJRD contributions could result in budget cuts directly related to services provided to residents. Although parking fee revenues at Nickel Plate Beach have increased the last two years, the Parks and Recreation budget cannot financially maintain the current operational budget without additional revenues. In 2023 and continuing in 2024, the City's general fund is subsidizing personnel costs. Based on current projections, the fund balance in the Parks and Recreation Fund is expected to decrease by \$50,000 per year and fall into a deficit balance in 2029.

Capital Assets: The 2024 budget book includes the City's capital asset replacement schedule. The schedule shows the City's commitment to purchasing and maintaining adequate vehicles and equipment for City services. In 2023, the City spent over \$1.2 million on new vehicles and equipment, including two new ambulances and a new City website. The recommended 2024 budget includes the purchase of one (1) new police cruiser, one (1) new water truck, and replacement of turnout gear for Fire, totaling over \$500,000 in capital asset expenditures. The City has applied for grant funds to mitigate the costs of the turnout gear however the budget currently conservatively assumes no grant award.

Capital Projects: The 2024 budget book also includes the City's current capital improvement plan. Although the City's current capital improvement plan (totaling over \$72 million) includes over \$28 million in unfunded projects over the next ten (10) years, the City is committed to spending over \$20 million on major capital improvements in 2024. Major 2024 capital expenses include a major local road resurfacing program, east side sidewalk extension, Berlin Rd. park improvements, S. Main Street streetscape engineering and construction, Rt. 6 Phase II design and \$14 million in various water projects (e.g. S. Main St. waterline replacement).

Debt Management: Starting in 2014, the City began a strategy to invest in critical capital infrastructure that had been under invested in as the City recovered from the Great Recession. Utilizing historically low interest rates, close to \$15 million worth of capital was invested in critical infrastructure projects. In 2023, Moody's confirmed the City's current rating of AA3 with a positive outlook. With a positive outlook the City's credit rating could improve in 2024 if current financial factors remain consistent. Currently, the City has over \$12 million in outstanding bonded debt, not inclusive of programmatic loans. As we plan for future years of investment, 2023 was the first major milestone to consider as a substantial portion of the City's debt was retired, freeing up additional resources available for debt service as well as capacity. The City took fiscally responsible steps in 2023 to develop a debt strategy for future capital needs and wants, including projects related to the Sawmill Creek Resort TIF, ConAgra redevelopment, comprehensive local street resurfacing, Huron Public Power Expansion, and Main Street redevelopment. In 2023, the City issued long-term bonds on public improvements funded through the Sawmill Creek Resort TIF. Debt planned for 2024 includes local street resurfacing and South Main St. improvements.

Future Policy Discussions: The staff also looks forward to engaging Council in 2024 on several larger, and impactful project and policy discussions including but not limited to the list below. The Finance Committee recommended the 2024 budget to Council and also recommended Council to further review and consider the first item on the list below.

- *New taxes and or levies to support essential services and public improvements in the master plan*
- Storm Water Management Fee
- Electric Rate (study in progress)
- City Organizational Structure
- Long-term dispatching strategy
- Conagra Redevelopment Service/Maintenance Facility Construction
- Capital Improvement Program Financing Plan (continued discussion)

This budget is the work product of countless hours of preparation, analysis and input from a wide variety of personnel. I appreciate the time, effort, and input of all department heads and staff members who have been instrumental in providing information, feedback and capital projections for their respective departments - and the coordination and leadership displayed by Cory Swaisgood and his staff specifically. I also want to thank the Finance Committee who have been tremendous stewards of the 2024 budget process and have brought forth expertise and thought-provoking considerations and dialogue.



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2023-42 **(third and final reading)** *(submitted by Stuart Hamilton)*
DATE: December 12, 2023

Subject Matter/Background

This is a 60-month contract (January 1, 2024 through December 31, 2028), through American Municipal Power, Inc. to purchase up to 300kW of landfill-generated electric and receive Environmental Credits associated with this electric at a fixed rate of \$65.00 per MWh. This landfill-generated electric is generated at the Erie County Landfill keeping the generation local and minimizing the distance for transmission loss. This electric is simply a portion of our overall electric supply portfolio.

Legislation History

Ordinance No. 2022-33 (adopted 6-28-22) - \$60/MWh for 17 months.

Financial Review

This contract is for services purchased via the ELECTRIC FUND (654-5100-53352). American Municipal Power (AMP) is a strategic partner that plays a significant role in satisfying the electric capacity and energy requirements of our CUH residents and corporate constituents. The average annual expenditure for services to AMP has been between \$2.1MM and \$3.7MM over the past few fiscal years.

Legal Review

The matter has been reviewed, follows normal administrative procedure, and is properly before you.

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2023-42 on its third and final reading is in order.

[Ordinance No. 2023-42 AMP 2024-2028 Landfill Energy Schedule \(1\).doc](#)
[Ordinance No. 2023-42 Exh A AMP 2024-2028 Landfill Energy Schedule.pdf](#)

CITY OF HURON, OHIO
ORDINANCE NO. 2023-42
Introduced by Joel Hagy

AN ORDINANCE TO APPROVE THE FORM AND AUTHORIZE THE EXECUTION OF THE 2024-2028 LANDFILL ENERGY SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC. AND TAKING OF OTHER ACTIONS IN CONNECTION THEREWITH REGARDING LANDFILL GENERATED ENERGY PURCHASES; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Huron, Ohio ("Municipality") owns and operates an electric utility system for the sale of electric capacity and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, in order to satisfy the electric capacity and energy requirements of its electric utility system, Municipality has heretofore purchased, or desires to purchase in the future, economical, reliable and environmentally sound capacity and energy and related services from, or arranged by, American Municipal Power, Inc. ("AMP"), of which Municipality is a member; and

WHEREAS, AMP is an Ohio nonprofit corporation, organized to own and operate facilities, or to provide otherwise, for the generation, transmission or distribution of electric capacity and energy, or any combination thereof, and to furnish technical services on a cooperative, nonprofit basis, for the mutual benefit of AMP members ("Members"), such Members, including Municipality, being political subdivisions that operate municipal electric utility systems; and

WHEREAS, Municipality, acting individually and through AMP with other political subdivisions of this and other states that own and operate electric utility systems, jointly, endeavors to arrange for reliable, environmentally sound and reasonably priced supplies of electric capacity and energy and related services for ultimate delivery to its customers; and

WHEREAS, it is efficient and economical to act jointly in such regard; and

WHEREAS, Municipality has previously entered into a Master Services Agreement with AMP, AMP Contract No. C-3-2006-5025, which contemplates that Municipality shall enter into various schedules for the provision of capacity and associated energy and related services from AMP to Municipality; and

WHEREAS, certain Members, including the Municipality have determined that they can utilize additional sources of landfill-generated electric capacity and energy and have requested that AMP arrange for the same by purchasing from landfill energy facilities; and

WHEREAS, in furtherance of this purpose, AMP will enter into an agreement with Ohio Renewable Energy Services ("ORES") (the "2024-2028 Landfill Power Agreement") under the terms of which AMP will purchase approximately two megawatts of capacity, the associated energy and a share of Environmental Attributes (as defined therein) from the landfill generation project(s) located at the Erie County Landfill; and

WHEREAS, it is necessary and desirable for Municipality to enter into the 2024-2028 Landfill Energy Schedule to Municipality's Master Services Agreement with AMP to provide for an additional source of capacity, energy and Environmental Attributes; and

WHEREAS, after due consideration, the Municipality has determined it is reasonable and in its best interests to proceed as authorized herein below and requests and authorizes AMP to acquire capacity, energy and Environmental Attributes from the Landfill Project(s) upon those terms and conditions set forth in the 2024-2028 Landfill Energy Schedule.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That the 2024-2028 Landfill Energy Schedule between Municipality and AMP, substantially in the form attached hereto, including Exhibits thereto, is approved, and the City Manager of Municipality is hereby authorized to execute and deliver the 2024-2028 Landfill Energy Schedule with such changes as the City Manager may approve as neither inconsistent with this Ordinance nor materially detrimental to the Municipality, execution of the 2024-2028 Landfill Energy Schedule to be conclusive evidence of such approval.

SECTION 2. That the City Manager is hereby authorized to (i) acquire under the 2024-2028 Landfill Energy Schedule, authorized above, a Contract Amount as defined in that Schedule of up to 300 kilowatts with a price of \$65.00/MWh for energy, capacity and Environmental Attributes made available thereunder without bid, and (ii) make any determinations and approvals required thereunder, if any, as the City Manager shall deem necessary and advisable.

SECTION 3. If any section, subsection, paragraph, clause or provision or any part thereof of this Ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Ordinance shall be unaffected by such adjudication and all the remaining provisions of this Ordinance shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 4. That competitive bidding is not required on the Municipality's acquisition of its right to secure energy under the 2024-2028 Landfill Energy Schedule, and in the event any competitive bidding requirements are applicable, any such competitive bidding requirements that might otherwise be applicable, are hereby waived.

SECTION 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of a quorum of the Council, and that all deliberations of this Council and of any committees that resulted in those formal actions, were held in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 6. That this Ordinance is hereby declared to be an emergency measure to preserve the public health, safety and welfare of the City of Huron. Therefore, this Ordinance shall be in full force and effect from and immediately after passage and approval by the Mayor.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

CITY OF HURON, OHIO
2024-2028 LANDFILL ENERGY SCHEDULE
AMP Contract No. 2024-009364-ESS
A Schedule to
American Municipal Power, Inc.
and
CITY of HURON, OHIO
Master Service Agreement No. C-3-2006-5025

WHEREAS, the City of Huron, Ohio (“Municipality”) and American Municipal Power, Inc., (“AMP”) have entered into a Master Services Agreement (“MSA”) under which certain services may be provided, pursuant to schedules entered into between Municipality and AMP; and

WHEREAS, AMP will enter into the Erie County Landfill Energy Power Purchase Agreement with Ohio Renewable Energy Services, LLC (“ORES”) (the “Landfill Power Agreement”) whereby AMP will purchase up to approximately two megawatts (“MW”) of capacity and associated energy for a period of sixty (60) months, pursuant to the terms and conditions set forth therein; and

WHEREAS, the Landfill Power Agreement provides, among other things, an opportunity for the Municipality to receive from AMP landfill-generated capacity, energy and Environmental Attributes (as defined therein) from the landfill gas to electricity facility located at the Erie County Landfill through this schedule to the MSA (the “2024-2028 Landfill Energy Schedule”).

NOW THEREFORE, in consideration of the mutual covenants and obligations set forth in this Agreement, the Parties agree as follows.

SECTION 1 - TERM

The term of this 2024-2028 Landfill Energy Schedule shall be coterminous with the Landfill Power Agreement (January 1, 2024 – December 31, 2028) as defined therein, which is a sixty (60) month term; provided, however, that Municipality’s obligation to purchase and AMP’s obligation to deliver capacity, energy and Environmental Attributes pursuant to this 2024-2028 Landfill Energy Schedule are both contingent on the performance of ORES pursuant to the Landfill Power Agreement.

SECTION 2 - SERVICES

AMP agrees to procure as Seller, pursuant to (and its obligations hereunder are specifically dependent upon) the Landfill Power Agreement, output up to approximately 2.0 MW of capacity, associated energy in megawatt-hours (“MWh”), and one-half (50%)

of the Environmental Attributes for the benefit of the Municipality (the “Contract Amount”). Municipality agrees to take and pay for such capacity, energy and Environmental Attributes on a *pro rata* basis where and as available pursuant to the Landfill Power Agreement. Such *pro rata* amounts to be determined by multiplying the Municipality’s percentage Contract Amount, as set forth on Exhibit B hereto, times the actual capacity and energy available from time to time under the Landfill Power Agreement.

SECTION 3 - DELIVERY POINT

The Delivery Point for this 2024-2028 Landfill Energy Schedule shall be the “Delivery Point” as defined in the Landfill Power Agreement, which is the point(s) where the facility connects with FirstEnergy’s system at 69 kV on the high side of the ORES transformer at the Landfill, unless the same is modified in writing by the Parties. There may also be a Secondary Delivery Point, or Points of Delivery. Municipality may change the Secondary Delivery Point(s) set forth on Exhibit D with AMP’s consent, such consent not to be unreasonably withheld, provided that transmission to any modified Secondary Delivery Point shall be pursuant to appropriate Federal Energy Regulatory Commission (“FERC”) tariffs at Municipality’s expense, including the costs of any/all required ancillary services.

SECTION 4 - SCHEDULING

A. AMP shall cooperate with the Municipality to schedule the capacity and energy to a Secondary Delivery Point as set forth in Exhibit D.

B. Notwithstanding any other provision of this 2024-2028 Landfill Energy Schedule and the MSA, Municipality shall, when available, take and pay for the Landfill-generated capacity, energy and Environmental Attributes.

SECTION 5 - DEPENDENCE ON LANDFILL POWER AGREEMENT

Municipality recognizes that AMP’s ability to supply landfill-generated capacity, energy and Environmental Attributes under this 2024-2028 Landfill Energy Schedule is dependent upon AMP’s ability to arrange for the same pursuant to the Landfill Power Agreement. Additionally, Municipality recognizes that AMP entered into the Landfill Power Agreement primarily for the benefit of Municipality and the other Members of AMP and that AMP, pursuant to the Landfill Power Agreement, has certain rights as well as certain obligations. Accordingly, Municipality agrees to cooperate with AMP in such a manner as to facilitate AMP’s performance of its obligations thereunder and releases AMP from any liability due to ORES’s failure to perform.

SECTION 6 - RATES, CHARGES AND BILLING

A. Capacity, energy and Environmental Attributes made available pursuant to this 2024-2028 Landfill Energy Schedule shall be charged at the base rates specified in the Landfill Power Agreement for the term of the Landfill Power Agreement as shown on

Exhibit A and the costs set forth in Sections 6 (B) and (C) hereof, and the Capacity and Energy Rate Schedules as the same may be modified by AMP from time to time and pursuant to the billing provisions herein and in the MSA;

B. The net of the following costs shall be included as a component of a uniform rate adjustment to be charged hereunder for energy delivered or made available to Municipality: any ancillary service, congestion and marginal loss charges by PJM Interconnection, L.L.C. ("PJM") or any other applicable Regional Transmission Organization ("RTO"), an appropriate allocation of AMP's energy control center, metering and other common costs of AMP reasonably allocable to the Landfill Power Agreement in the rates set forth on Exhibit A ("Rate Adjustment"). This creates a Project Energy Rate for the 2024-2028 Landfill Energy Schedule consisting of the charges in Exhibit A as adjusted as set forth in this Section 6 (see Exhibit E – Example Project Energy Rate Calculation). The Municipality shall also be responsible for any additional ancillary service, congestion or marginal loss charges to its Secondary Delivery Point.

C. In addition to the other compensation to be paid to AMP pursuant to this 2024-2028 Landfill Energy Schedule, Municipality shall also pay the AMP Energy Control Center Charge and the Service Fee B specified in the MSA (currently at a rate of \$0.00058/kWh for Service Fee B).

D. If AMP, pursuant to the Landfill Power Agreement, must pay any Capacity Performance penalties received by PJM that are attributed to the Landfill Gas Electric Facilities (as defined in the Landfill Power Agreement), AMP shall pass the cost of such penalty through to Municipality and Municipality shall pay such penalty on a *pro rata* basis. Municipality's *pro rata* amount due shall be determined by multiplying the Municipality's percentage Contract Amount times the actual penalty amount for which AMP is responsible.

If AMP, pursuant to the Landfill Power Agreement, receives any Capacity Performance bonuses received by PJM that are attributed to the Landfill Gas Electric Facilities, AMP shall pass the bonus through to Municipality on a *pro rata* basis. Municipality's *pro rata* share shall be determined by multiplying the Municipality's percentage Contract Amount times the actual bonus amount for received by AMP.

SECTION 7 – INSTALLED CAPACITY CREDIT

Municipality will receive a pro-rata share of the net available Installed Capacity/RPM credits/charges (if any) from PJM.

SECTION 8 – ENVIRONMENTAL ATTRIBUTES

All Environmental Attributes available to AMP under the Landfill Power Agreement (50% of the total amount generated) may be monetized by AMP at Municipality's direction and credited *pro rata*, to the Municipality. Such *pro rata* amounts to be determined by multiplying the Municipality's percentage Contract Amount times

the actual Environmental Attributes available to AMP from time to time under the Landfill Power Agreement. Alternatively, in the event that Municipality wishes to represent the energy supplied hereunder as “renewable,” at the direction of Municipality, AMP may directly credit or retire the Environmental Attributes upon Municipality’s direction.

Municipality’s election of actions to be taken in regard to Municipality’s pro rata share of the Environmental Attributes shall be shown on Exhibit C. Municipality may change its election at any point during the Term by providing written notice to AMP.

IN WITNESS WHEREOF, the Parties understand and agree to the terms and conditions contained herein and agree to be bound thereby.

CITY OF HURON

AMERICAN MUNICIPAL POWER, INC.

TITLE:_____

Jolene M. Thompson
President/CEO

DATE:_____

DATE: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Law Director

Lisa G. McAlister
SVP and General Counsel for Regulatory
Affairs

EXHIBIT A**RATE SCHEDULE for LANDFILL ENERGY***

<u>Start Date</u>	<u>End Date</u>	<u>Price (\$/MWh)</u>
1/1/2024	12/31/2028	\$65.00

*Reflects only those amounts that AMP will pay to ORES. Service fees, or other applicable charges will have to be supplied and added.

EXHIBIT B**Capacity Schedule**

	<u>kW</u>	<u>%</u>
Amount Of Total Capacity Under Landfill Agreement	2,000	100%
Contract Amount Of Municipality's Capacity	300	15%

EXHIBIT C

Environmental Attributes

For the years 2024 through 2028, Municipality elects the following actions be taken in regard of the Municipality's pro-rata share of Environmental Attributes available under the Landfill Power Agreement:

_____ Municipality requests that AMP sell Municipality's pro-rata share of Environmental Attributes and return proceeds of sale to Municipality.

_____ Municipality requests that AMP credit Municipality's pro-rata share of Environmental Attributes to Municipality's PJM GATS account.

EXHIBIT D

SECONDARY DELIVERY POINTS

[TO COME]

EXHIBIT E

EXAMPLE 2024 LANDFILL SCHEDULE RATE CALCULATION

2024 Example Rate

Base Energy, Capacity and Environmental Attributes Rate = \$65.00 / MWh

PJM Operating Reserves = \$0.10 / MWh (estimated)

AMP Energy Control Center charge = \$0.65 / MWh (estimated)

Final Project Energy Rate (example) - \$65.75 / MWh

Service Fee B = \$0.58 / MWh



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2023-45 **(third and final reading)** *(submitted by Chief Terry Graham)*
DATE: December 12, 2023

Subject Matter/Background

This summary relates to Ordinances 2023-45 and 2023-44:

Ordinance No. 2023-45 establishes an ordinance to provide another option for law enforcement to hold property owners accountable for the behavior of their tenants when it becomes a strain on safety services. This ordinance would allow assessment of fines to the property owner.

Ordinance No. 2023-44 establishes a new Section 909.04 (Criminal Activity as a Nuisance; User Charge for Excessive Consumption of Public Services) under Chapter 909 (Assessments) of the Huron Codified Ordinances. This ordinance relates to assessment of charges on the real property tax bill of the property owner.

Financial Review

The City will have the ability to recoup the City's total cost of the nuisance through the property tax assessment process, similar to the property maintenance assessment process.

Legal Review

The matter has been reviewed, follows normal administrative process, and is properly before you.

Recommendation

If Council is in agreement with the request, motions placing Ordinance Nos. 2023-45 and 2023-44 on their second readings are in order.

[Ordinance No. 2023-45 New Section 501.13 Criminal Nuisance.docx](#)

ORDINANCE NO. 2023-45
Introduced by _____

AN ORDINANCE AMENDING CHAPTER 501 (GENERAL PROVISIONS AND PENALTY) OF THE HURON CODIFIED ORDINANCES TO ADD A NEW SECTION 501.13 (CRIMINAL ACTIVITY AS A NUISANCE; USER CHARGE FOR EXCESSIVE CONSUMPTION OF PUBLIC SERVICES).

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance, are in the best interest of the City of Huron and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Chapter 501 (General Provisions and Penalty) of the Codified Ordinances of the City of Huron, Ohio, be amended to add a new Section 501.13 (Criminal Activity as a Nuisance; User Charge for Excessive Consumption of Public Services), which shall read as follows:

"SECTION 501.13 CRIMINAL ACTIVITY AS A NUISANCE; USER CHARGE FOR EXCESSIVE CONSUMPTION OF PUBLIC SERVICES.

1. Purposes. It is the intent of the City Council, by the adoption of this Section, to impose on and collect from the owner of a property the City's cost for police and health and safety-related services, which are over and above the cost of providing normal police protection and health and safety-related services City-wide, if the said excess costs are spent to abate a nuisance that has occurred, or is maintained and permitted, on the property. The collection of the costs for such excess police and health and safety-related services shall be by assessment against the property on which the nuisance, or activity constituting the nuisance, occurs, pursuant to the authority in the Ohio Constitution, Article XVIII Sections 3 and 7, the City's Charter, and the Ohio R.C. 715.44, 715.47, 3707.01 et seq., empowering the City to abate nuisances and collect the costs of such abatement by special assessment.

2. Definitions.

"BUILDING" means a structure suitable for human shelter, a commercial structure that is maintained for business activities that involve human occupation, any portion of the structure, or the real property on which the structure is located.

"EXCESSIVE POLICE AND NUISANCE ENFORCEMENT SERVICES" means those City services provided at a specific property address where a commercial building or structure is maintained for business activities that involve human occupation after four or more calls for service for separate nuisance events had occurred in a prior thirty-day time period, and a specific property address where a building or structure is maintained for human shelter after two or more calls for service for separate nuisance events had occurred in a prior thirty-day time period, and the owner was notified in writing that subsequent high levels of police and health and safety-related nuisance calls for service would result in a fee being charged for excessive consumption of such services, and where the owner has been provided with thirty days following the notice to abate the nuisance generating the high levels of calls for City services.

"INTERESTED PARTY" means any known lessee or tenant of real property or of a building thereof; any known agent of an owner, lessee, or tenant; any known person holding an unrecorded contract for deed, being a mortgage or vendee in physical possession of the real

property of a building thereon; or any other person who maintains or permits a nuisance and is known to the City.

"LAST KNOWN ADDRESS" means the address shown on the records of the Erie County Auditor or a more recent address known to the Huron Police Department. In the case of parties not listed in these records, the last known address shall be that address obtained by the Huron Police Department after a reasonable search. If no address can be found, such address shall be that of the building in which the nuisance occurred, or was maintained or permitted.

"NUISANCE". The following activities occurring in buildings and on properties in the City are declared to be a public nuisance:

1. Unreasonable noise, disturbance of the peace or disorderly conduct in violation of Chapter 509;
2. Any drug abuse offense in violation of Chapter 513;
3. Any offense against another person in violation of Chapter 537 including Sections 537.03 (assault), 537.04 (negligent assault), 537.05 (aggravated menacing), 537.06 (menacing), 537.07 (endangering children), 537.12 (misuse of 9-1-1);
4. Littering or disposition of litter in violation of Section ORC 731.51 and Ord. 521.08 and 557.01, et. seq.;
5. Barking or howling animals in violation of Section 505.09;
6. Failure to confine, restraint, or register a dangerous or vicious dog in violation of Chapter 505;
7. Any animal violations under Sections 505.01 (dogs and other animals running at large), 505.08 and 521.09 (noxious or offensive odors), 505.08 (nuisance conditions prohibited), 505.10 (animal bites), 505.05 (killing or injuring animals), 505.07 (cruelty to animals);
8. Any gambling violations under Chapter 517;
9. Any health, safety or sanitary violations under Chapter 521 and any public nuisance under Section 505.08 (nuisance conditions), 509.01, et. seq. (Disorderly Conduct and Peace Disturbance), 513.05 (permitting drug abuse), 517.03 (operating a gambling house), 517.04 (public gaming), and Chapter 557;
10. Any obstruction of official business in violation of Section 525.07;
11. Any alcohol violations under Chapter 529;
12. Any sex offenses under Section 533.07 (public indecency), 533.08 (procuring), 533.09 (soliciting), or 533.10 (prostitution);
13. Any offense against property under Sections 541.03 (criminal damaging or endangering) or 541.04 (criminal mischief);
14. Any theft violation under Sections 545.05 (petty theft), 545.08 (unauthorized use of property), or 545.19 (criminal tools);
15. Any weapons, explosives, firearm or handgun violation under Chapter 549;
16. Any noise violations under Chapter 509; and
17. Any fireworks violation under Chapter 1519.

"OWNER" means the person or persons in whose name or names the property is recorded with the Erie County Auditor for taxation purposes.

"SERVICE OF NOTICE". Service of the notice may be by certified mail to the owner's mailing address currently listed by the Erie County Auditor's tax lists; by ordinary mail if the certified mail is refused or unclaimed; by personal service if delivered in person to the property

owner or if the property owner cannot be located, the notice shall be deemed to be properly delivered if a copy of it is left at the property owner's usual place of abode in the presence of some competent person of suitable age and discretion. Service of the notice to an interested party may be made by the same methods.

3. Notice of Nuisance.

(1) If the Chief of Police or their designee has reason to believe that a nuisance has occurred, or is maintained or permitted in a building, or on a property, and intends to seek reimbursement for police and health and safety-related services rendered in the future in connection with such nuisance or activities creating a nuisance, they shall provide written service of notice as defined in subsection (b) hereof to the owner and each interested party known to them.

(2) The written notice shall:

- A. State that a nuisance as defined in this chapter has occurred, or is maintained or permitted in the building, and specify the kind or kinds of nuisance which has occurred, or is being maintained or permitted;
- B. Summarize the evidence that a nuisance has occurred, or is maintained or permitted in the building, including the date or dates on which nuisance-related activities have occurred or were maintained or permitted, provided, however, that one or more police reports can be used to satisfy this requirement; and
- C. Inform the recipient of the notice that:
 - 1. He or she has thirty days to abate the conduct constituting the nuisance, and to take steps to make sure that actions constituting a nuisance will not re-occur,
 - 2. If, after thirty days from the date of service of the notice, the nuisance re-occurs, or actions or conduct constituting a nuisance take place, the City may in its discretion impose the costs of police and health and safety-related services in abating or attempting to abate such nuisance or nuisance-related activities; and
 - 3. The costs will be collected by assessment against the property as defined through the Erie County Auditor to be assessed as a lien on the real property in accordance with law.

4. Subsequent Nuisance or Nuisance-Related Activity; Liability.

(1) If, within the period commencing thirty-one days after a written notice is served pursuant to this section and continuing for one year thereafter, a nuisance occurs or is maintained or permitted on the property, and police and health and safety-related services are rendered to abate or attempt to abate such nuisance, the costs of providing such police and health and safety-related services within the said one -year shall be assessed against the property and collected as provided in this section.2

(2) The costs for providing excess police and health and safety-related services shall include but not be limited to the gross salaries including all fringes and benefits which are paid by the City of police officers and health and safety-related forces while responding to or dealing with the nuisance or nuisance-related activities, the prorata cost of all equipment including City vehicles, the prorata cost of any additional administrative services rendered in assisting the officers, the cost of repairs to any City equipment and property damaged in responding to such nuisance or nuisance-related activities, and the cost of any medical treatment of injured police officers.

(3) Prior to the actual certification of any law enforcement and administrative costs pursuant to this section, the Chief of Police or their designee shall give at least thirty days' advance written

notice of intent to certify such costs to the owner of the real property against which the costs are to be certified. Written notice shall be provided as defined in subsection (b) hereof. Any aggrieved owner may appeal such intended certification to the City Manager, who may affirm, reverse or modify the proposed certification. All appeals to the City Manager must be filed within fourteen days of the mailing of the notice of intended certification.

(4) Law enforcement and related administrative costs shall not be charged against an owner who establishes both of the following:

- A. He had no knowledge of the nuisance activities on the premises and could not, with reasonable care and diligence, have known of the nuisance activities occurring on the premises; and
- B. Upon receipt of notice of the occurrence of nuisance activities on the premises, the owner promptly took all actions necessary to abate the nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9).

(5) The City reserves its rights to seek reimbursement for costs and damages not recovered by assessment against the property through other legal remedies or procedures.

(6) Nothing in this section shall be construed to require or prevent the arrest and/or citation of any person or persons for violations of federal, state, or local laws or ordinances.

(7) Nothing in this section shall be construed to limit what may be deemed a nuisance under Section 1369.07 of the Codified Ordinances.

(ORC. CHAPTER 3767)

(Ord. 2023-45. Adopted _____)"

and shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 3. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

Monty Tapp, Mayor

ATTEST: _____

Clerk of Council

ADOPTED: _____

ORDINANCE NO. 2023-44

Introduced by _____

AN ORDINANCE AMENDING CHAPTER 909 (ASSESSMENTS) OF THE HURON CODIFIED ORDINANCES TO ADD A NEW SECTION 909.04 (CRIMINAL ACTIVITY AS A NUISANCE; EXCESS CONSUMPTION OF PUBLIC RESOURCES).

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance are in the best interest of the City of Huron and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Chapter 909 (Assessments) of the Codified Ordinances of the City of Huron, Ohio, be amended to add a new Section 909.4 (Criminal Activity as a Nuisance; User Charge for Excessive Consumption of Public Services), which shall read as follows:

"909.04 CRIMINAL ACTIVITY AS A NUISANCE; USER CHARGE FOR EXCESSIVE CONSUMPTION OF PUBLIC SERVICES.

(a) Council hereby establishes certain policies and procedures applicable to the levy of special assessments for the cost to abate a nuisance that has occurred, or is maintained and permitted, on property. The collection of the costs for such excess police and health and safety services shall be by assessment against the property on which the nuisance, or activity constituting the nuisance, occurs, pursuant to the authority in the Ohio Constitution, Article XVIII Sections 3 and 7, the City's Charter, and the Ohio R.C. 715.44, 715.47, 3707.01 et seq., empowering the City to abate nuisances and collect the costs of such abatement by special assessment. This Council finds and determines that these policies and procedures are authorized by and consistent with the Ohio Constitution, the Ohio Revised Code and the Charter of the City, including but not limited to Sections 1.02, 1.03 and 9.03 thereof.

(b) By resolution or ordinance, Council may levy special assessments to pay costs for the cost to abate a nuisance that has occurred, or is maintained and permitted, on property and the costs for such excess police and health and safety services in the manner set forth in Huron Ord. 2023-44, and Ohio Revised Code Sections 715.44, 715.47, 3707.01 et. seq. (RC 3767.01, et. seq.)

"

and shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 3. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Todd Schrader
RE: Motion to acknowledge compliance with Section 7 of Ordinance No. 2022-50, with no changes.
DATE: December 12, 2023

Subject Matter/Background

Ordinance 2022-50 (adopted by Council on 10-11-22) was adopted to improve methods across departments to enhance customer service and increase efficiency when interacting with customers, residents, contractors and business owners. This legislation aims to accomplish some of these objectives by reducing the types of transactions or requests that require Council approval. As evidenced within the proposed ordinance, requests by individuals or entities to place temporary signage in the median of State Route 6 between the walk-over bridge and Williams Street right of way will no longer require Council approval. Agreements for the reasonable and limited use and access of City property for placement of banners and signage, as set forth in Chapter 1129.06(w) can be approved or disapproved by the City Manager after internal review by the planning and zoning department to ensure the request meets the existing parameters of the signage code. In addition, individuals or entities looking to temporarily stage materials or vehicles on City property (when there is no monetary consideration) will be able to be reviewed and approved or disapproved by the City Manager. Of course, there will still be license agreements in place between the parties to ensure those entities maintain insurance and return the site to its prior condition, which will be drafted and approved by the Law Director. Please note, this ordinance does not relate to sale, purchase or lease of real estate regardless of the level of monetary consideration. In summary, we are hoping to develop more streamlined and customer-friendly processes that allow the City to conduct business more effectively and quickly.

Legal Review

Per the ordinance, Council must re-address this matter annually, and if in agreement, a motion reaffirming Ordinance No. 2022-50, as written, is in order.

[Ordinance No. 2022-50 \(adopted 10-11-22\) \(1\).pdf](#)

ORDINANCE NO. 2022-50
Introduced by William Biddlecombe

AN ORDINANCE AMENDING THE CITY OF HURON CODIFIED ORDINANCES TO ADD A NEW SECTION 121.03- ADMINISTRATIVE AUTHORITY AND POWERS TO CHAPTER 121 (COUNCIL); REPEALING AND AMENDING AND RESTATING CHAPTER 131 (CITY MANAGER) IN ITS ENTIRETY; REPEALING AND AMENDING AND RESTATING SECTION 159.05- NORMAL PURCHASE PROCEDURE AND SECTION 159.06- EMERGENCY PURCHASES OF CHAPTER 159 (DIVISION OF PURCHASING); PROVIDING FOR THE ANNUAL REVIEW OF THIS ORDINANCE BY COUNCIL; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Chapter 121 (Council) of the Codified Ordinances of the City of Huron which currently reads as follows: (refer to Exhibit “A” attached), shall be and is hereby amended.

SECTION 2. That Chapter 121 (Council) of the Codified Ordinances of the City of Huron is hereby amended to add a new Section 121.03 – Administrative Authority and Powers to read as follows:

121.03 ADMINISTRATIVE AUTHORITY AND POWERS.

All members of Council and their staff shall:

- (a) Recognize the Charter role of the Mayor, Council, and City Manager, particularly in contracting, development projects, and incentives;
- (b) Support the integrity of the City's development processes and promote public trust by directing inquiries from developers related to financial assistance or land use approvals to the City Manager's Office so that they can be handled uniformly through transparent City administrative processes;
- (c) Set City funding and appropriation priorities in an open, transparent, and public manner; and
- (d) Report, without undue delay, to the City Manager, Ohio Ethics Commission, Law Director, Prosecutor, or other appropriate authority, conduct in the performance of official duties that is reasonably believed to violate the law or reasonably believed to violate any codes of conduct.

SECTION 3. That Chapter 131 (City Manager) of the Codified Ordinances of the City of Huron, which currently reads as follows: (refer to Exhibit “B” attached), shall be and is hereby repealed.

SECTION 4. That a new revised and restated Chapter 131 (City Manager) of the Codified Ordinances of the City of Huron is hereby amended and restated to read as follows:

CHAPTER 131

City Manager

131.01 Administrative authority and powers.

131.02 Performing duties of Clerk of Council.

CROSS REFERENCES

Appointment; removal - see CHTR. §4.01, 4.04

Duties - see CHTR. §4.02

Absence or disability - see CHTR. §4.03

Relation to Council - see CHTR. §4.05

Personal interest in contract - see CHTR. §5.08

City Manager exempt - see CHTR. §8.02

Community Development Director - see ADM. 155.01

Administrative Services Director - see ADM. 157.02

City Manager to act as Purchasing Agent for the City - see ADM. 159.01 et seq.

Normal Purchase Procedure - see ADM. 159.05

Emergency Purchase Procedure - see ADM. 159.06

Bond required - see ADM. 163.01

Manager to supervise urban renewal and redevelopment activities - see ADM. 191.04 et seq.

131.01 ADMINISTRATIVE AUTHORITY AND POWERS.

(a) The City Manager shall have full authority to prescribe and enforce administrative policy and procedure and to prescribe and enforce administrative rules and regulations for all departments, divisions, officers and employees of the City as the City Manager may deem necessary to the performance of the duties of the City Manager and to the efficient operation of the entire City government.

(b) The City Manager shall have full authority to prescribe the use of various forms and procedures for the conduct of the City's affairs. Further, the City Manager shall prescribe and/or approve the use of various reports and forms for the various departments, divisions, officers and employees, either regularly, or from time to time, for the City Manager's, the Mayor's or the Council's information and use.

(c) The City Manager may require the submission of regular or special reports from any department, division, office, officer or employee to be used in the administrative direction and control of the City.

(d) The City Manager shall have the power to make or delegate to department heads, rules and regulations to govern management practices.

(e) The City Manager is authorized and directed to amend and modify existing written agreements, and enter into and execute new written agreements by and on behalf of the City, without the approval of the City Council for the purposes, and subject to the limitations, set forth in Section 131.03.

(Ord. 2022-50. Passed 10-11-22.)

131.02 PERFORMING DUTIES OF CLERK OF COUNCIL.

The City Manager or the person(s) designated by the City Manager shall perform the duties of Clerk of Council during the disability or temporary absence of the Clerk. Such duties shall include those duties imposed upon the Clerk of Council by Section 2.12 of the Charter, ordinances of the City and laws of the State, and the authority to execute certificates in regard to transcripts submitted to bond counsel to obtain approving opinions for the issuance of notes and bonds of the City.

(Ord. 2022-50. Passed 10-11-22.)

131.03 CITY MANAGER ACTIVITIES

(a) The City Manager, in their capacity as chief administrative and Safety Services officer of the City, is hereby authorized and directed to take any and all actions, including executing contracts for and on behalf of the City, without the approval of the City Council, for the following purposes:

(1) Contracts for public improvements, provided that the expenditure per occurrence or series of occurrences does not exceed the amount set forth in Section 159.05(a);

(2) Contracts necessitated by emergency circumstances, as set forth in Section 159.06;

(3) License and vendor agreements for the reasonable and limited and/or incidental use and access of City property, including in and to the rights of way, provided that the access is for limited purposes and the contract does not extend beyond a period of one year;

(4) Agreements for the reasonable and limited use and access of City property for placement of banners and signage, as set forth in Chapter 1129;

(5) Agreements and/or granting permission to permit maintenance, repairs and replacements of infrastructure and/or improvements in the City right-of-way and/or on City property that pertain to then-existing easements, rights-of-way, or other conditions or encumbrances of record that grant property interests in and to City property;

(6) Undertake any and all other expenditures, transactions, and all other activities that serve to promote and permit the ongoing efficient daily operations and functions of the City that the City Manager deems to be in the best interest of the City and that, in the City Manager's discretion, may reasonably be transacted or undertaken without consent of the City Council, provided that the transaction does not exceed the amount set forth in Section 159.05(a) per occurrence or series of occurrences and the transaction will not extend beyond a period of one year provided, however, that there shall be no monetary limitations or caps for amendments to and modifications of existing written agreements, or entering into and executing new written agreements by and on behalf of the City, for power portfolio purchases pertaining to Huron Public Power and/or Huron Public Power customers due to the ever-changing, and occasionally volatile, nature of the energy markets.

(b) The City Manager shall not knowingly have any conflict of interest in violation of the Ohio Revised Code in any contract entered into as City Manager for and on behalf of the City.

(c) The City Manager is authorized to issue any and all permits or grant approvals required or permitted by then-existing Ordinances, including but not limited to permits for signage.

(Ord. 2022-50. Passed 10-11-22.)

SECTION 5. That Section 159.05– Normal Purchase Procedure and Section 159.06– Emergency Purchases of Chapter 159 (Division of Purchasing) of Chapter 159 of the Codified Ordinances of the City of Huron, which currently read as follows: (refer to Exhibit “C” attached), shall be and hereby are repealed in their entirety.

SECTION 6. That Section 159.05- Normal Purchase Procedure and Section 159.06- Emergency Purchase of Chapter 159 (Division of Purchasing) of the Codified Ordinances of the City of Huron, are hereby amended and restated to read as follows:

159.05 NORMAL PURCHASE PROCEDURE.

All purchases, other than emergency purchases or as otherwise provided in Section 159.03, shall be made in the following manner:

(a) The City Manager is authorized to amend and modify existing written agreements, and enter into and execute new written agreements by and on behalf of the City for expenditures not to exceed Twenty-Five Thousand Dollars (\$25,000.00) per occurrence or series of occurrences for any public improvement, or the purchase or lease of equipment, materials, and supplies, or to obtain professional or personal services or for any other lawful purpose, provided that a current appropriation supports such expenditure and, provided further that there shall be no monetary limitations or caps for amendments to and modifications of existing written agreements, or entering into and executing new written agreements by and on behalf of the City for power portfolio purchases pertaining to Huron Public Power and/or Huron Public Power customers due to the ever-changing, and occasionally volatile, nature of the energy markets. An expenditure exceeding Twenty-Five Thousand Dollars (\$25,000.00) per occurrence or series of occurrences shall not be divided to bring it within the provisions of this section. The City Manager shall notify Council of such expenditure at the next meeting of Council by way of the City Manager’s Report or other method of written communication (e.g., email).

(b) The City may expend up to Twenty-Five Thousand Dollars (\$25,000.00) per occurrence or series of occurrences with the approval of the City Manager or City Manager’s designee, and the Director of Finance, to the extent there are appropriations therefor, for any public improvement, or the purchase of equipment, materials, or supplies, or to obtain professional or personal services or for any other lawful purpose. The City Manager may designate approval to the Director of Finance for purchases made up to Three Thousand Dollars (\$3,000.00). These purchases must be encumbered, and a purchase order issued prior to receipt of services, materials or supplies and disbursement of funds.

(c) The City may expend between Twenty-Five Thousand Dollars (\$25,000.00) per occurrence or series of occurrences and up to Fifty Thousand Dollars (\$50,000.00) per occurrence or series of occurrences with the approval of the City Manager, or City Manager’s designee, and the Director of Finance, to the extent there are current

appropriations therefor, upon the prior approval of a majority of Council, which approval may be given by a motion and vote at any regular or special meeting of Council. Authorization provided by Council shall only be effective if all members of Council are provided a written explanation of the amount and purpose of the proposed expenditure prior to said motion and vote. The City Manager shall provide specifications to Council. Council may request the City Manager or department heads to attempt to obtain at least two quotations, as part of an informal bidding process. These purchases must be encumbered, and a purchase order issued prior to receipt of services, materials or supplies and disbursement of funds.

(d) All requests for the purchase of materials, supplies, or services shall come from the department head involved.

(e) Requests for materials, supplies or services shall be addressed to the City on a requisition form to be provided by the Office of the Director of Finance, or electronically submitted through the Director of Finance's designated software. All requests shall explicitly state the items or services desired.

(f) All requisitions shall be filed, approved, and stored in the Finance Department, which may be done electronically. In accordance with Section 6.12 of the Charter, purchases shall be made by written purchase order signed by the Purchasing Agent. Agreements for construction work shall be made by written contract. Agreements for personal services shall be made by written contract or appointment, signed by the City Manager, or City Manager's designee, acting as Purchasing Agent for the City.

(g) Purchase orders shall be on printed forms as prescribed by the City Manager and the Director of Finance. They shall bear consecutive numbers as to the date of issue.

(h) No purchase order or contract shall be valid as an obligation of the City unless it bears a certificate of the Director of Finance that the estimated amount thereof has been entered as an encumbrance in the City accounts against an allotment based on a valid appropriation.

(i) After the approval of requisitions and after the certificate of the Director of Finance has been signed, which may be electronically, stating that the funds are available for such purchase from the proper fund, the original purchase orders shall be issued to the vendor, supplier, or person rendering the required service.

(j) A second (carbon) copy of every purchase order shall be immediately posted to the encumbrance ledger and such sum shall be subtracted from the respective appropriate account. All second (carbon) copies or purchase orders shall be kept in numerical filing order in the custody of the Director of Finance, unless retained electronically.

(k) All vouchers and warrants for the disbursement of City funds shall bear the purchase order number authorizing such expenditure when so applicable. If there is a difference in the quoted purchase order price and the invoice or final price, such difference shall be reconciled immediately with the encumbrance ledger, with such explanation within the voucher as to difference in price as the Director of Finance or City Manager may require or deem advisable.

(l) The City Manager, together with the Director of Finance, shall sign all warrants, vouchers and checks or any contract involving the disbursement of City funds, which may be done electronically.

(Ord. 2022-50. Passed 10-11-22.)

159.06 EMERGENCY PURCHASES.

(a) Emergency purchases, without recourse to requisition or purchase procedure, may be made by certain authorized employees, including the City Manager, Director of Finance, or a department head, when such emergency action is necessary. Examples of such emergency situations would be in times of military or civil disaster or during periods of the day or night when the required officials would not be available to approve normal purchase procedure and when the unavailability of such officials to approve such purchases would adversely affect the best interest and the day-to-day operations of the City.

(b) When an emergency purchase is made by the City Manager or an authorized employee(s) of the City, a written explanation of such purchase shall be made to the Director of Finance within twenty-four (24) hours after such purchase is negotiated or made. The Director of Finance shall subsequently prepare and sign a purchase order for the emergency purchase, and it shall be filed in the manner prescribed in Section 159.05.

(Ord. 2022-50. Passed 10-11-22.)


SECTION 7. This Council expressly requests that the Clerk of Council place this litigation on the agenda as new business for discussion on the first meeting of each and every December, commencing in December 2023, to permit Council to evaluate the efficacy of this legislation and any modifications, amendments, or changes that Council may wish to entertain, if any.

SECTION 8. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 9. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the residents, and to ensure the sound fiscal administration of the City of Huron; **WHEREFORE**, this Ordinance shall take effect immediately upon its adoption.

ATTEST:


Clerk of Council


Monty Tapp, Mayor

ADOPTED:

11 OCT 2022

CHAPTER 121

Council

121.01 Rules of Council.**121.02 Filling vacancies of Vice Mayor and Clerk of Council.**

CROSS REFERENCES

Membership; term; vacancies - see CHTR. §2.01, 2.04, 2.05
 Qualifications - see CHTR. §2.02
 Salary - see CHTR. §2.06
 Rules; journal - see CHTR. §2.07
 Powers - see CHTR. §2.08
 Meetings - see CHTR. §2.09
 Clerk of Council - see CHTR. §2.12
 City Manager performing duties of Council Clerk - see ADM. 131.02
 Urban renewal action - see ADM. 191.08

121.01 RULES OF COUNCIL.

I. **MEETINGS.** The regular meetings of Council shall be held in the Council Chambers of the Municipal Building at 6:30 p.m. on the second and fourth Tuesdays of each and every calendar month. Special meetings of Council may be called by the Mayor or by any three members of Council by having the Clerk serve written notice of the call of such meeting upon each member of Council and upon the Mayor, in person or by delivering a copy thereof to the usual place of residence of such persons not less than twelve hours prior to the holding of such meeting. Such notice shall specify the time and place of the holding of such meeting.

Regular work sessions open to the public shall be held in the Council Chambers of the Municipal Building at 6:30 p.m. on the first and third Tuesday of each month, unless a special Council meeting has been called for such day and time, as hereinabove provided, in which event the work session shall be convened immediately following the adjournment of the special meeting.

The Clerk of Council shall, as soon as possible, and on or before January 1 annually thereafter, cause to be published in a newspaper of general circulation in Huron, Ohio, a calendar of the regularly scheduled regular meetings of Council and the regularly scheduled work sessions of Council to be held as hereinabove provided during the succeeding twelve months.

The Clerk of Council shall maintain a current list of the names of the news media who have requested, in writing, notification of special meetings of the Council, and in the event of the scheduling of such a special meeting, the Clerk of Council shall, no later than twenty-four hours prior to the commencement of such special meeting, advise the news media who have requested notification, stating the time, place and stated purpose of the special meeting. Where practical, such notification shall be made in writing by first class mail addressed to such news media at the addresses provided by them to the Clerk of Council. In emergency situations where twenty-four hour notice is not possible, the Clerk of Council shall cause to be made oral notification to such news media representatives by telephone and shall record the fact of such notice in a statement to be attached to the minutes of the meeting.

Upon payment of an annual fee in the amount of ten dollars (\$10.00) on or before January 1 of any year, any person may receive notice of all meetings of the Huron, Ohio City Council.

(Ord. 2005-42. Passed 9-13-05.)

II. **HOLIDAY MEETINGS.** When any regular Council meeting or any regular work session falls due on a legal holiday, or an election day, Council shall meet in regular session or regular work session on the day following, at the place and time set forth in paragraph I above.

III. **JOURNAL.** The Clerk of Council shall keep a written journal of the proceedings of all regular and special Council meetings, which journal shall be promptly recorded and open to public inspection. The journal shall only reflect the general subject matter of discussions held in executive sessions. (Ord. 1975-64. Passed 11-24-75.)

IV. OPEN PROCEEDING. The Mayor shall take the chair at the time appointed for Council to meet, and shall immediately call the members to order; he shall then cause the journal of the preceding session to be read and disposed of, unless otherwise ordered by Council. In the absence of the Mayor, the Vice Mayor of Council shall perform such duties as are imposed upon the Mayor. In the absence of both the Mayor and Vice Mayor of Council, Council may appoint a temporary chairman or President of Council.

V. PRESIDING OFFICERS. The Mayor shall preserve order and decorum, and confine members in debate to the question. He may in common with any other member call any member to order who shall violate any of the rules, and shall, when in the chair, decide all questions of order, subject to any appeal to Council on the demand of two members. On such appeal there shall be no debate, but the member making the appeal may briefly state his reasons for the same, and the presiding officer shall have the same right to a similar statement. The Director of Law shall function as Parliamentarian when requested by the presiding officer.

VI. STANDING COMMITTEES. Standing committees shall be created by motion of any Council member approved by a majority of the members of Council.

The Mayor shall appoint two members to each standing committee immediately following the approval of the motion creating such committee.

The Mayor may at any time remove any member or members of any standing committee and appoint a new member or members of such committee to serve in place of such member or members so removed. (Ord. 1962-20. Passed 7-23-62.)

VII. ORDER OF BUSINESS. The business of the regular meetings of Council shall be transacted in the following order:

1. Roll call;
2. Reading or disposal of the minutes;
3. Old business;
4. New business;
5. City Manager's discussion and reports;
6. Mayor's discussion;
7. Adjournment.

The presiding officer of Council may at any time permit a member to introduce an ordinance, motion or resolution out of the regular order for the same, unless the same be objected to by a majority of the members present. (Ord. 1976-28. Passed 9-27-76.)

VIII. VOTING. Although it is the duty of each Council member to vote on each issue before the Council, a member may abstain, without explanation, if the member states that there is a potential or actual conflict of interest. There is no requirement that the member who abstains obtain the approval or consent of other Council members before that abstention. Any member who refuses to vote on any question when the yeas and nays are being taken, without recognizing the existence of a potential or actual conflict of interest will be deemed guilty of contempt of Council, and may for such contempt be censured by a majority vote of Council.

Roll call voting may be used to place the vote of the individual members on the record. Roll call votes are required to go into Executive Session for the limited purposes defined in Ohio R.C. 121.22 (G). There is no requirement to vote to come out of an Executive Session.

(Ord. 2010-34. Passed 9-14-10.)

IX. REPORTS OF COMMITTEE. The report of any committee of Council or Municipal officer, upon matters referred by Council, shall be made in writing and shall be accompanied by the original papers upon which such report is based, unless otherwise ordered by Council.

If any matters referred by Council to any committee or officer, are not reported upon within two weeks from the time of such reference, such matter shall be brought to the attention of Council by the Clerk, and Council shall take such further action in the premises as it may deem best.

X. MOTIONS, WHEN DEBATABLE; WITHDRAWAL. All motions shall be placed before Council for its consideration without the necessity for a second thereto.

When a motion is made, it shall be stated by the presiding officer before any debate shall be in order. Any such motion, and any amendment thereto, may be withdrawn by the movers thereof at any time before decisions, if a majority of the members then present shall agree thereto.

XI. DIVISION OF QUESTION. Any member may call for a division of the question, or the presiding officer may direct the same, and in either case, the same shall be divided if it comprehends questions so distinct that one being taken away, the other will stand as an entire question for decision.

XII. TO REFER; PRECEDENCE. When there is a question of referring a given subject to a standing committee, or to a select committee, the question of reference to a standing committee shall be put first.

XIII. TO ADJOURN. The motion to adjourn shall always be in order, unless Council is engaged in voting, and the motion to adjourn or to lay on the table, or for the previous question, shall be decided without debate.

XIV. SUBSIDIARY; ORDER OF PRECEDENCE. When a question or proposition is before Council, or under debate, no motion shall be received except the following:

1. To adjourn;
2. To lay on the table;
3. For the previous question;
4. To postpone to a certain day;
5. To commit;
6. To amend;
7. To postpone indefinitely.

The several motions shall have precedence in the order in which they are herein arranged.

XV. INTRODUCTIONS. Ordinances and resolutions shall be introduced only by members of the Council present, except such ordinances and resolutions as may be presented to Council upon written recommendation of some committee of Council or as provided by the City Charter.

XVI. REFERENCE TO COMMITTEE ON RULES AND ORDINANCES. All ordinances of a general or permanent nature, except the ordinances for appropriation, before their final passage, may be referred to the Committee on Rules and Ordinances. It shall be the duty of such Committee as to any ordinance so referred to it, to carefully compare the same with all existing ordinances, upon the subject matter, and it shall report thereon any discrepancy or conflict which may exist therewith. It shall also examine and report upon the form of such discrepancy or conflict or to correct error in form. If any amendment shall be made to any ordinance after the Committee has reported thereon the ordinance may before its final passage be recommitted to such Committee for further report thereon.

XVII. REFERENCE TO COMMITTEES. Any report, resolution, ordinance or matter before Council for consideration, except appropriation ordinances, before their final passage may be referred to a committee specially appointed by the Mayor. Any such committee shall consider the matter thus referred to it and report thereon to Council without unnecessary delay. Any matter referred to a committee may be taken from the hands of such committee for consideration by a two-thirds vote of Council at any time prior to report of such committee.

XVIII. APPEARANCES BEFORE COUNCIL. Any person, group or delegation wishing to appear before Council at any regular or special Council meeting shall direct a letter to the Clerk of Council in such time that he will receive it not less than forty-eight hours before the time of the Council meeting. The letter shall clearly state the purpose of the appearance and the approximate number of persons who will appear in the group.

XIX. DEBATES AND DISCUSSIONS. No member of Council while Council is in session shall engage in debate or discussion with any one save another member of Council or the Mayor or some person who has either been granted by Council the privilege to address Council or is present at a Council meeting on invitation of Council. All such debate or discussion shall be governed by Robert's Rules of Order.

XX. HEARINGS. If any elector or electors or taxpayers of the City or any other person or persons desire a hearing on any matters pending before Council, application may be made therefor to Council and Council may by a two-thirds vote grant such public hearing by arranging for a special time and place therefor which must not be during any regular or special meeting of Council.

XXI. RESIGNATION. The resignation of a member of Council shall not take effect until the same has been accepted by a vote of the majority of the members exclusive of the person tendering the resignation.

XXII. ROBERT'S RULES OF ORDER. In the absence of any rule upon the matter of business, Council shall be governed by Robert's Rules of Order.

XXIII. AMENDMENTS. These rules may be amended or altered or new rules adopted by a vote of the majority of all the members elected at any meeting of Council, on the report of a committee to which the subject has been referred at a previous meeting.

XXIV. SUSPENSION OF RULES. These rules or any of them may be temporarily suspended at any meeting of Council, by a concurrent vote of the majority of all members elected, except when a greater number is required by law or by these rules. The vote on such suspension shall be taken by the yeas and nays and entered

on the journal. In case any rule herein shall not have been adhered to by Council, the same shall be regarded as having been suspended. (Ord. 1962-20. Passed 7-23-62.)

121.02 FILLING VACANCIES OF VICE MAYOR AND CLERK OF COUNCIL.

(a) A vacancy in the office of Vice Mayor shall be filled within thirty days by Council selecting from among its members one to serve as Vice Mayor to fill such office for the unexpired term of his predecessor.

(b) A vacancy in the office of Clerk of Council shall be filled within thirty days, by a majority vote of the members of Council, selecting from outside its membership one to serve as Clerk of Council to fill such office for the unexpired term of his predecessor.

(Ord. 1970-26. Passed 4-27-70.)

CHAPTER 131**City Manager****131.01 Administrative authority and powers.****131.02 Performing duties of Clerk of Council.****CROSS REFERENCES**

Appointment; removal - see CHTR. §4.01, 4.04

Duties - see CHTR. §4.02

Absence or disability - see CHTR. §4.03

Relation to Council - see CHTR. §4.05

Contract interest - see CHTR. §5.08

City Manager exempt - see CHTR. §8.02

Community Development Director - see ADM. 155.01

Administrative Services Director - see ADM. 157.02

City Manager to act as Purchasing Agent for the City - see ADM. 159.01 et seq.

Bond required - see ADM. 163.01

Manager to supervise urban renewal and redevelopment activities - see ADM. 191.04 et seq.

131.01 ADMINISTRATIVE AUTHORITY AND POWERS.

The City Manager shall have full authority to prescribe and enforce administrative policy and procedure and to prescribe and enforce administrative rules and regulations for all departments, divisions, officers and employees of the City as he may deem necessary to the performance of his duties as City Manager and to the efficient operation of the entire City government.

The City Manager shall have full authority to prescribe the use of various forms and procedures as he shall approve for the conduct of the City's affairs. Further, he shall prescribe and/or approve the use of various reports and forms for the various departments, divisions, officers and employees, either regularly, or from time to time, for his, the Mayor's or the Council's information and use.

He may require the submission of regular or special reports from any department, division, office, officer or employee to be used in the administrative direction and control of the City.

The City Manager shall have the power to make or delegate to department heads, rules and regulations to govern management practices. (Ord. 1962-20. Passed 7-23-62.)

131.02 PERFORMING DUTIES OF CLERK OF COUNCIL.

The City Manager shall perform the duties of Clerk of Council during the disability or temporary absence of the Clerk. Such duties shall include those duties imposed upon the Clerk of Council by Section 2.12 of the Charter, ordinances of the City and laws of the State, and the authority to execute certificates in regard to transcripts submitted to bond counsel to obtain approving opinions for the issuance of notes and bonds of the City.

(Ord. 1976-37. Passed 11-22-76.)

CHAPTER 159**Division of Purchasing**

- 159.01 Creation and composition.**
- 159.02 Agent's general purchasing power.**
- 159.03 Formal bidding requirements.**
- 159.04 Manager may seek Council approval.**
- 159.05 Normal purchase procedure**
- 159.06 Emergency purchases.**
- 159.07 Design professional selection law waived.**

CROSS REFERENCES

Purchasing agency established - see CHTR. §5.05
 Competitive bidding - see CHTR. §5.06
 Contracts - see CHTR. §5.07 et seq.
 Purchasing procedure - see CHTR. §6.12
 Division established; head - see ADM. 157.01

159.01 CREATION AND COMPOSITION.

There is hereby created a Division of Purchasing which shall be composed of the Purchasing Agent as established by Section 5.05 of the City Charter. The City Manager, or his designee, shall act as Purchasing Agent for the City.

(Ord. 2010-16. Passed 5-25-10.)

159.02 AGENT'S GENERAL PURCHASING POWER.

Unless otherwise provided for in this chapter, the Purchasing Agent shall make all purchases and contracts for the purchase of supplies, materials and equipment required by the City. (Ord. 2010-16. Passed 5-25-10.)

159.03 FORMAL BIDDING REQUIREMENTS.

(a) The City shall procure expenditures in accordance with the bidding requirements set forth in Ohio R.C. 735.05, except as otherwise provided in this Chapter or by separate ordinance of Council.

(b) In all circumstances, the Council reserves the right to reject any and all bids and to waive informalities in bidding.

(c) In all cases of expenditures exceeding bidding threshold set forth in Ohio R.C. 735.05, the requirements of division (a) of this Section may be waived by Council if the expenditure falls within one of the following categories. In all cases, the purchase shall be approved by Council.

- (1) Purchase from the State under Ohio R.C. 125.04 or 5513.01.
- (2) Purchase from a governmental body.
- (3) Purchase of professional service.
- (4) Emergency purchases.
- (5) Purchases incapable of being competitively bid, such as sole source providers.
- (6) Purchases from another supplier upon equivalent terms, conditions, and specifications but a lower price than is offered by the State under Ohio R.C. 124.04(c).

(d) In cases of public disaster, declared by Council resolution adopted by unanimous vote of those members present, provided that a quorum is present, any purchase may be made in the open market.

(e) The City may prepare "blanket" certificates in accordance with ORC Section 5705.41, not to exceed current appropriations and \$100,000 for each "blanket" certificate.

(Ord. 2019-18. Passed 8-27-19.)

159.04 MANAGER MAY SEEK COUNCIL APPROVAL.

The approval of the City Council of any purchase, irrespective of the amount involved, shall be required when ordered by the City Manager.

(Ord. 2010-16. Passed 5-25-10.)

159.05 NORMAL PURCHASE PROCEDURE.

All purchases, other than emergency purchases or as otherwise provided in Section 159.03, shall be made in the following manner:

- (a) The City may expend up to twenty-five thousand dollars (\$25,000) with the approval of the City Manager or his designee, and the Director of Finance, to the extent there are appropriations therefor, for any public improvement, or the purchase of equipment, materials, or supplies, or to obtain professional or personal services or for any other lawful purpose. The City Manager may designate approval to the Director of Finance for purchases made up to three thousand dollars (\$3,000.00). These purchases must be encumbered, and a purchase order issued prior to receipt of services, materials or supplies and disbursement of funds.
- (b) The City may expend between twenty-five thousand dollars (\$25,000) and up to fifty thousand dollars (\$50,000) with the approval of the City Manager, or his designee, and the Director of Finance, to the extent there are current appropriations therefor, upon the prior approval of a majority of Council, which approval may be given by a motion and vote at any regular or special meeting of Council. Authorization provided by Council shall only be effective if all members of Council are provided a written explanation of the amount and purpose of the proposed expenditure prior to said motion and vote. The City Manager or Purchasing Agent shall provide specifications to Council. Council may request the City Manager or department heads to attempt to obtain at least two quotations, as part of an informal bidding process. These purchases must be encumbered, and a purchase order issued prior to receipt of services, materials or supplies and disbursement of funds.
- (c) All requests for the purchase of materials, supplies, or services shall come from the department head involved.
- (d) Requests for materials, supplies or services shall be addressed to the Purchasing Agent on a requisition form to be provided by the Office of the Director of Finance, or electronically submitted through the Director of Finance's designated software. All requests shall explicitly state the items or services desired.
- (e) All requisitions shall be filed, approved, and stored in the Finance Department, which may be done electronically. In accordance with Section 6.12 of the Charter, purchases shall be made by written purchase order signed by the Purchasing Agent. Agreements for construction work shall be made by written contract. Agreements for personal services shall be made by written contract or appointment, signed by the City Manager, or his designee, acting as Purchasing Agent for the City.
- (f) Purchase orders shall be on printed forms as prescribed by the City Manager and the Director of Finance. They shall bear consecutive numbers as to the date of issue.
- (g) No purchase order or contract shall be valid as an obligation of the City unless it bears a certificate of the Director of Finance that the estimated amount thereof has been entered as an encumbrance in the City accounts against an allotment based on a valid appropriation.
- (h) After the approval of requisitions and after the certificate of the Director of Finance has been signed, which may be electronically, stating that the funds are available for such purchase from the proper fund, the original purchase orders shall be issued to the vendor, supplier, or person rendering the required service.
- (i) A second (carbon) copy of every purchase order shall be immediately posted to the encumbrance ledger and such sum shall be subtracted from the respective appropriate account. All second (carbon) copies or purchase orders shall be kept in numerical filing order in the custody of the Director of Finance, unless retained electronically.
- (j) All vouchers and warrants for the disbursement of City funds shall bear the purchase order number authorizing such expenditure when so applicable. If there is a difference in the quoted purchase order price and the invoice or final price, such difference shall be reconciled immediately with the encumbrance ledger, with such explanation within the voucher as to difference in price as the Director of Finance or City Manager may require or deem advisable.
- (k) The City Manager, together with the Director of Finance, shall sign all warrants, vouchers and checks or any contract involving the disbursement of City funds, which may be done electronically.

(Ord. 2019-18. Passed 8-27-19.)

159.06 EMERGENCY PURCHASES.

Emergency purchases, without recourse to requisition or purchase procedure, may be made by the City Manager, Director of Finance, Purchasing Agent, a department head, when such emergency action is necessary. Examples of such emergency situations would be in times of military or civil disaster or during periods of the day or night when the required officials would not be available to approve normal purchase procedure and when the unavailability of such officials to approve such purchases would adversely affect the best interest and the day-to-day operations of the City. When an emergency purchase is made by any of the authorized employee(s) of the City, a written explanation of such purchase shall be made to the Purchasing Agent of the City within

twenty-four (24) hours after such purchase is negotiated or made. The Purchasing Agent and Director of Finance shall subsequently prepare and sign a purchase order for the emergency purchase and it shall be filed in the manner prescribed in Section 159.05.

(Ord. 2010-16. Passed 5-25-10.)

159.07 DESIGN PROFESSIONAL SELECTION LAW WAIVED.

(a) The provisions of Ohio R.C. 153.65 through 153.71 shall not be applicable in the City.

(b) In addition to meeting existing ordinances and Charter provisions as to contracts and purchases, the City Manager is authorized to establish such further procedures as are deemed to be in the City's best interests for the selection of design professionals.

(Ord. 2010-16. Passed 5-25-10.)



TO: Mayor Tapp and City Council
FROM: Matthew Lasko
RE: Resolution No. 81-2023 (*submitted by Matt Lasko*)
DATE: December 12, 2023

Subject Matter/Background

While this grant application has not yet closed, we were advised that each application will be reviewed as it is submitted. Acting on this advice and to position ourselves in the best possible place, staff submitted this application for \$1,899,130 for the South Main St Watermain Replacement Project at the earliest possible time. This grant application was based on a 60%/40% split with the City funding the 40%. This request is to ratify this submission.

Financial Review

If awarded, this grant will reduce the low-interest loan amount from OWDA for the South Main St. Watermain Replacement Project. The watermain replacement project will be funded by water revenue and paid through the Water Capital Project Fund. This legislation is authorizing the City to apply for the grant.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement, a motion adopting Resolution No. 81-2023 is in order.

[S Main Water Replace-Oh DoD Water & wastewater Grant application 12-1-23.pdf](#)
[Resolution No. 81-2023 ODOD Water and Wastewater Grant \\$1,899,130.00.pdf.doc](#)



Water and Wastewater Infrastructure Grant Program

Application Information


Application Name:	DEV--2023 - 204617
Project Type:	Construction grant - public drinking water
Created On:	11/28/2023 10:55 AM
Created By:	Lawrence Fridrich
Online Application Status:	Application Submitted

Applicant Organization

Federal Tax ID:	34-6400671
OAKS ID:	0000104317
Applicant Name:	Huron, City of
Applicant Address:	417 Main St., Huron, OH, 44839

Project Contact Information

Position/Role	Primary Contact	First Name	Last Name	Phone Number	Email
Mayor/Village Administrator					
Application Preparer	<input checked="" type="checkbox"/>	Larry	Fridrich	(440) 821-7871	larry.fridrich@ohm-advisors.com
Authorized Official					
Consulting					

Engineer					
CITY MANAGER		Matt	Lasko	(419) 433-5000	matt.lasko@huronohio.us

Project Information

Project Name:

S. Main St Watermain Replacement

Project Location (list city/village):

Huron

Select County(ies) served:

Erie

Please Provide a brief description of the project:

The existing water mains that are planned to be replaced were constructed in 1909, 1947 and 1950. The mains are 4-inch, 6-inch and 8-inch diameter cast iron and ductile iron. All are well beyond useful life. This area has the highest incidence of breaks in the city, with over 16 main breaks in the last 10 years. The water mains supply key central city community facilities such as: US Post Office, St. Peter Church & School, US Geological Survey office, marinas and other central city businesses. Additionally, the Main St. water main is the key supply line that serves the southern residential neighborhoods of the City of Huron and supplies water to Erie County Water customers south of the city limits. Replacement of these lines is critical to ensuring a safe water supply to these areas of the city and county. Approximately 7,120 lineal feet of water main will be replaced, along with 2,965 Lineal feet of service branches and 28 fire hydrants.

Estimated population number to be served:

1325

Community & Project Information

Is this project listed on the County Engineers prioritization list as submitted?

If you've checked yes, what is the prioritization level of the project (on a scale of 1-10) (insert number or check do not know)?

Does the community where the project is located meet any of the economically disadvantaged criteria below? If so, check all that apply.

Median Household Income for the area served is less than the state-wide average Median Household Income

What is your estimated average monthly residential charge for water usage?

\$50.00

What is your estimated average monthly residential charge for wastewater?

\$0.00

Does the project address any of the following areas? If so, check all that apply.

Addressing significant water quality and/or public health concerns (attach supporting documentation)

Does the project address significant water quality and/or public health concerns related to any of the following:

The project will address a high-risk for critical infrastructure failure (ex: collapse of critical treatment plant components, catastrophic failure of storage pond or water tower, etc.)

Indicate (check all that apply) the construction readiness of the project:

Engineering/design plans are complete and approved;Project has received applicable permits from Ohio EPA;Construction on the project can begin within 1-6 months

Project Start date:

4/1/2024

Project End date:

12/2/2024

Costs

ARPA Water and Sewer/Wastewater Quality Construction Grant Project Budget

Category Number	Cost Categories	Total Amount Requested
1	Water Facility Improvements	\$1,731,550.00
2	Sewer Facility Improvements	\$0.00
6	Construction Administration & Inspection	\$167,580.00
Total:		\$1,899,130.00

Match funds:

Is there match funding for the project?

Yes

Total Amount	Source	Funds Committed?
\$1,525,125.00	Local Funding (City of Huron)	Yes
Total : \$1,525,125.00		

Total Project Cost: **3424255.0**

Total Requested Amount: **1899130.0**

Required Documents

Required Documents			
Document Name:	Description	Date Uploaded:	Uploaded by:
Engineering agreements	City of Huron PO to OHM Advisors	11/28/2023 3:27 PM	Lawrence Fridrich
Engineering agreements	OHM Advisors Engineering proposal	11/28/2023 3:27 PM	Lawrence Fridrich
Engineering reports	Water Main Age and Breaks spreadsheet	11/28/2023 3:47 PM	Lawrence Fridrich
Approved Permits	OEPA Plan Review Approval Letter	11/28/2023 3:28 PM	Lawrence Fridrich
Project Map	Huron & Mill Streets Map	11/28/2023 3:43 PM	Lawrence Fridrich
Project Map	Forest Hills, Hickory & Valleyview Map	11/28/2023 3:44 PM	Lawrence Fridrich
Project Map	Overview Map with Main Breaks noted	11/28/2023 3:42 PM	Lawrence Fridrich
Project Map	S Main St & Mudbrook Map	11/28/2023 3:43 PM	Lawrence Fridrich
Documentation of match funds	Certification of Matching Funds	11/30/2023 10:55 AM	Lawrence Fridrich
Economically Disadvantaged Criteria Verification	Ohio and Huron MHI data	11/30/2023 10:50 AM	Lawrence Fridrich
SAM.gov documentation	Huron-SAM.gov	11/30/2023 2:11 PM	Lawrence Fridrich

Submit

As an authorized representative, I, Larry Fridrich from Huron, City of, hereby submit this Application to the Department of Development. I have read and understand the program eligibility requirements and also understand that this document in no way constitutes a commitment of funds by the State of Ohio for any of its programs. Further, I hereby represent that the foregoing and the information provided in the Application, to the best of my knowledge and belief, is true, complete and accurately describes the proposed project for which the financial assistance is being sought.

Typed Name: Larry Fridrich **Title:** Client Representative **Date:** 12/1/2023

RESOLUTION NO. 81-2023
Introduced by Matt Grieves

A RESOLUTION RATIFYING SUBMISSION OF A GRANT APPLICATION TO THE OHIO DEPARTMENT OF DEVELOPMENT – WATER AND WASTEWATER INFRASTRUCTURE GRANT PROGRAM FY 2024-25 RELATING TO THE SOUTH MAIN STREET WATERMAIN REPLACEMENT PROJECT IN THE AMOUNT OF ONE MILLION EIGHT HUNDRED NINETY-NINE THOUSAND ONE HUNDRED THIRTY AND XX/100 DOLLARS (\$1,899,130.00); AND FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AWARD IN AN AMOUNT NOT TO EXCEED ONE MILLION EIGHT HUNDRED NINETY-NINE THOUSAND ONE HUNDRED THIRTY AND XX/100 DOLLARS (\$1,899,130.00), SHOULD THE APPLICATION BE SUCCESSFUL.

WHEREAS, the City of Huron desires to seek grant funding from the Ohio Department of Development – Water and Wastewater Infrastructure Grant Program FY 2024-25 to partially subsidize the South Main Street Watermain Reconstruction Project (referred to as the “Project”); and

WHEREAS, the Projects meets basic eligibility requirements for project funding as it has a direct relationship to water and wastewater infrastructure improvements; and

WHEREAS, the City of Huron has the authority to apply for financial assistance and to administer the amounts received from OPWC; and

WHEREAS, the City of Huron must direct and authorize the City Manager, Matthew Lasko, to act as the Authorized Representative for the application and project, if awarded.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON AS FOLLOWS:

SECTION 1. That the Council of the City of Huron ratifies submission of a grant application to the Ohio Department of Development – Water and Wastewater Infrastructure Grant Program FY 2024-25 to become eligible for potential funding assistance relating to the South Main Street Watermain Replacement Project in the amount of One Million Eight Hundred Ninety-Nine Thousand One Hundred Thirty and xx/100 Dollars (\$1,899,130.00).

SECTION 2. If grant funds are awarded, the City Manager is further authorized and directed to execute an agreement for and on behalf of the City of Huron, Ohio with the Ohio Department of Development – Water and Wastewater Infrastructure Grant Program, for a grant in the amount not to exceed One Million Eight Hundred Ninety-Nine Thousand One Hundred Thirty and xx/100 Dollars (\$1,899,130.00), and which agreement shall be in substantially the form on file with the Clerk of Council.

SECTION 3. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22 of the Revised Code

SECTION 4. That this Resolution shall go into effect and be in full force and effect immediately upon its passage.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Matthew Lasko
RE: Resolution No. 85-2023(*submitted by Matt Lasko*)
DATE: December 12, 2023

Subject Matter/Background

Beginning in 2022, the City engaged Mrs. Andrea Rocco for employment law and human resources services for the City. In this role, Mrs. Rocco was responsible for managing personnel issues, grievances, workers compensation matters, employee handbook revisions and policies, salary studies, healthcare matters and City liaison to the bargaining units to name a few. The proposed annual salary for that position was \$25,000, with the acknowledgement that 2022 would be a test year to determine if the salary was sufficient or insufficient based upon the demands of the position. It was very clear throughout 2022 that the demands on the position from a scope and time perspective were far greater than the salary established, and the salary was increased to \$45,000 in 2023. The 2024 salary will remain at an annual salary of \$45,000. Mrs. Rocco will still maintain regular office hours and will also be available by phone 24/7.

Another change contemplated by the Second Amendment relates to additional fees to be paid relating to bargaining unit negotiations at a rate of \$200/hour up to \$20,000. In the event a mediation, fact-finding arbitration or conciliation is undertaken, there could be additional compensation at the rate of \$200/hour. The proposed amendment will run through December 31, 2024, with all other elements of the original agreement remaining unchanged.

Financial Review

The proposed 2024 budget includes the proposed salary for this part-time position, including additional compensation for bargaining unit negotiations. This position is 100% paid out of the City's General Fund.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 85-2023 is in order.

[Resolution No. 85-2023 2nd Amendment to Rocco HR Employment Agreement \\$45,000.00.docx](#)
[Final Second Amend to HR Agreement.doc](#)

RESOLUTION NO. 85-2023

Introduced by Joe Dike

A RESOLUTION AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO EMPLOYMENT AGREEMENT WITH ANDREA F. ROCCO FOR THE PROVISION OF EMPLOYMENT LAW AND HUMAN RESOURCES SERVICES FOR THE CITY OF HURON FOR A PERIOD OF ONE (1) YEAR THROUGH DECEMBER 31, 2024

WHEREAS, Andrea F. Rocco and the City of Huron entered into a certain Employment Agreement (Employment Law and Human Resource Services) (“Agreement”) on or about March 22, 2022 to permit Rocco to provide legal services pertaining to all employment law and all human resources matters for the City; and

WHEREAS, pursuant to Section 7.4 of the Agreement, the Parties desire to modify the Agreement to amend and modify certain terms of the Agreement as provided herein; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. The Huron City Council authorizes the City Manager to execute the Second Amendment to Employment Agreement for Employment Law and Human Resources Services between Andrea F. Rocco and the City of Huron, said agreement to be substantially in the form of Exhibit "A" attached hereto and made a part hereof.

SECTION 2: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22 of the Revised Code.

SECTION 3: This Resolution shall be in full force and effect from and immediately following its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

SECOND AMENDMENT TO EMPLOYMENT AGREEMENT

This Second Amendment to Employment Agreement (herein called "Second Amendment") by and between the City of Huron, Ohio, a Charter Municipality (hereinafter referred to as "City") and Andrea F. Rocco (hereinafter referred to as "Rocco") (with City and Rocco being individually referred to herein as "Party" and collectively referred to herein as "Parties"), is to EVIDENCE THAT:

WHEREAS, the Parties entered into a certain Employment Agreement (Employment Law and Human Resource Services) ("Agreement") on or about March 22, 2022 to permit Rocco to provide legal services pertaining to all employment law and all human resources matters for the City; and

WHEREAS the Parties entered into a First Amendment to the Employment Agreement, effective December 31, 2022, to modify the term of the Agreement, to adjust Rocco's compensation, and to address other obligations and commitments of Rocco that may develop during the Agreement term; and

WHEREAS, pursuant to Section 7.4 of the Agreement, the Parties desires to modify the Agreement to amend and modify certain terms of the Agreement as provided herein.

NOW, THEREFORE, in consideration of the mutual covenants and promises made in this First Amendment, and other valuable consideration (the receipt and sufficiency of which are hereby acknowledged), the Parties agree as follows:

1. As of December 31, 2023 (the "Effective Date"), the first sentence of Section 2.1 of the Agreement shall be deleted in its entirety and replaced with the following:

"This Agreement shall be effective upon execution by all parties (the "Effective Date"), and the term of this Agreement shall terminate as of 11:59 p.m. Eastern Standard Time on December 31, 2024."

2. As of the Effective Date, a new Section 3.4 shall be added to the Agreement, which shall state as follows:

"3.4 Notwithstanding any contrary provision of this Agreement, for bargaining unit negotiations that occur during the 2024 calendar year, Rocco shall be paid additional compensation at a rate of \$200.00 per hour, prorated to the tenth (10th) of an hour, up to a maximum of Twenty Thousand and No/100 Dollars (\$20,000.00)("Additional Compensation") unless the Parties agree, in advance and in writing, that further compensation above and beyond the Additional Compensation is warranted based on the time commitment, substance, and overall tone and tenor of said negotiations *provided, however*, that in the event any mediation, fact-finding, arbitration, or conciliation is undertaken, Rocco shall automatically be entitled to further compensation, based on the aforementioned hourly rate, which further compensation may be a part of or exceed the Additional Compensation depending on when such events occur and how long such events last."

3. All provisions of the Agreement (as amended) not modified by this Second Amendment shall remain in full force and effect.

[Document Continued On Next Page]

IN WITNESS WHEREOF, the Parties have caused this Second Amendment to be executed as of the dates referenced below.

City of Huron

By: _____
Matthew D. Lasko, City Manager

Andrea F. Rocco, Esq.

Date: _____

Date: _____

"City"

"Rocco"

Approved as to form:

Todd A. Schrader, Esq., Law Director



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Resolution No. 86-2023 (*submitted by Matt Lasko*)
DATE: December 12, 2023

Subject Matter/Background

Andrea Rocco has served as the City's sole prosecutor for all of 2022 and 2023. Per Resolution 38-2022, the Prosecutor's salary was increased from \$25,000 annually to \$35,000 annually. This salary, when broken down hourly, is a very competitive rate and in line with other municipalities. Per Resolution No. 112-2022, based on Mrs. Rocco's exceptional work performance and professionalism, the City amended the current agreement to extend the term of the agreement through December 31, 2023. Resolution No. 86-2023 seeks to extend the agreement through December 31, 2024. All other terms of the underlying agreement will remain similar and there is no proposed salary increase to provide the City prosecutorial services in 2024.

Financial Review

The proposed 2024 budget includes the proposed salary for this part-time position. This position is 100% paid out of the City's General Fund.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 86-2023 is in order.

[Resolution No. 86-2032 3rd Amendment to Prosecutor Agreement 2024 \\$35,000.00.docx](#)
[Final Third Amend to Prosecutor Agreement.doc](#)

RESOLUTION NO. 86-2023

Introduced by Joe Dike

A RESOLUTION APPROVING A THIRD AMENDMENT TO THE PROSECUTOR AGREEMENT WITH ANDREA F. ROCCO FOR THE PROVISION OF LEGAL SERVICES AS PROSECUTING ATTORNEY FOR THE CITY OF HURON THROUGH DECEMBER 31, 2024.

WHEREAS, Andrea F. Rocco is currently serving as prosecuting attorney for the City of Huron pursuant to a Prosecutor Agreement, as amended, expiring on December 31, 2023; and

WHEREAS, the City and Ms. Rocco have determined that it is in the best interest of the City and the residents of the City to enter into a Third Amendment to Prosecutor Agreement with Andrea F. Rocco for prosecuting attorney services through December 31, 2024 in the Huron Municipal Court.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. The Huron City Council authorizes the City Manager to execute the Second Amendment to Prosecutor Agreement between Andrea F. Rocco and the City of Huron for prosecuting attorney services through December 31, 2024, said agreement to be substantially in the form of Exhibit "A" attached hereto and made a part hereof.

SECTION 2: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22 of the Revised Code.

SECTION 3: This Resolution shall be in full force and effect from and immediately following its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

THIRD AMENDMENT TO PROSECUTOR AGREEMENT

This Third Amendment to Prosecutor Agreement (herein called "Third Amendment") by and between the City of Huron, Ohio, a Charter Municipality (hereinafter referred to as "City") and Andrea F. Rocco (hereinafter referred to as "Attorney") (with City and Attorney being individually referred to herein as "Party" and collectively referred to herein as "Parties"), is to EVIDENCE THAT:

WHEREAS, the Parties entered into a certain Employment Agreement ("Agreement") on or about December 15, 2021 to permit Attorney to serve as Prosecutor for the City; and

WHEREAS, effective March 22, 2022, the Parties entered into a First Amendment to Employment Agreement to, *inter alia*, restyle and retitle the Agreement as a "Prosecutor Agreement," and to extend the term of the Agreement to 11:59 p.m. Eastern Standard Time on December 31, 2022; and

WHEREAS, effective December 31, 2022, the Parties entered into Second Amendment to Prosecutor Agreement to extend the term of the Agreement, as amended, to 11:59 p.m. on December 31, 2023;

WHEREAS, pursuant to Section 7.4 of the Agreement, the Parties desires to modify the Agreement to extend the term of same as provided herein.

NOW, THEREFORE, in consideration of the mutual covenants and promises made in this Third Amendment, and other valuable consideration (the receipt and sufficiency of which are hereby acknowledged), the Parties agree as follows:

1. As of December 31, 2023 (the "Effective Date"), the second sentence of Section 2.1 of the Agreement shall be deleted in its entirety and replaced with the following:

"The term of this Agreement shall expire as of 11:59 p.m. Eastern Standard Time on December 31, 2024."

2. All provisions of the Agreement (as amended) not modified by this Third Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have caused this Third Amendment to be executed as of the dates referenced below.

City of Huron

By: _____
Matt Lasko, City Manager

Andrea F. Rocco, Esq.

Date: _____

Date: _____

"City"

"Attorney"

Approved as to form:

Todd A. Schrader, Esq., Law Director



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Resolution No. 87-2023 (*submitted by Jack Evans*)
DATE: December 12, 2023

Subject Matter/Background

This summary will pertain to Resolution Nos. 87-2023, 88-2023, 89-2023, 90-2023 and 91-2023.

The combined purchasing power of the City of Sandusky, the City of Huron the City of Vermilion, and Erie Count in the purchase of water treatment chemicals allows for a decreased expense as opposed to the cost should each entity purchase the identical product on their own. Therefore, on behalf of the City of Huron and other entities, the City of Sandusky conducted a bid for the purchase of Water Treatment Chemicals and has provided all entities with the final bid tabulation indicating the apparent low bidders for each chemical. The City of Huron Water Filtration Plant will purchase a total of six chemicals from 5 vendors through this bid.

Resolution No. 87-2023 Bonded Chemicals Inc.: For the purchase of 8 Tons of Powdered Activated Carbon in an amount not to exceed \$21,440, and the purchase of 6,000 Gallons of Hydrofluosilicic Acid at an amount not to exceed \$19,440. Grand total for this vendor is \$40,880.

Resolution No. 88-2023 JCI Jones Chemicals Inc.: For the purchase of 14 Tons of Chlorine in an amount not to exceed \$35,000.

Resolution No. 89-2023 Univar Solutions: For the purchase of 12,000 Gallons of Sodium Hydroxide in an amount not to exceed \$13,839.60.

Resolution No. 90-2023 Applied Specialties: For the purchase of 12,000 Gallons of Aluminum Chlorhydrate Polymer Blend in an amount not to exceed \$115,920.

Resolution No. 91-2023 Chemrite Inc.: For the purchase of 4,000 Gallons of Liquid Sodium Permanganate in an amount not to exceed \$39,960.

A copy of the 2024 Chemical Bid Form and Tabulation is attached hereto as Exhibit 1.

Financial Review

The 2024 budget will include the total cost not to exceed \$245,599.60 for all chemical contracts in the Water Fund (Fund 604). For comparison purposes, 2021 actual cost was approximately \$107,000, 2022 actual cost was approximately \$145,071, 2023 projected cost is approximately \$170,000, and 2024 projections are expected to total approximately \$170,000.

Account: 604-5210-54042

Legal Review

The matter has been reviewed, follows normal administrative procedure, and is properly before you.

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 87-2023 is in order.

[Resolution No. 87-2023 Bonded Chemicals Inc \\$40,880.docx](#)

[Copy of Chemicals 2024 Bid Form AND Bid Tab.xls](#)

RESOLUTION NO. 87-2023

Introduced by Joel Hagy

A RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD THE BID AND AUTHORIZE THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF WATER TREATMENT CHEMICALS TO BONDED CHEMICALS INC. IN AN AMOUNT NOT TO EXCEED FORTY THOUSAND EIGHT HUNDRED EIGHTY AND XX/100 DOLLARS (\$40,880.00).

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That the City of Sandusky having advertised for bids on behalf of the City of Huron and other entities, has provided a final bid tabulation indicating the lowest and best bid for each chemical and that based on that tabulation, the City Manager is authorized and directed to award the bid and expenditure of funds for the purchase of 8 tons of Powdered Activated Carbon (in an amount not to exceed Twenty-One Thousand Four Hundred Forty and 00/100 Dollars (\$21,440.00), and 6,000 Gallons of Hydrofluosilicic Acid (in an amount not to exceed Nineteen Thousand Four Hundred Forty and 00/100 Dollars (\$19,440.00)) to Bonded Chemicals Inc. in a total amount not to exceed Forty Thousand Eight Hundred Eighty and 00/100 Dollars (\$40,880.00). The City of Sandusky bid tabulation is attached hereto as Exhibit "A" and made a part hereof.

SECTION 2. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22.

SECTION 3. That this Resolution shall be in full force and effect from and immediately after its adoption.

Monty Tapp, Mayor

ATTEST:

Clerk of Council

ADOPTED:

CITY OF SANDUSKY, HURON AND ERIE COUNTY
CHEMICALS FOR CALENDAR YEAR 2024

ITEM NO.	CHEMICAL DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL COST	
1 8 6 . □ \$	1	Liquid Sodium Permanganate (NaMnO ₄)	12,000 Gallons More or Less	\$	\$
	2	Hydrofluosilicic Acid (H ₂ SiF ₆)	17,000 Gallons More or Less	\$	\$
	3	Sodium Hydroxide Liquid (NaOH)	50,000 Gallons More or Less	\$	\$
	4	Sodium Hypochlorite (NaOCl)	90,000 Gallons More or Less	\$	\$
	5	Aluminum Sulfate Polymer Blend - Liquid (Type One) (AL ₂ (SO ₄) ₃)	110,500 Gallons More or Less/ 600 Wet Tons	\$	\$
	6	Powdered Activated Carbon (PAC)	155,000 Pounds More or Less	\$	\$
	7	Ferrous Chloride Solution (FeC12)	350,000 Pounds More or Less Dry Weight \$/dry lbs of Fe	\$	\$
	8	Polymer - Liquid	88,000 Pounds More or Less	\$	\$
(5 , (□ 2 8 1 7 □	9	Ferrous Chloride Solution (FeC12)	30,000 Gallons More or Less	\$	\$
	10	Sodium Aluminate - Liquid	8,000 Gallons More or Less in bulk loads and/or 300 gallon totes	\$	\$
	11	Sodium Bisulfite Solution (Reducite)	12,000 Gallons in 300 Gallon Totes 900 Gallons in 15 Gallon Drums More or Less	\$	\$
	12	Sodium Hypochlorite (NaOCl)	13,000 Gallons in 300 Gallon Totes 6,000 Gallons in 15 Gallon Drums More or Less	\$	\$
	13	Polymer - Liquid	12,000 Pounds more or less in 2,300 Pound Totes	\$	\$
	14	Liquid Chlorine (CL ₂)	28,000 Pounds More or Less \$/lbs Deposit fee per 150 lb. cyclinder, if applicable	\$	\$
	15	Powdered Activated Carbon (PAC)	8 Tons More or Less	\$	\$

CITY OF SANDUSKY, HURON AND ERIE COUNTY
CHEMICALS FOR CALENDAR YEAR 2024

8 5 2 1	16	Sodium Hydroxide Liquid (NaOH)	12,000 Gallons More or Less	\$	\$
	17	Aluminum Chlorhydrate Polymer Blend - Liquid (Al ₂ (OH) ₅ Cl)	12,000 Gallons More or less	\$	\$
	18	Hydrofluosilicic Acid (H ₂ SiF ₆)	6,000 Gallons More or Less	\$	\$
	19	Liquid Sodium Permanganate (NaMnO ₄)	4,000 Gallons More or Less	\$	\$
	Bidder Name:				
Bidder Address:					
Telephone Number:					
Fax Number:		Email Address:			
Date:					

Do not leave any boxes blank, if you are not bidding an items please cross out cost box and prices shall be submitted in the unit cost requested, we will not do conversions. Specifications have been provided at the end of the bid book for each line item.

RODMFV	KHP IFDO	8 QW	4 XDQMW	\$ SS&HG 6 SHFDMMV \$ YRQ DNH 2 KIR	6 XDQQRQ KHP IFDO 6 DQHLQ 3 HQM ODOO	61) 3 ROG CH 5 IEHERUR HJUID	KHP IFDOY IRU DUEHURQ 2 KIR	8 QDUUS ROWRQV 7 UHQMQ RKR	KHP MDGH KHP IFDOY 3 DUSSDO 1 H HUM	KHP UMM OF XIRLG HJUID	DUERQ \$ FWDQMG RP SWMQ DBRLQD	UHQQMU 0 IG 6 RXWM OF HEURQ 2 KIR	HP ILD DMU6 ROWRQV D UHQFH DQMOV	\$ QK DQGHU KHP IFDOY DS RUM QDOOD	3 HQFFR 6 DQ HSH 7H DV	ROGHG KHP IFDOY ROP EXV 2 KIR
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3	6 RQXP GUR LGH DTXIG 1 DZ IG RI	DBRCV	DTXIG													
4	6 RQXP SRFXRUM 1 DZ IG RI	DBRCV	DTXIG													
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21	DTXIG 6 RQXP 3 HP DQ DQDM 1 DQ OZ IG RI	DBRCV	DTXIG													
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				\$ SS&HG 6 SHFDMMV \$ YRQ DNH 2 KIR	6 XDQQRQ KHP IFDO 6 DQHLQ 3 HQM ODOO	61) 3 ROG CH 5 IEHERUR HJUID	KHP IFDOY IRU DUEHURQ 2 KIR	8 QDUUS ROWRQV 7 UHQMQ RKR	KHP MDGH KHP IFDOY 3 DUSSDO 1 H HUM	KHP UMM OF XIRLG HJUID	DUERQ \$ FWDQMG RP SWMQ DBRLQD	UHQQMU 0 IG 6 RXWM OF HEURQ 2 KIR	HP ILD DMU6 ROWRQV D UHQFH DQMOV	\$ QK DQGHU KHP IFDOY DS RUM QDOOD	3 HQFFR 6 DQ HSH 7H DV	ROGHG KHP IFDOY ROP EXV 2 KIR



TO: Mayor Tapp and City Council
FROM: Jack Evans
RE: Resolution No. 88-2023 (*submitted by Jack Evans*)
DATE: December 12, 2023

Subject Matter/Background

This summary will pertain to Resolution Nos. 87-2023, 88-2023, 89-2023, 90-2023 and 91-2023.

The combined purchasing power of the City of Sandusky, the City of Huron the City of Vermilion, and Erie Count in the purchase of water treatment chemicals allows for a decreased expense as opposed to the cost should each entity purchase the identical product on their own. Therefore, on behalf of the City of Huron and other entities, the City of Sandusky conducted a bid for the purchase of Water Treatment Chemicals and has provided all entities with the final bid tabulation indicating the apparent low bidders for each chemical. The City of Huron Water Filtration Plant will purchase a total of six chemicals from 5 vendors through this bid.

Resolution No. 87-2023 Bonded Chemicals Inc.: For the purchase of 8 Tons of Powdered Activated Carbon in an amount not to exceed \$21,440, and the purchase of 6,000 Gallons of Hydrofluosilicic Acid at an amount not to exceed \$19,440. Grand total for this vendor is \$40,880.

Resolution No. 88-2023 JCI Jones Chemicals Inc.: For the purchase of 14 Tons of Chlorine in an amount not to exceed \$35,000.

Resolution No. 89-2023 Univar Solutions: For the purchase of 12,000 Gallons of Sodium Hydroxide in an amount not to exceed \$13,839.60.

Resolution No. 90-2023 Applied Specialties: For the purchase of 12,000 Gallons of Aluminum Chlorhydrate Polymer Blend in an amount not to exceed \$115,920.

Resolution No. 91-2023 Chemrite Inc.: For the purchase of 4,000 Gallons of Liquid Sodium Permanganate in an amount not to exceed \$39,960.

A copy of the 2024 Chemical Bid Form and Tabulation is attached hereto as Exhibit 1.

Financial Review

The 2024 budget will include the total cost not to exceed \$245,599.60 for all chemical contracts in the Water Fund (Fund 604). For comparison purposes, 2021 actual cost was approximately \$107,000, 2022 actual cost was approximately \$145,071, 2023 projected cost is approximately \$170,000, and 2024 projections are expected to total approximately \$170,000.

Account: 604-5210-54042

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 88-2023 is in order.

[Resolution No. 88-2023 JCI Jones Chemicals Inc. \\$35,000.00.docx](#)

[Water Chemicals Bid Tab.pdf](#)

RESOLUTION NO. 88-2023

Introduced by Joel Hagy

A RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD THE BID AND AUTHORIZE THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF WATER TREATMENT CHEMICALS TO JCI JONES CHEMICALS INC. IN AN AMOUNT NOT TO EXCEED THIRTY-FIVE THOUSAND XX/100 DOLLARS (\$35,000.00).

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That the City of Sandusky having advertised for bids on behalf of the City of Huron and other entities, has provided a final bid tabulation indicating the lowest and best bid for each chemical and that based on that tabulation, the City Manager is authorized and directed to award the bid and expenditure of funds for the purchase of 14 Tons of Chlorine to JCI Jones Chemicals in an amount not to exceed Thirty-Five Thousand and 00/100 Dollars (\$35,000.00). The City of Sandusky bid tabulation is attached hereto as Exhibit "A" and made a part hereof.

SECTION 2. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22.

SECTION 3. That this Resolution shall be in full force and effect from and immediately after its adoption.

Monty Tapp, Mayor

ATTEST:

Clerk of Council

ADOPTED:

Chemicals for Calendar Year 2024
City of Sandusky, Huron, Vermilion and Erie County

[illegible]



TO: Mayor Tapp and City Council
FROM: Jack Evans
RE: Resolution No. 89-2023 (*submitted by Jack Evans*)
DATE: December 12, 2023

Subject Matter/Background

This summary will pertain to Resolution Nos. 87-2023, 88-2023, 89-2023, 90-2023 and 91-2023.

The combined purchasing power of the City of Sandusky, the City of Huron the City of Vermilion, and Erie County in the purchase of water treatment chemicals allows for a decreased expense as opposed to the cost should each entity purchase the identical product on their own. Therefore, on behalf of the City of Huron and other entities, the City of Sandusky conducted a bid for the purchase of Water Treatment Chemicals and has provided all entities with the final bid tabulation indicating the apparent low bidders for each chemical. The City of Huron Water Filtration Plant will purchase a total of six chemicals from 5 vendors through this bid.

Resolution No. 87-2023 Bonded Chemicals Inc.: For the purchase of 8 Tons of Powdered Activated Carbon in an amount not to exceed \$21,440, and the purchase of 6,000 Gallons of Hydrofluosilicic Acid at an amount not to exceed \$19,440. Grand total for this vendor is \$40,880.

Resolution No. 88-2023 JCI Jones Chemicals Inc.: For the purchase of 14 Tons of Chlorine in an amount not to exceed \$35,000.

Resolution No. 89-2023 Univar Solutions: For the purchase of 12,000 Gallons of Sodium Hydroxide in an amount not to exceed \$13,839.60.

Resolution No. 90-2023 Applied Specialties: For the purchase of 12,000 Gallons of Aluminum Chlorhydrate Polymer Blend in an amount not to exceed \$115,920.

Resolution No. 91-2023 Chemrite Inc.: For the purchase of 4,000 Gallons of Liquid Sodium Permanganate in an amount not to exceed \$39,960.

A copy of the 2024 Chemical Bid Form and Tabulation is attached hereto as Exhibit 1.

Financial Review

The 2024 budget will include the total cost not to exceed \$245,599.60 for all chemical contracts in the Water Fund (Fund 604). For comparison purposes, 2021 actual cost was approximately \$107,000, 2022 actual cost was approximately \$145,071, 2023 projected cost is approximately \$170,000, and 2024 projections are expected to total approximately \$170,000.

Account: 604-5210-54042

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 89-2023 is in order.

[Resolution No. 89-2023 Univar Solutions Water Chemicals \\$13,839.60.docx](#)
[Water Chemicals Bid Tab.pdf](#)

RESOLUTION NO. 89-2023

Introduced by Joel Hagy

A RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD THE BID AND AUTHORIZE THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF WATER TREATMENT CHEMICALS TO UNIVAR SOLUTIONS IN AN AMOUNT NOT TO EXCEED THIRTEEN THOUSAND EIGHT HUNDRED THIRTY-NINE AND 60/100 DOLLARS (\$13,839.60).

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That the City of Sandusky having advertised for bids on behalf of the City of Huron and other entities, has provided a final bid tabulation indicating the lowest and best bid for each chemical and that based on that tabulation, the City Manager is authorized and directed to award the bid and expenditure of funds for the purchase of 12,000 Gallons of Sodium Hydroxide to Univar Solutions in an amount not to exceed Thirteen Thousand Eight Hundred Thirty-Nine and 60/100 Dollars (\$13,839.60). The City of Sandusky bid tabulation is attached hereto as Exhibit "A" and made a part hereof.

SECTION 2. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22.

SECTION 3. That this Resolution shall be in full force and effect from and immediately after its adoption.

Monty Tapp, Mayor

ATTEST:

Clerk of Council

ADOPTED:

City of Sandusky, Huron, Vermilion and Erie County

Denotes Mathematical Error



TO: Mayor Tapp and City Council
FROM: Jack Evans
RE: Resolution No. 90-2023 (*submitted by Jack Evans*)
DATE: December 12, 2023

Subject Matter/Background

This summary will pertain to Resolution Nos. 87-2023, 88-2023, 89-2023, 90-2023 and 91-2023.

The combined purchasing power of the City of Sandusky, the City of Huron the City of Vermilion, and Erie Count in the purchase of water treatment chemicals allows for a decreased expense as opposed to the cost should each entity purchase the identical product on their own. Therefore, on behalf of the City of Huron and other entities, the City of Sandusky conducted a bid for the purchase of Water Treatment Chemicals and has provided all entities with the final bid tabulation indicating the apparent low bidders for each chemical. The City of Huron Water Filtration Plant will purchase a total of six chemicals from 5 vendors through this bid.

Resolution No. 87-2023 Bonded Chemicals Inc.: For the purchase of 8 Tons of Powdered Activated Carbon in an amount not to exceed \$21,440, and the purchase of 6,000 Gallons of Hydrofluosilicic Acid at an amount not to exceed \$19,440. Grand total for this vendor is \$40,880.

Resolution No. 88-2023 JCI Jones Chemicals Inc.: For the purchase of 14 Tons of Chlorine in an amount not to exceed \$35,000.

Resolution No. 89-2023 Univar Solutions: For the purchase of 12,000 Gallons of Sodium Hydroxide in an amount not to exceed \$13,839.60.

Resolution No. 90-2023 Applied Specialties: For the purchase of 12,000 Gallons of Aluminum Chlorhydrate Polymer Blend in an amount not to exceed \$115,920.

Resolution No. 91-2023 Chemrite Inc.: For the purchase of 4,000 Gallons of Liquid Sodium Permanganate in an amount not to exceed \$39,960.

A copy of the 2024 Chemical Bid Form and Tabulation is attached hereto as Exhibit 1.

Financial Review

The 2024 budget will include the total cost not to exceed \$245,599.60 for all chemical contracts in the Water Fund (Fund 604). For comparison purposes, 2021 actual cost was approximately \$107,000, 2022 actual cost was approximately \$145,071, 2023 projected cost is approximately \$170,000, and 2024 projections are expected to total approximately \$170,000.

Account: 604-5210-54042

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 90-2023 is in order.

[Resolution No. 90-2023 Applied Specialities Water Chemicals \\$115,920.00 \(1\).docx](#)
[Water Chemicals Bid Tab.pdf](#)

RESOLUTION NO. 90-2023

Introduced by Joel Hagy

A RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD THE BID AND AUTHORIZE THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF WATER TREATMENT CHEMICALS TO APPLIED SPECIALTIES IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTEEN THOUSAND NINE HUNDRED TWENTY AND XX/100 DOLLARS (\$115,920.00).

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That the City of Sandusky having advertised for bids on behalf of the City of Huron and other entities, has provided a final bid tabulation indicating the lowest and best bid for each chemical and that based on that tabulation, the City Manager is authorized and directed to award the bid and expenditure of funds for the purchase of 12,000 Gallons of Aluminum Chlorhydrate Polymer Blend to Applied Specialties in an amount not to exceed One Hundred Fifteen Thousand Nine Hundred Twenty and XX/100 Dollars (\$115,920.00). The City of Sandusky bid tabulation is attached hereto as Exhibit "A" and made a part hereof.

SECTION 2. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22.

SECTION 3. That this Resolution shall be in full force and effect from and immediately after its adoption.

Monty Tapp, Mayor

ATTEST:

Clerk of Council

ADOPTED:

City of Sandusky, Huron, Vermilion and Erie County

Denotes Mathematical Error



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Resolution No. 91-2023 (*submitted by Jack Evans*)
DATE: December 12, 2023

Subject Matter/Background

This summary will pertain to Resolution Nos. 87-2023, 88-2023, 89-2023, 90-2023 and 91-2023.

The combined purchasing power of the City of Sandusky, the City of Huron the City of Vermilion, and Erie Count in the purchase of water treatment chemicals allows for a decreased expense as opposed to the cost should each entity purchase the identical product on their own. Therefore, on behalf of the City of Huron and other entities, the City of Sandusky conducted a bid for the purchase of Water Treatment Chemicals and has provided all entities with the final bid tabulation indicating the apparent low bidders for each chemical. The City of Huron Water Filtration Plant will purchase a total of six chemicals from 5 vendors through this bid.

Resolution No. 87-2023 Bonded Chemicals Inc.: For the purchase of 8 Tons of Powdered Activated Carbon in an amount not to exceed \$21,440, and the purchase of 6,000 Gallons of Hydrofluosilicic Acid at an amount not to exceed \$19,440. Grand total for this vendor is \$40,880.

Resolution No. 88-2023 JCI Jones Chemicals Inc.: For the purchase of 14 Tons of Chlorine in an amount not to exceed \$35,000.

Resolution No. 89-2023 Univar Solutions: For the purchase of 12,000 Gallons of Sodium Hydroxide in an amount not to exceed \$13,839.60.

Resolution No. 90-2023 Applied Specialties: For the purchase of 12,000 Gallons of Aluminum Chlorhydrate Polymer Blend in an amount not to exceed \$115,920.

Resolution No. 91-2023 Chemrite Inc.: For the purchase of 4,000 Gallons of Liquid Sodium Permanganate in an amount not to exceed \$39,960.

A copy of the 2024 Chemical Bid Form and Tabulation is attached hereto as Exhibit 1.

Financial Review

The 2024 budget will include the total cost not to exceed \$245,599.60 for all chemical contracts in the Water Fund (Fund 604). For comparison purposes, 2021 actual cost was approximately \$107,000, 2022 actual cost was approximately \$145,071, 2023 projected cost is approximately \$170,000, and 2024 projections are expected to total approximately \$170,000.

Account: 604-5210-54042

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 91-2023 is in order.

[Resolution No. 91-2023 Chemrite Inc. Water Chemicals \\$39,960.00.docx](#)
[Water Chemicals Bid Tab.pdf](#)

RESOLUTION NO. 91-2023

Introduced by Joel Hagy

A RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD THE BID AND AUTHORIZE THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF WATER TREATMENT CHEMICALS TO CHEMRITE INC. IN AN AMOUNT NOT TO EXCEED THIRTY-NINE THOUSAND NINE HUNDRED SIXTY AND XX/100 DOLLARS (\$39,960.00).

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That the City of Sandusky having advertised for bids on behalf of the City of Huron and other entities, has provided a final bid tabulation indicating the lowest and best bid for each chemical and that based on that tabulation, the City Manager is authorized and directed to award the bid and expenditure of funds for the purchase of 4,000 Gallons of Liquid Sodium Permanganate to Chemrite Inc. in an amount not to exceed Thirty-Nine Thousand Nine Hundred Sixty and XX/100 Dollars (\$39,960.00). The City of Sandusky bid tabulation is attached hereto as Exhibit "A" and made a part hereof.

SECTION 2. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22.

SECTION 3. That this Resolution shall be in full force and effect from and immediately after its adoption.

Monty Tapp, Mayor

ATTEST:

Clerk of Council

ADOPTED:

City of Sandusky, Huron, Vermilion and Erie County

Denotes Mathematical Error



TO: Mayor Tapp and City Council
FROM: Terry Graham
RE: Resolution No. 92-2023 (*submitted by Chief Terry Graham*)
DATE: December 12, 2023

Subject Matter/Background

The Huron Police Department is requesting authorization to apply to the State of Ohio Department of Natural Resources, Division of Watercraft for a Marine Patrol Assistance Grant for the calendar year of 2024. This grant allows for the operation of the Huron Police Department Marine Patrol, covering personnel, including uniforms and other fringe benefits; equipment, both for the boat and personnel; fuel, maintenance, dockage and winter storage for the boat. An amount of \$35,000 is being requested from ODNR, with a city match of up to \$12,000 (at least 25%). These amounts are in line with requests of previous years. A copy of the application is attached hereto as Exhibit 1.

Financial Review

The City annually requests and receives the marine patrol grant of approximately \$40,000-\$45,000, including the City's match. The City is requesting \$35,000 more in 2024 to offset personnel costs and plan for inflationary increases, such as fuel and maintenance of the boat. The overall increase to the City will be approximately \$12,000, which is budgeted for 2024. The grant is separately accounted for in a special revenue fund, Fund 225. The City will be spending more than the grant amount in 2023 and anticipated for similar spending in 2024.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement, a motion adopting Resolution No. 92-2023 is in order.

[Resolution No. 92-2023 Appl for Marine Patrol Grant.docx](#)
[MPAG2024-Application-Assistance \(1\).docx](#)

RESOLUTION NO. 92-2023
Introduced by Matt Grieves

A RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WATERCRAFT, FOR A 2024 MARINE PATROL ASSISTANCE GRANT FOR THE HURON POLICE HARBOR PATROL PROGRAM IN THE CITY OF HURON; AND FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT THE GRANT AWARD IN AN AMOUNT NOT TO EXCEED THIRTY-FIVE THOUSAND AND XX/100 DOLLARS (\$35,000.00) AND ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WATERCRAFT, SHOULD THE APPLICATION BE SUCCESSFUL.

WHEREAS, the Ohio Department of Natural Resources ("ODNR"), Division of Watercraft, established the Marine Patrol Assistance Grant to assist Ohio law enforcement agencies who establish or maintain and operate a marine patrol;

WHEREAS, under the grant program, the purpose of a marine patrol is to enforce Chapters 1547 and 1548 of the Ohio Revised Code and the rules adopted under these Chapters, and to provide emergency response to boating accidents that occur on the water. Each marine patrol will serve to protect the lives and property of person participating in recreational boating on the waters of the State of Ohio.

WHEREAS, all grants are awarded based on the potential success and ability of the marine patrol to provide such service to the boating community, and established marine patrols are evaluated on their efforts and achievements from the previous year;

WHEREAS, grants of up to \$35,000 per calendar year may be awarded on a cost-share basis. Applicants must match at least 25% of their total program costs, and the grants may be utilized for the maintenance and operation of vessels, marine equipment, education materials and personnel salaries'

WHEREAS, the Huron Police Department has been successful in its applications for Marine Patrol Assistance Grant funds over the past several years, and hopes to continue its Harbor Patrol Program for 2024 using these grant funds.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. The City Manager is hereby authorized and directed and authorized to make application for and on behalf of the City of Huron, Ohio with the Ohio Department of Natural Resources, Division of Watercraft, requesting grant funds to maintain and operate the Huron Police Harbor Patrol Program for calendar year 2024.

SECTION 2. If grant funds are awarded, the City Manager is further authorized and directed to execute an agreement for and on behalf of the City of Huron, Ohio with the Ohio Department of Natural Resources, Division of Watercraft, for a grant in an amount not to exceed Thirty-Five Thousand and XX/100 Dollars (\$35,000.00) to maintain and operate the Huron Police Harbor Patrol Program at a Total Program Cost not to exceed Forty-Seven Thousand and XX/100 Dollars (\$47,000.00), which includes the City's match obligation of at least 25% of the grant award, and which agreement shall be in substantially the form on file with the Clerk of Council.

SECTION 3. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22

SECTION 4. This Resolution shall be in full force and effect from and immediately following its adoption.

Monty Tapp, Mayor

ATTEST:

Clerk of Council

ADOPTED:



Ohio Department of Natural Resources Division of Parks and Watercraft
Marine Patrol Assistance Grant Program
Application for Assistance



Reminder and Notes

1. **The Division of Parks and Watercraft will not accept any Application for Assistance and Estimated Budget that is emailed after December 15, 2023.** No exceptions shall be made for this deadline.
2. **Please provide responses in the provided form.**
3. On the Agency Contacts page, you must include your agency's Entity Name and Unique Entity Identifier (UEI) as it shows in SAM.gov. Most organizations already have a UEI, check with your agency administrators or fiscal staff. The UEI is a tool that the federal government uses to track federal money. Federal funds make up a portion of the Division's assets and are used to fund programs like the MPAGP. Ensure that you allow for your entity's non-sensitive information to be displayed in SAM public search results. Verify that the annual expiration date is late in the calendar year of the grant cycle. Updating the UEI or registering for one can be completed by clicking this link [Unique Entity Identifier](#).
4. Any organization (payee) who expects to receive payment from the state of Ohio must register at OhioPays (formerly called the Supplier Portal). Most agencies probably already have a profile set up. Work with your administrators to register or to ensure that your agency profile is current. If your agency's name, address, or any other information has changed recently, your payee profile may also have to be updated. A payee may elect to add Electronic Funds Transfer (EFT) information. Click here [OhioPays](#) for more information.
5. Click on this link [Marine Patrol Grant Opportunities](#) to download the:
 - Application for Assistance (Word document)
 - Estimated Budget (Excel spreadsheet)
6. If the above links do not work, see page iii of the MPAGP Guidelines.

Email Application and Estimated Budget to:

ODNR Division of Parks and Watercraft
Attn: Cindy Bellar
Boating Law Administrator
Cynthia.Bellar@dnr.ohio.gov
(614)265-6504



Ohio Department of Natural Resources Division of Parks and Watercraft
Marine Patrol Assistance Grant Program
Application for Assistance



Request for Assistance

Name of Agency

is hereby requesting financial assistance from the State of Ohio, Department of Natural Resources, Division of Parks and Watercraft to establish or maintain and operate a marine patrol as provided in Section 1547.67 of the Ohio Revised Code.

Enclosed is the Application for Assistance which includes the following forms: Request for Assistance, Agency Contacts, Marine Patrol Schedule, Agency Information, and Estimated Budget .

Name of Program Administrator and Title

Date

DocuSign Information

The final Agreement will be sent to the agency via DocuSign. The head of the agency or appropriate administrator(s) will receive an email containing the Agreement documents. This is an electronic signature process.

Head of agency or administrator(s) with signature authority (up to two):

Name	Title	Email Address	Phone Number
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Name	Title	Email Address	Phone Number
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Name of person(s) to be copied in the email when the Agreement is sent via DocuSign:

Name	Title	Email Address	Phone Number
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Name	Title	Email Address	Phone Number
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Ohio Department of Natural Resources Division of Parks and Watercraft
Marine Patrol Assistance Grant Program
Application for Assistance



Agency Contacts

Marine Patrol Unit Name: _____

Federal Tax I.D. #: _____ County: _____

Unique Entity Identifier (UEI) Information from SAM.GOV:

Unique Entity Identifier	Entity Name as it appears in SAM.gov	Expiration
--------------------------	--------------------------------------	------------

Program Administrator

(Example: Chief of Police, Sheriff, Parks Director, etc.)

Name / Title: _____

Address: _____

City / State / Zip: _____

Phone & Ext: _____

E-Mail: _____

Marine Patrol Contact(s)

(Example: Officer/Supervisor/Official in Charge of the Marine Patrol Program)

Name / Title: _____

Address: _____

City / State / Zip: _____

Phone & Ext: _____

Alternate Phone: _____

E-Mail: _____

Other Name / Title: _____

Phone & Ext: _____

E-Mail: _____

Other Name / Title: _____

Phone & Ext: _____

E-Mail: _____

NOTE: Include email address of all contacts you want to be included in the email distribution list. If any changes occur after this has been submitted, please submit a revised copy to:

Cindy Bellar
Cynthia.Bellar@dnr.ohio.gov



Marine Patrol Schedule

Marine Patrol Unit Name: _____

A. Years of Continuous Service

_____ The specific number of continuous years of participation in the Division's Marine Patrol Assistance Grant Program. If your agency experienced a break in continuous service with the Marine Patrol Assistance Grant Program for any reason, please reflect this accurately by stating the most recent years of continuous participation.

B. Operations

NOTE: The marine patrol shall provide watercraft enforcement patrols on all three summer holiday weekends and most of the weekends between Memorial Day through Labor Day.

1. The marine patrol program is scheduled to operate from _____ (mm/dd/yyyy) to _____ (mm/dd/yyyy).
2. Boat patrols and courtesy vessel safety inspections are scheduled from _____ (mm/dd/yyyy) to _____ (mm/dd/yyyy).
3. Estimated Average Weekly Boat Patrol and Inspection Hours: _____
4. Does your agency have an appropriate and dedicated law enforcement patrol vessel for use? If yes, please describe.

5. Does the waterway(s), in which your agency will patrol, restrict access to members of a private community?

6. Are all officers or individuals who patrol commissioned Ohio Peace Officers? If no, explain.



Ohio Department of Natural Resources Division of Parks and Watercraft
Marine Patrol Assistance Grant Program
Application for Assistance



C. Waterway(s) and Patrol Description/Technique

Please complete the following page regarding your agency's marine patrol schedule. List the waterway(s) your agency will patrol in the left column. Provide anticipated patrol times and patrol description or techniques for each waterway.

	Waterway	Patrol Times	Description/Techniques
1.			
2.			
3.			
4.			
5.			
6.			
7.			



Ohio Department of Natural Resources Division of Parks and Watercraft
Marine Patrol Assistance Grant Program
Application for Assistance



8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			



Agency Information

A. Boating Access and Docks

1. _____ Total number of docks (public, private, & rack storage) within jurisdiction.
2. _____ Total numbers of paved boat launch lanes within jurisdiction.

B. Total Surface Acres of Water

1. _____ Total surface acres of water in your jurisdiction that is greater than two feet deep excluding wetlands and swamps. Please provide surface acres, not miles of shoreline square miles, etc.
2. **New applicants attach a map of the waterways you patrol indicating your jurisdictional boundaries (or, if previously submitted maps have changed)**

C. Uniqueness of Area and/or Extenuating Circumstances

Provide a written narrative describing the uniqueness of your jurisdiction, boating area, and/or any extenuating circumstances. This narrative can reflect things that are beyond the agency's control and that influence the outcome of the agency's marine patrol program (i.e., weather, mechanical failures, budget, night/day traffic volume, boater use pattern, special non-marine events, proximity or non-proximity to metropolitan areas, presence of establishments that serve alcohol, amphitheaters, ball parks, navigation hazards, etc.). Attach additional page(s) as necessary.



**Ohio Department of Natural Resources Division of Parks and Watercraft
Marine Patrol Assistance Grant Program
Application for Assistance**





D. Boating Rentals and Concessions

_____ Total number of public and private facilities that rent watercraft, as defined by Section 1546.01 of the ORC, to the public within jurisdiction.

E. Special Events

List all special events and permits, as defined by Section 1547.20 of the ORC, which will occur or be issued in the marine patrol's jurisdiction. Examples include regattas, fishing tournaments, fireworks, air shows, homeland security details, etc. Attach additional pages as necessary.

[illegible]

[illegible]



Ohio Department of Natural Resources Division of Parks and Watercraft
Marine Patrol Assistance Grant Program
Application for Assistance



F. Commercial Traffic

List the types of commercial traffic that navigate in or through the agency's jurisdiction (i.e., freighter, commercial barge traffic, locks, commercial vessels carrying greater than 6 passengers, seaports, etc.). Attach additional pages as necessary.

Type of Commercial Traffic	Estimated Numbers

G. Local ordinances, regulations, laws

Please attach all local ordinances, regulations, laws that your agency would enforce within your jurisdiction. Do not include ORC or OAC that we have on file already.

H. Utilize the provided Excel spreadsheet at <https://ohiodnr.gov/wps/portal/gov/odnr/buy-and-apply/apply-for-grants/grants/marine-patrol-assistance> for your Estimated Budget



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2023-46 (*submitted by Cory Swaisgood*)
DATE: December 12, 2023

Subject Matter/Background

Ordinance No. 2023-46 requests the Council's authorization for changes to the annual budget appropriations and cash transfers between funds. Please refer to Exhibit "A" of the ordinance for the detailed breakdown.

Financial Review

See Exhibit "A" for financial review and details of supplemental appropriations and cash transfers.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion adopting Ordinance No. 2023-46 is in order.

[Ordinance No. 2023-46 Appropriations.docx](#)

[Ordinance 2023-46 Exhibit A FINAL APP.pdf](#)

ORDINANCE NO. 2023-46

Introduced by Mark Claus

AN ORDINANCE AMENDING ORDINANCE NO. 2022-69, ADOPTED ON DECEMBER 27, 2022, TO PROVIDE FOR SUPPLEMENTAL APPROPRIATIONS FROM THE GENERAL FUND AND OTHER FUNDING SOURCES AND TO PROVIDE FOR CASH TRANSFERS.

WHEREAS, pursuant to Ordinance No. 2022-69, adopted December 27, 2022, Huron City Council adopted the annual budget for the fiscal year ending December 31, 2023 for the operations of all City departments and offices; and

WHEREAS, Council has established various funds for the financial operation of the City, and through the current fiscal year certain funds have been determined to have insufficient funds and certain Funds have been determined to have excess funds; and

WHEREAS, it is necessary to amend the budget to reflect supplemental appropriations, appropriation transfers and cash transfers between funds to accommodate the operational needs of certain City departments and offices and to assure all funds of the City are in proper balance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Exhibit "A" of Ordinance 2022-69, adopted on the 27th day of December 2022, as amended by Ordinance No. 2023-2 adopted on January 24, 2023, as amended by Ordinance No. 2023-6 adopted on March 28, 2023, as amended by Ordinance No. 2023-9 adopted on April 11, 2023, as amended by Ordinance No. 2023-17 adopted on July 11, 2023, as amended by Ordinance No. 2023-33 adopted on September 26, 2023, as amended by Ordinance No. 2023-36 adopted on October 10, 2023, as amended by Ordinance No. 2023-38 adopted on October 24, 2023, and as amended by Ordinance No. 2023-43 adopted on November 28, 2023, is hereby amended to provide for supplemental appropriations, appropriation transfers and cash transfers between funds as to each fund set forth in Exhibit "A" attached hereto and made a part hereof.

SECTION 2. That the Director of Finance and the City Manager are hereby authorized to expend the funds herein appropriated for the purpose of paying the operating expenses of the City for the fiscal year ending December 31, 2023, to make the cash transfers between and among those certain funds of the City, and to make the necessary entries on the accounting records of the City to reflect the appropriations and expenditures herein authorized to properly balance the various funds of the City.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 4. That in accordance with Section 3.06 of the Charter of the City of Huron, appropriation ordinances shall take effect immediately; WHEREFORE, this Ordinance shall take effect immediately upon its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

<p>CITY OF HURON BUDGET APPROPRIATION ADJUSTMENTS - FINAL SUMMARY SHEET</p>

DATE:	12/12/2023
ORDINANCE:	2023-46

Appropriation Measure and Increase in Estimated Resources

Reason for Appropriation Measure and Cash Transfers

The following appropriation measures are necessary in order to ensure the City is in compliance with State law. Expenditures plus encumbrances cannot exceed total appropriations (budget) per fund at the end of the year. The appropriation adjustments on the following pages are budget transfers among City funds and account line items to align appropriations with actual expenditures plus encumbrances for 2023. Total budget transfers result in a net increase of \$131,369 to total appropriations for all funds in 2023. The net increase is mostly due to the advances from the General Fund in the amount of \$190,000. These advances are necessary to offset cash deficits expected at the end of the year in the School Resource Officer Fund and the Garbage Fund. Both funds will be at a positive balance in early 2024. The advances will then be repaid to the General Fund. All funds with net budget increases have sufficient cash balances and reserves to accommodate supplemental appropriations. Explanations on other notable increases include:

General Fund - The Police budget's increase in Other Expense is due to the newly created K9 unit budget and additional maintenance expenses throughout 2023.

Sawmill Creek TIF Funds (421 and 422) - After reviewing the potential property tax settlement from the County, the majority of the TIF proceeds will be deposited in Fund 421 (Section 41 part of the TIF). In order to accurately capture the current year expenses, projects commencing in 2023 will need to be paid out of this fund. Expense adjustments will be done by the end of 2023 to accurately reflect these expenses

In accordance with the Ohio Revised Code, Council must approve supplemental appropriations, budget transfers above the City's legal level of control, advances and cash transfers between funds.

FINAL APPROPRIATIONS 2023

GENERAL FUND

110

Police Department	Current	Adjustment	Final
Personnel Services	\$ 1,402,840	\$ (20,000)	\$ 1,382,840
Other Expenses	\$ 232,163	\$ 45,000	\$ 277,163
Department Total:	\$ 1,635,003	\$ 25,000	\$ 1,660,003
Police and Fire Communications	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 80,000	\$ -	\$ 80,000
Department Total:	\$ 80,000	\$ -	\$ 80,000
General Service	Current	Adjustment	Final
Personnel Services	\$ 59,257	\$ (5,000)	\$ 54,257
Other Expenses	\$ 40,000	\$ -	\$ 40,000
Department Total:	\$ 99,257	\$ (5,000)	\$ 94,257
Building and Inspections	Current	Adjustment	Final
Personnel Services	\$ 232,269	\$ (5,000)	\$ 227,269
Other Expenses	\$ 121,800	\$ -	\$ 121,800
Department Total:	\$ 354,069	\$ (5,000)	\$ 349,069
Information Technology	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 48,000	\$ -	\$ 48,000
Department Total:	\$ 48,000	\$ -	\$ 48,000
City Manager	Current	Adjustment	Final
Personnel Services	\$ 60,790	\$ -	\$ 60,790
Other Expenses	\$ 5,500	\$ -	\$ 5,500
Department Total:	\$ 66,290	\$ -	\$ 66,290
Human Resources	Current	Adjustment	Final
Personnel Services	\$ 63,130	\$ -	\$ 63,130
Other Expenses	\$ 2,400	\$ -	\$ 2,400
Department Total:	\$ 65,530	\$ -	\$ 65,530
Finance Department	Current	Adjustment	Final
Personnel Services	\$ 88,903	\$ -	\$ 88,903
Other Expenses	\$ 13,800	\$ -	\$ 13,800
Department Total:	\$ 102,703	\$ -	\$ 102,703
Income Tax Department	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 121,200	\$ 6,500	\$ 127,700
Department Total:	\$ 121,200	\$ 6,500	\$ 127,700

FINAL APPROPRIATIONS 2023			
Law Director	Current	Adjustment	Final
Personnel Services	\$ 54,577	\$ -	\$ 54,577
Other Expenses	\$ 101,000	\$ (10,000)	\$ 91,000
Department Total:	\$ 155,577	\$ (10,000)	\$ 145,577
City Council	Current	Adjustment	Final
Personnel Services	\$ 52,433	\$ 2,500	\$ 54,933
Other Expenses	\$ 10,000	\$ -	\$ 10,000
Department Total:	\$ 62,433	\$ 2,500	\$ 64,933
Municipal Court	Current	Adjustment	Final
Personnel Services	\$ 263,382	\$ -	\$ 263,382
Other Expenses	\$ 17,500	\$ -	\$ 17,500
Department Total:	\$ 280,882	\$ -	\$ 280,882
Public Buildings	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 155,500	\$ (16,000)	\$ 139,500
Department Total:	\$ 155,500	\$ (16,000)	\$ 139,500
Administrative Support	Current	Adjustment	Final
Personnel Services	\$ 1,138	\$ -	\$ 1,138
Other Expenses	\$ 532,032	\$ -	\$ 532,032
Department Total:	\$ 533,170	\$ -	\$ 533,170
Operating Transfers Out	Current	Adjustment	Final
Transfers Out	\$ 2,361,631	\$ 8,369	\$ 2,370,000
Advances Out	\$ -	\$ 190,000	\$ 190,000
Department Total:	\$ 2,361,631	\$ 198,369	\$ 2,560,000
Total GENERAL FUND:	\$ 6,121,247	\$ 196,369	\$ 6,317,616
SPECIAL WARRANTS	111		
	Current	Adjustment	Final
Personnel Services	\$ 3,045	\$ -	\$ 3,045
Other Expenses	\$ -	\$ -	\$ -
Transfers Out	\$ -	\$ -	\$ -
Total SPECIAL WARRANTS:	\$ 3,045	\$ -	\$ 3,045
GARBAGE, RECYCLING, YARD WASTE FUND	201		
	Appropriation	Adjustment	Final
Personnel Services	\$ 37,439	\$ -	\$ 37,439
Other Expenses	\$ 947,300	\$ -	\$ 947,300
Transfers Out	\$ -	\$ -	\$ -
Total GARBAGE, RECYCLING, YARD WASTE FUND:	\$ 984,739	\$ -	\$ 984,739

FINAL APPROPRIATIONS 2023			
PROPERTY MAINTENANCE FUND		202	
	Appropriation	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 2,562	\$ -	\$ 2,562
Transfers Out	\$ -	\$ -	\$ -
Total PROPERTY MAINTENANCE FUND:	\$ 2,562	\$ -	\$ 2,562
PARKS AND RECREATION FUND		207	
	Appropriation	Adjustment	Final
Personnel Services	\$ 423,888	\$ -	\$ 423,888
Other Expenses	\$ 335,459	\$ -	\$ 335,459
Transfers Out	\$ 83,000	\$ (75,000)	\$ 8,000
Total PARKS AND RECREATION FUND:	\$ 842,347	\$ (75,000)	\$ 767,347
BOAT BASIN		210	
	Current	Adjustment	Final
Personnel Services	\$ 80,921	\$ -	\$ 80,921
Other Expenses	\$ 190,660	\$ 40,000	\$ 230,660
Transfers Out	\$ 4,500	\$ -	\$ 4,500
Total BOAT BASIN:	\$ 276,081	\$ 40,000	\$ 316,081
HURON PARKS FOUNDATION		211	
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 6,000	\$ -	\$ 6,000
Transfers Out	\$ -	\$ -	\$ -
Total HURON PARKS FOUNDATION:	\$ 6,000	\$ -	\$ 6,000
STREET MAINTENANCE FUND		212	
	Current	Adjustment	Final
Personnel Services	\$ 439,248	\$ -	\$ 439,248
Other Expenses	\$ 415,490	\$ -	\$ 415,490
Transfers Out	\$ 100,000	\$ -	\$ 100,000
Total STREET MAINTENANCE FUND:	\$ 954,738	\$ -	\$ 954,738
STATE HIGHWAY		213	
	Current	Adjustment	Final
Personnel Services	\$ 32,126	\$ -	\$ 32,126
Other Expenses	\$ 20,000	\$ -	\$ 20,000
Transfers Out	\$ -	\$ -	\$ -
Total STATE HIGHWAY:	\$ 52,126	\$ -	\$ 52,126

FINAL APPROPRIATIONS 2023			
SPECIAL FIRE LEVY		214	
	Current	Adjustment	Final
Personnel Services	\$ 2,028,691	\$ -	\$ 2,028,691
Other Expenses	\$ 323,450	\$ -	\$ 323,450
Transfers Out	\$ 724,000	\$ -	\$ 724,000
Total SPECIAL FIRE LEVY:	\$ 3,076,141	\$ -	\$ 3,076,141
STREET LIGHTING		215	
	Current	Adjustment	Final
Personnel Services	\$ 7,325	\$ -	\$ 7,325
Other Expenses	\$ 159,321	\$ 2,000	\$ 161,321
Transfers Out	\$ -	\$ -	\$ -
Total STREET LIGHTING:	\$ 166,645	\$ 2,000	\$ 168,645
COURT COMPUTER FUND		216	
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 75,000	\$ -	\$ 75,000
Transfers Out	\$ -	\$ -	\$ -
Total COURT COMPUTER FUND:	\$ 75,000	\$ -	\$ 75,000
COURT CAPITAL PROJECTS		217	
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 50,000	\$ -	\$ 50,000
Transfers Out	\$ -	\$ -	\$ -
Total COURT CAPITAL PROJECTS:	\$ 50,000	\$ -	\$ 50,000
INDIGENT ALCOHOL TREATMENT		218	
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 1,000	\$ -	\$ 1,000
Transfers Out	\$ -	\$ -	\$ -
Total INDIGENT ALCOHOL TREATMENT:	\$ 1,000	\$ -	\$ 1,000
ENFORCEMENT/EDUCATION		219	
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 4,600	\$ -	\$ 4,600
Transfers Out	\$ -	\$ -	\$ -
Total ENFORCEMENT/EDUCATION:	\$ 4,600	\$ -	\$ 4,600

FINAL APPROPRIATIONS 2023			
POLICE RESOURCE OFFICER		220	
	Current	Adjustment	Final
Personnel Services	\$ 73,727	\$ 1,000	\$ 74,727
Other Expenses	\$ -	\$ -	\$ -
Transfers Out	\$ -	\$ -	\$ -
Total POLICE RESOURCE OFFICER:	\$ 73,727	\$ 1,000	\$ 74,727
INDIGENT DRIV INTERLOCK & ALCO		222	
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 1,000	\$ -	\$ 1,000
Transfers Out	\$ -	\$ -	\$ -
Total INDIGENT DRIV INTERLOCK & ALCO:	\$ 1,000	\$ -	\$ 1,000
MARINE PATROL GRANT		225	
	Current	Adjustment	Final
Personnel Services	\$ 26,161	\$ 5,000	\$ 31,161
Other Expenses	\$ 16,042	\$ 5,000	\$ 21,042
Transfers Out	\$ 5,900	\$ (5,900)	\$ -
Total MARINE PATROL GRANT:	\$ 48,103	\$ 4,100	\$ 52,203
ARPA FUND		227	
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 337,356	\$ (52,600)	\$ 284,756
Transfers Out	\$ -	\$ -	\$ -
Total ARPA FUND:	\$ 337,356	\$ (52,600)	\$ 284,756
MANDATORY TRUST FINE		270	
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ -	\$ -	\$ -
Transfers Out	\$ -	\$ -	\$ -
Total MANDATORY TRUST FINE:	\$ -	\$ -	\$ -
CONTRABAND FORFEITURE		271	
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 7,500	\$ -	\$ 7,500
Transfers Out	\$ -	\$ -	\$ -
Total CONTRABAND FORFEITURE:	\$ 7,500	\$ -	\$ 7,500

FINAL APPROPRIATIONS 2023			
PROBATION FUND			
	272		
	Current	Adjustment	Final
Personnel Services	\$ 36,686	\$ 3,000	\$ 39,686
Other Expenses	\$ 600	\$ -	\$ 600
Transfers Out	\$ -	\$ -	\$ -
Total PROBATION FUND:	\$ 37,286	\$ 3,000	\$ 40,286
FIRE PENSION FUND			
	274		
	Current	Adjustment	Final
Personnel Services	\$ 305,357	\$ -	\$ 305,357
Other Expenses	\$ 900	\$ -	\$ 900
Transfers Out	\$ -	\$ -	\$ -
Total FIRE PENSION FUND:	\$ 306,257	\$ -	\$ 306,257
POLICE PENSION FUND			
	275		
	Current	Adjustment	Final
Personnel Services	\$ 205,000	\$ -	\$ 205,000
Other Expenses	\$ 1,300	\$ -	\$ 1,300
Transfers Out	\$ -	\$ -	\$ -
Total POLICE PENSION FUND:	\$ 206,300	\$ -	\$ 206,300
ECONOMIC DEVELOPMENT FUND			
	277		
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 55,000	\$ -	\$ 55,000
Transfers Out	\$ -	\$ -	\$ -
Total ECONOMIC DEVELOPMENT FUND:	\$ 55,000	\$ -	\$ 55,000
EMPLOYEE BENEFIT RESERVE FUND			
	298		
	Current	Adjustment	Final
Personnel Services	\$ 81,348	\$ 10,000	\$ 91,348
Other Expenses	\$ -	\$ -	\$ -
Transfers Out	\$ -	\$ -	\$ -
Total EMPLOYEE BENEFIT RESERVE FUND:	\$ 81,348	\$ 10,000	\$ 91,348
EMPLOYEE BENEFIT RESERVE - WATER			
	299		
	Current	Adjustment	Final
Personnel Services	\$ 31,652	\$ -	\$ 31,652
Other Expenses	\$ -	\$ -	\$ -
Transfers Out	\$ -	\$ -	\$ -
Total EMPLOYEE BENEFIT RESERVE - WATER:	\$ 31,652	\$ -	\$ 31,652

FINAL APPROPRIATIONS 2023			
G.O. BOND RETIREMENT		301	
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 832,895	\$ 2,500	\$ 835,395
Transfers Out	\$ -	\$ -	\$ -
Total G.O. BOND RETIREMENT:	\$ 832,895	\$ 2,500	\$ 835,395
CAPITAL IMPROVEMENT		401	
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 837,000	\$ (200,000)	\$ 637,000
Transfers Out	\$ -	\$ -	\$ -
Total CAPITAL IMPROVEMENT:	\$ 837,000	\$ (200,000)	\$ 637,000
CAPITAL EQUIPMENT RESERVE & REPLACEMENT		403	
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 1,427,702	\$ -	\$ 1,427,702
Transfers Out	\$ -	\$ -	\$ -
Total CAPITAL EQUIPMENT RESERVE & REPLACEMENT:	\$ 1,427,702	\$ -	\$ 1,427,702
RYE BEACH TIF		420	
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 35,458	\$ -	\$ 35,458
Transfers Out	\$ -	\$ -	\$ -
Total RYE BEACH TIF:	\$ 35,458	\$ -	\$ 35,458
SAWMILL CREEK IMPROVEMENT TIF		421	
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 2,255,000	\$ 2,000,000	\$ 4,255,000
Transfers Out	\$ -	\$ -	\$ -
Total SAWMILL CREEK IMPROVEMENT TIF:	\$ 2,255,000	\$ 2,000,000	\$ 4,255,000
SAWMILL CREEK PUBLIC INFRASTRUCTURE TIF		422	
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 3,081,808	\$ (2,000,000)	\$ 1,081,808
Transfers Out	\$ -	\$ -	\$ -
Total SAWMILL CREEK PUBLIC INFRASTRUCTURE TIF:	\$ 3,081,808	\$ (2,000,000)	\$ 1,081,808

FINAL APPROPRIATIONS 2023			
WATER BOND RETIREMENT			
	602		
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 283,261	\$ -	\$ 283,261
Transfers Out	\$ -	\$ -	\$ -
Total WATER BOND RETIREMENT:	\$ 283,261	\$ -	\$ 283,261
WATER CAPITAL PROJECTS			
	603		
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 917,000	\$ -	\$ 917,000
Transfers Out	\$ -	\$ -	\$ -
Total WATER CAPITAL PROJECTS:	\$ 917,000	\$ -	\$ 917,000
WATER FUND			
	604		
	Current	Adjustment	Final
Personnel Services	\$ 1,414,950	\$ -	\$ 1,414,950
Other Expenses	\$ 821,146	\$ -	\$ 821,146
Transfers Out	\$ 1,075,000	\$ -	\$ 1,075,000
Total WATER FUND:	\$ 3,311,097	\$ -	\$ 3,311,097
STORM WATER FUND			
	605		
	Current	Adjustment	Final
Personnel Services	\$ 20,722	\$ -	\$ 20,722
Other Expenses	\$ 67,300	\$ -	\$ 67,300
Transfers Out	\$ -	\$ -	\$ -
Total STORM WATER FUND:	\$ 88,022	\$ -	\$ 88,022
ELECTRIC FUND			
	654		
	Current	Adjustment	Final
Personnel Services	\$ 271,903	\$ -	\$ 271,903
Other Expenses	\$ 4,142,380	\$ 200,000	\$ 4,342,380
Transfers Out	\$ -	\$ -	\$ -
Total ELECTRIC FUND:	\$ 4,414,283	\$ 200,000	\$ 4,614,283
COMMUNITY INFRASTRUCTURE FEE FUND			
	655		
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 60,000	\$ -	\$ 60,000
Transfers Out	\$ -	\$ -	\$ -
Total COMMUNITY INFRASTRUCTURE FEE FUND:	\$ 60,000	\$ -	\$ 60,000

FINAL APPROPRIATIONS 2023			
COMPUTER REPAIR & MAINTENANCE		701	
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 120,000	\$ -	\$ 120,000
Transfers Out	\$ -	\$ -	\$ -
Total COMPUTER REPAIR & MAINTENANCE:	\$ 120,000	\$ -	\$ 120,000
HEALTHCARE		703	
	Current	Adjustment	Final
Personnel Services	\$ 1,204,283	\$ -	\$ 1,204,283
Other Expenses	\$ 155	\$ -	\$ 155
Transfers Out	\$ -	\$ -	\$ -
Total HEALTHCARE:	\$ 1,204,438	\$ -	\$ 1,204,438
HURON JOINT RECREATION DISTRICT		860	
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 493,469	\$ -	\$ 493,469
Transfers Out	\$ -	\$ -	\$ -
Total HURON JOINT RECREATION DISTRICT:	\$ 493,469	\$ -	\$ 493,469
STATE PATROL		863	
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 16,000	\$ -	\$ 16,000
Transfers Out	\$ -	\$ -	\$ -
Total STATE PATROL:	\$ 16,000	\$ -	\$ 16,000
DAMAGED STRUCTURE FUND		870	
	Appropriation	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ -	\$ -	\$ -
Transfers Out	\$ -	\$ -	\$ -
Total DAMAGED STRUCTURE FUND:	\$ -	\$ -	\$ -
HURON RESCUE SQAUD		876	
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ 28,500	\$ -	\$ 28,500
Transfers Out	\$ -	\$ -	\$ -
Total HURON RESCUE SQAUD:	\$ 28,500	\$ -	\$ 28,500

FINAL APPROPRIATIONS 2023			
UNCLAIMED FUNDS	899		
	Current	Adjustment	Final
Personnel Services	\$ -	\$ -	\$ -
Other Expenses	\$ -	\$ -	\$ -
Transfers Out	\$ -	\$ -	\$ -
Total UNCLAIMED FUNDS:	\$ -	\$ -	\$ -
GRAND TOTAL	\$ 33,207,733	\$ 131,369	\$ 33,339,102

There shall be, and there are hereby, monies transferred from various funds in the amounts not to exceed those stated below:

Transfer Amount:	Transfer From:	Transfer To:
\$ 75,000	Fund 110 - General Fund	Fund 212 - Street Maint. Fund
\$ 100,000	Fund 110 - General Fund	Fund 212 - Street Maint. Fund
\$ 200,000	Fund 110 - General Fund	Fund 214 - Fire Levy Fund
\$ 20,000	Fund 110 - General Fund	Fund 225 - Marine Patrol Fund*
\$ 100,000	Fund 110 - General Fund	Fund 275 - Police Pension Fund
\$ 100,000	Fund 110 - General Fund	Fund 298 - Employee Benefit Fund
\$ 800,000	Fund 110 - General Fund	Fund 301 - Debt Service Fund
\$ 800,000	Fund 110 - General Fund	Fund 401 - Capital Improvement Fund
\$ 100,000	Fund 110 - General Fund	Fund 403 - Capital Equipment Fund
\$ 75,000	Fund 110 - General Fund	Fund 701 - Information Tech. Fund
\$ 8,000	Fund 207 - Parks and Rec Fund	Fund 298 - Employee Benefit Fund
\$ -	Fund 207 - Parks and Rec Fund	Fund 403 - Capital Equipment Fund^
\$ 4,500	Fund 210 - Boat Basin Fund	Fund 298 - Employee Benefit Fund
\$ 8,000	Fund 212 - Street Maint. Fund	Fund 298 - Employee Benefit Fund
\$ 100,000	Fund 212 - Street Maint. Fund	Fund 403 - Capital Equipment Fund
\$ 246,000	Fund 214 - Fire Levy Fund	Fund 274 - Fire Pension Fund
\$ 25,000	Fund 214 - Fire Levy Fund	Fund 298 - Employee Benefit Fund
\$ 450,000	Fund 214 - Fire Levy Fund	Fund 403 - Capital Equipment Fund
\$ 3,000	Fund 214 - Fire Levy Fund	Fund 701 - Information Tech. Fund
\$ -	Fund 225 - Marine Patrol Fund	Fund 275 - Police Pension Fund^
\$ 70,000	Fund 604 - Water Fund	Fund 299 - Water Employee Benefit Fund
\$ 275,000	Fund 604 - Water Fund	Fund 602 - Water Debt Service Fund
\$ 730,000	Fund 604 - Water Fund	Fund 603 - Water Capital Fund
\$ 4,289,500		<i>*Increased by \$8,369</i>

^Reduced to \$0

There shall be, and there are hereby, monies advanced from various funds in the amounts not to exceed those stated below:

Advance Amount:	Advance From:	Advance To:
\$ 150,000	Fund 110 - General Fund	Fund 201 - Garbage Fund
\$ 40,000	Fund 110 - General Fund	Fund 220 - SRO Fund
\$ 190,000		



TO: Mayor Tapp and City Council
FROM: Cory Swaisgood
RE: Ordinance No. 2023-47 (*submitted by Cory Swaisgood*)
DATE: December 12, 2023

Subject Matter/Background

Ordinance No. 2023-47 authorizes the annual position and salary schedule for non-charter positions within the City. Modifications to the position and salary schedule are suggested based on wage increases, collective bargaining agreements and changes to state and federal law. The 2024 budget includes the updated annual salaries based on a 2.5% salary increase for all non-bargaining and bargaining employees.

Full-Time Position and Salary Schedule - The modifications to ranges in Exhibit "B" of the ordinance have been adjusted to reflect current base salaries and salary increases per collective bargaining agreements. The City spent time in 2023 to clean up the salary ordinance by removing bargaining unit employees and adding positions previously left off the schedule. The ranges were also lowered from 9 ranges to 5 ranges.

Part-Time and Seasonal Position Salary Schedule - Minimum wage has been modified from \$10.10 to \$10.45 per hour to reflect the 2024 State of Ohio minimum wage rate, and base salary ranges have been adjusted to current pay rates and cost of living adjustments. In addition, the maximum range of part-time police officers, part-time firefighters and parks maintenance positions were increased by \$2/hour each to allow for increases in current rates. Increases in rates does not automatically trigger an increase for employees. Personnel action, with authorization by the City Manager, is still necessary for any rate increases to take effect. Finally, the part-time prosecutor and part-time personnel officer positions were added to the salary schedule.

The proposed legislation also includes a new section (161(d)) to allow for the City Manager to authorize an annual salary increase that will result in a salary more than the maximum amount on the proposed salary schedule. The increase shall be consistent for all City employees. If passed, changes to the salary ordinance are not necessary for cost-of-living increases award to all employees.

Financial Review

The change to the position and salary schedule reconciles the payroll within the 2024 adopted budget.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

if Council is in agreement with the request, a motion adopting Ordinance No. 2023-47 as an emergency measure is in order.

[Ordinance No. 2023-47 Salary Schedule \(1\).docx](#)

[Ordinance No. 2023-47 Exh A Salary Schedule.docx](#)

ORDINANCE NO. 2023-47

Introduced by Joe Dike

AN ORDINANCE AMENDING HURON CODIFIED ORDINANCE SECTION 161.04 (A), EXHIBIT "A" POSITION AND SALARY SCHEDULE AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Section 164.04 (a) Exhibit "A" Position and Salary Schedule of the Codified Ordinances of the City of Huron, Ohio having been previously adopted in Ordinance No. 2022-66 on December 17, 2022, WHICH CURRENTLY READS AS FOLLOWS, (refer to Exhibit "A" attached) shall be and hereby is amended.

SECTION 2. That, Section 164.04 (a) Exhibit "A" Position and Salary Schedule, of the Codified Ordinances of the City of Huron, Ohio is hereby amended to read as follows (refer to Exhibit "B" attached).

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O. R.C. 121.22.

SECTION 4. To implement the established salary to take effect January 1, 2022, this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

EXHIBIT "A"

161.04 POSITION AND SALARY SCHEDULE.

(a) The position and salary schedule, marked Exhibit "A", which is attached hereto and made a part of this Code shall be effective as of January 1, 2023.

(b) The Personnel Officer, in conjunction with department and division heads and subject to the approval of the City Manager, shall annually review and make recommendations to Council for changes in the following schedule.

(c) The adopted position and salary schedule shall provide the basis for compensation of all municipal employees. The City Manager shall adopt an administrative policy, subject to approval of the City Council, to address those positions which are in existence and have not attained the minimum base salary range or have exceeded the maximum base salary range. A position may be assigned a salary lower than the minimum base salary range or higher than the maximum base salary range provided for that salary grade of that position, but is subject to administrative policy. Prior to appointment of a new employee, the City Manager shall consult the position and salary schedule for determination of placement within the relevant classification. Appointments shall normally be made at the minimum rate for the specified pay scale. Evaluation of an appointee's qualifications and experience shall be considered and may provide the basis for compensation in excess of the minimum base salary.

(d) Salary increases within an established range shall not be automatic, but can be given on the following bases:

- (1) A merit increase recommended, in writing, to the City Manager by the appropriate department or division head and approved by the City Manager. Such a recommendation is to be based on standards of performance or other pertinent data.
- (2) A merit increase recommended and approved by the City Manager. Such a recommendation is to be based on standards of performance or other pertinent data.
- (3) An across the board increase granted to all salaried employees and recommended by the City Manager.
- (4) A change in the employee's classification.

(e) Salary increases granted on the basis of subsection (d)(1), (2) and (3) hereof are dependent on the provisions of moneys appropriated in the annual appropriation ordinance. Salary increases granted on the basis of subsection (d)(1) and (2) hereof shall not be granted to an employee more frequently than once in each six months. No salary advancement shall be given before the employee completes the first six months of his probationary period. However, when the minimum salary for the particular position is increased during such employee's probationary period, such employee shall be compensated at such higher salary from the date of the passage of the salary ordinance.

(f) The salary rate established for an employee shall represent his total remuneration, not including reimbursement for official travel and except as otherwise provided, in this chapter (overtime pay, cost-of-living allowance, premium pay and/or on-call status). No reward, gift or other thing of value received from any source for the performance of his duties shall be retained by an employee. Notwithstanding the foregoing, employees of the Police Division, during off-duty time, may accept special duty assignments for police work only when authorized by the Police Chief.

(g) Whenever an employee works for a period less than the regularly established number of hours per day, days per week or weeks per month, the amount paid shall be proportionate to the time actually employed.

(h) All full-time salaried employees except department heads, administrative employees and Fire Division employees shall be compensated for each hour worked in excess of forty hours per week at a rate equal to one and one-half times their straight rate.

All full-time employees of the Fire Division shall be compensated for each hour worked in excess of 212 hours during any twenty-eight-day work period at a rate equal to one and one-half times their straight rate.

Authorization of all overtime shall be under the control of the City Manager. If any fulltime salaried employee, other than department and division heads, requests the City Manager to grant compensatory time off in lieu of compensation for such employee's authorized overtime, the City Manager shall be authorized but not required to allow such request.

The City Manager shall be authorized, but not required, to grant compensatory time off to those administrative employees not entitled to overtime compensation at such times and to such extent that the City Manager, in his sole discretion deems justifiable under the circumstances relating to each such administrative employee.

(i) (EDITOR'S NOTE: This subsection was repealed by Ordinance 1988-2, passed January 25, 1988.)

(j) Except as otherwise provided in any one or more controlling collective bargaining agreements, each employee of the Division of Utilities and of the Division of Streets and Parks, when placed on an "on call" basis by the department or division head, shall receive compensation in addition to his regular salary in an amount equal to two (2) hours of such employee's regular rate for each such twenty-four (24) hour period that the employee is on call. Such "on call" pay shall be in addition to pay for actual hours worked on call.

(Ord. 1976-35. Passed 12-13-76; Ord. 1980-10. Passed 2-4-80; Ord. 1982-2. Passed 1-25-82; Ord. 1983-30. Passed 11-28-83; Ord. 1985-20. Passed 7-22-85; Ord. 1985-32. Passed 12-16-85; Ord. 1986-2. Passed 1-13-86; Ord. 2014-33. Passed 12-23-14. Ord. 2012-61. Passed 11-22-22.)

CITY OF HURON
FULL TIME POSITION AND SALARY SCHEDULE

		BASE SALARY RANGE	
POSITION TITLE	Pay Scale	Min.	Max.
Water Superintendent	9	\$57,276	\$85,914
Police Sergeant			
Fire Captain			
Parks and Recreation Operations Manager			
Planning Director	8	\$54,264	\$79,396
Human Resources Director	7	\$49,968	\$75,452
Recreation Program Manager	6	\$48,980	\$75,000
Fire Lieutenant			
Street Foreman			
Finance Specialist Payroll			
Planning and Zoning Manager	5	\$44,990	\$68,508
Chief Operator			
Firefighter			
Police Officer			
Water Distribution Foreman	4	\$43,225	\$61,850
Management Services Coordinator			
Executive Administrative Asst./Clerk of Council			
Permit Technician/Admin Asst.			
Maintenance Worker 3	3	\$40,861	\$60,000
Zoning Inspector - FT			
Parks and Municipal Ground Coordinator			
Finance Specialist Customer Service			
Maintenance Worker 2	2	\$37,080	\$56,000
Maintenance Worker 1			
Parks Maintenance Worker I			
Administrative Assistant	1	\$34,299	\$41,921

Supplemental Salary Schedule			
		BASE SALARY RANGE	
POSITION TITLE	Pay Scale	Min.	Max.
Assistant City Manager	VIII	\$54,478	\$90,000
Information Technology Manager	VIII	\$57,000	\$95,000
Director of Parks and Recreation	VI-C	\$48,676	\$85,000
Boat Basin Facility Manager	VI-B	\$37,403	\$51,500
Assistant Water Superintendent	V	\$35,160	\$60,600
Clerk of Court	V	\$45,000	\$76,000
Probation Officer	III	\$23,825	\$47,000
Deputy Clerk of Court	III	\$26,000	\$51,000
Finance Clerk	II	\$22,180	\$45,400
Executive Assistant		\$23,000	\$33,500
Municipal Judge		\$35,000	\$35,500

Part Time and Seasonal Position Salary Schedule		
	BASE SALARY RANGE	
POSITION TITLE	Min.	Max.
Deputy Court Clerk	\$10.10/hr.	\$18.00/hr.
Police/Dispatch Secretary		
Police Officer		
Court Bailiff/Court Security Officer		
Finance Clerk		
Customer Service Clerk		
Management Assistant		
General Maintenance Worker	\$10.10/hr.	\$24.00/hr.
Zoning Inspector - PT		
Street Maintenance		
Parks Maintenance	\$10.10/hr.	\$14.00/hr.
Recreation		
Dockhand		
Basic EMT/FF	\$12.00/hr.	\$15.00/hr.
Basic Paramedic/FF	\$15.00/hr.	\$18.00/hr.

(Ord. 2022-66; Passed 12-27-22)

EXHIBIT "B"

161.04 POSITION AND SALARY SCHEDULE.

(a) The position and salary schedule, marked Exhibit "A," which is attached hereto and made a part of this Code shall be effective as of October 1, 2023.

(b) The Personnel Officer, in conjunction with department and division heads and subject to the approval of the City Manager, shall annually review and make recommendations to Council for changes in the following schedule.

(c) The adopted position and salary schedule shall provide the basis for compensation of all municipal employees. The City Manager shall adopt an administrative policy, subject to approval of the City Council, to address those positions which are in existence and have not attained the minimum base salary range or have exceeded the maximum base salary range. A position may be assigned a salary lower than the minimum base salary range or higher than the maximum base salary range provided for that salary grade of that position, but is subject to administrative policy. Prior to appointment of a new employee, the City Manager shall consult the position and salary schedule for determination of placement within the relevant classification. Appointments shall normally be made at the minimum rate for the specified pay scale. Evaluation of an appointee's qualifications and experience shall be considered and may provide the basis for compensation in excess of the minimum base salary.

(d) Each salary range maximum shall be caused to increase yearly in line with annual salary increases awarded to all City employees, without requiring action by Council. Each salary range minimum shall not be affected.

(e) Salary increases within an established range shall not be automatic, but can be given on the following bases:

- (1) A merit increase recommended, in writing, to the City Manager by the appropriate department or division head and approved by the City Manager. Such a recommendation is to be based on standards of performance or other pertinent data.
- (2) A merit increase recommended and approved by the City Manager. Such a recommendation is to be based on standards of performance or other pertinent data.
- (3) An across-the-board increase granted to all salaried employees and recommended by the City Manager.
- (4) A change in the employee's classification.

(f) Salary increases granted on the basis of subsection (e)(1), (2) and (3) hereof are dependent on the provisions of moneys appropriated in the annual appropriation ordinance. Salary increases granted on the basis of subsection (e)(1) and (2) hereof shall not be granted to an employee more frequently than once in each six months. No salary advancement shall be given before the employee completes the first six months of his probationary period. However, when the minimum salary for the particular position is increased during such employee's probationary period, such employee shall be compensated at such higher salary from the date of the passage of the salary ordinance.

(g) The salary rate established for an employee shall represent his total remuneration, not including reimbursement for official travel and except as otherwise provided, in this chapter (overtime pay, cost-of-living allowance, premium pay and/or on-call status). No reward, gift or other thing of value received from any source for the performance of his duties shall be retained by an employee. Notwithstanding the foregoing, employees of the Police Division, during off-duty time, may accept special duty assignments for police work only when authorized by the Police Chief.

(h) Whenever an employee works for a period less than the regularly established number of hours per day, days per week or weeks per month, the amount paid shall be proportionate to the time actually employed.

(i) All full-time non-exempt employees, except Fire Division employees, shall be compensated for each hour worked in excess of forty hours per week at a rate equal to one and one-half times their straight rate.

All full-time employees of the Fire Division shall be compensated for each hour worked in excess of 212 hours during any twenty-eight-day work period at a rate equal to one and one-half times their straight rate.

Authorization of all overtime shall be under the control of the City Manager. If any fulltime salaried employee, other than department and division heads, requests the City Manager to grant compensatory time off in lieu of compensation for such employee's authorized overtime, the City Manager shall be authorized but not required to allow such request.

The City Manager shall be authorized, but not required, to grant compensatory time off to those administrative employees not entitled to overtime compensation at such times and to such extent that the City Manager, in his sole discretion deems justifiable under the circumstances relating to each such administrative employee.

(j) (EDITOR'S NOTE: This subsection was repealed by Ordinance 1988-2, passed January 25, 1988.)

(k) Except as otherwise provided in any one or more controlling collective bargaining agreements, each employee of the Division of Utilities and of the Division of Streets and Parks, when placed on an "on call" basis by the department or division head, shall receive compensation in addition to their regular salary in an amount equal to two (2) hours of such employee's regular rate for each such twenty-four (24) hour period that the employee is on call. Such "on call" pay shall be in addition to pay for actual hours worked on call.

(Ord. 1976-35. Passed 12-13-76; Ord. 1980-10. Passed 2-4-80; Ord. 1982-2. Passed 1-25-82; Ord. 1983-30. Passed 11-28-83; Ord. 1985-20. Passed 7-22-85; Ord. 1985-32. Passed 12-16-85; Ord. 1986-2. Passed 1-13-86; Ord. 2014-33. Passed 12-23-14. Ord. 2012-61. Passed 11-22-22.)

CITY OF HURON
FULL TIME POSITION AND SALARY SCHEDULE
(Non-Bargaining Positions)

		BASE SALARY RANGE	
POSITION TITLE	Pay Scale	Min.	Max.
Water Superintendent	5	\$65,000	\$90,000
Planning Director			
Personnel Officer			
Parks and Recreation Director			
Parks and Recreation Operations Manager	4	\$55,000	80,000
Technology Manager			
Assistant Finance Director			
Clerk of Court			
Parks and Municipal Ground Coordinator	3	\$45,000	\$65,000
Boat Basin Facility Manager			
Executive Administrative Asst./Clerk of Council			
Permit Technician/Administrative Asst.			
Finance Specialist			
Probation Officer	2	\$35,000	\$55,000
Zoning Inspector - FT			
Deputy Clerk of Court			
Administrative Assistant - Communications			
Parks Maintenance Worker I	1	35,500	35,500
Municipal Judge			
Administrative Assistant	1	\$25,000	\$40,000

Supplemental Salary Schedule (Ranges effective through 12/31/2024)			
		BASE SALARY RANGE	
POSITION TITLE	Pay Scale	Min.	Max.
Information Technology Manager	VIII	\$57,000	\$95,000

Part Time and Seasonal Position Salary Schedule		
	BASE SALARY RANGE	
POSITION TITLE	Min.	Max.
Prosecutor	\$20,000	\$50,000
Personnel Officer		
Deputy Court Clerk	\$10.45/hr.	\$20.00/hr.
Police/Dispatch Secretary		
Police Officer		
Court Bailiff/Court Security Officer		
Finance Clerk		
Customer Service Clerk		
General Maintenance Worker	\$10.45/hr.	\$24.00/hr.
Zoning Inspector - PT		
Administrative Assistant		
Street Maintenance		
Parks Maintenance	\$10.45/hr.	\$16.00/hr.
Recreation		
Dockhand		
Basic EMT/FF	\$12.00/hr.	\$17.00/hr.
Basic Paramedic/FF	\$15.00/hr.	\$20.00/hr.

(Ord. 2023-47; Passed 12-12-23)



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2023-48 (*submitted by Cory Swaisgood*)
DATE: December 12, 2023

Subject Matter/Background

This ordinance amends Codified Ordinance Section 161.04.1 - Salaries of the Law Director, Finance Director Services Director, Fire Chief and Police Chief and is required annually or as needed to reflect the maximum base salary of these specific positions in order to remain in compliance for the reconciliation of the payroll process. The maximum base salaries respective to all positions, except the Law Director, were increased from 2023 to reflect wage increases similar to the average annual salary increases in the City's collective bargaining agreements, and to reflect the range of the Police Chief position. Any annual salary increases within the administration, if any, are determined by the City, which may or may not be consistent with a Cost-of-Living Adjustment formula or current Collective Bargaining Agreements. The salary for position of Law Director reflects the terms of the contract with Seeley Savidge Ebert & Gourash LLP. The position of Fire Chief is vacant. The Fire Chief's maximum base salary remains consistent with the Police Chief's salary for 2024.

Financial Review

This ordinance reconciles the reflected positions and increases the maximum base salaries for the positions of Finance Director, Law Director, Service Director, and Chief of Police, which are included in the 2024 budget.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion adopting Ordinance No. 2023-48 is in order.

[Ordinance No. 2023-48 Salary Schedule Chartered Positions \(1\).docx](#)

ORDINANCE NO. 2023-48
Introduced by Joe Dike

AN ORDINANCE AMENDING SECTION 161.04.1 OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY

WHEREAS, Huron City Council removed the positions of Law Director, Finance Director, Service Director, Fire Chief and Police Chief from the Position and Salary Schedule in Codified Ordinance Section 161.04(a) by the adoption of Ordinance 2014-19 on August 12, 2014; and

WHEREAS, Section 161.04.1 was established by the adoption of Ordinance No. 2022-68 on December 27, 2022; and

WHEREAS, the positions and salaries must be reviewed and reconciled annually or as needed to acknowledge and ensure compliance and compensation authorization;

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Codified Ordinance §161.04.1 WHICH CURRENTLY READS AS FOLLOWS, shall be and hereby is amended:

161.04.1 FULL TIME SALARIES OF THE LAW DIRECTOR, FINANCE DIRECTOR, SERVICE DIRECTOR, FIRE CHIEF, AND POLICE CHIEF.

The following positions and commensurate salaries are in effective January 1, 2022

<u>Position</u>	<u>Base Salary</u>
Law Director	\$150,000.00
Finance Director	\$111,000.00
Service Director	\$111,000.00
Fire Chief	\$100,000.00
Police Chief	\$100,000.00

(Ord. 2022-68. Passed 12-27-22)

SECTION 2. That Codified Ordinance §161.04.1 of the Codified Ordinances of the City of Huron, Ohio is hereby amended, effective January 1, 2023, to read as follows:

<u>Position</u>	<u>Maximum Base Salary</u>
Law Director	\$150,000.00
Finance Director	\$115,000.00
Service Director	\$115,000.00
Fire Chief	\$105,000.00
Police Chief	\$105,000.00

(Ord. 2023-48. Passed 12-12-23)

SECTION 3. That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. § 121.22

SECTION 4. To implement the established salary to take effect on January 1, 2024, this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare for the effective administration of City affairs; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2023-49 (*submitted by Cory Swaisgood*)
DATE: December 12, 2023

Subject Matter/Background

In accordance with the Municipal Charter, the FY 2024 City Manager's Recommended Budget was distributed for your review on November 30, 2023. This action follows the Annual Tax Budget and Finance Committee budget process. As required, a motion was passed at the November 14, 2023, meeting setting a date and time for the Public Hearing on the 2024 Recommended Budget and legal notice has been published. The Public Hearing will be held prior to the meeting on December 12, 2023, as required, in which Council must approve/deny/amend the budget as presented during the public hearing. The public hearing is in advance of Council's consideration of Ordinance 2023-49, which will authorize 2024 appropriations. A copy of the City Manager's Budget Narrative is attached hereto as Exhibit 1. The online budget book is included within the following link: [2024 Online Budget Book](#)

Financial Review

A copy of the 2024 Budget Book as well as the supporting summarization presented to the Finance Committee as part of the 2024 Budget creation was distributed to Council on November 30, 2023. The Administration will present the budget during the public hearing scheduled for this meeting. This agenda item is lawfully adopting appropriations for the 2024 fiscal year. The 2024 initial appropriations are included in the attached exhibit.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion adopting Ordinance No. 2023-49 is in order.

[Ordinance No. 2023-49 2024 Appropriations Ordinance - Copy.docx](#)
[City Manager Budget Message 2024.pdf](#)
[2024 Initial Appropriations.pdf](#)

ORDINANCE NO. 2023-49
Introduced by Joel Hagy

AN ORDINANCE MAKING APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF HURON, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2024.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That the municipal budget heretofore prepared and submitted to the City Council by the City Manager, presented in a Public Hearing on December 12, 2023 is hereby adopted as the appropriation ordinance for the current expenses and other expenditures of the City of Huron during the fiscal year ending December 31, 2024, and there is hereby appropriated to the various funds and accounts the amounts set forth in Exhibit "A" on file in the office of the Clerk of Council, a true and correct copy of which is hereby made a part of this Ordinance as if fully set forth in the body hereof.

SECTION 2. That those sums which are expended from the above appropriations and are repaid by any other department, any firm, person or corporation shall be considered re-appropriated for such original purpose, provided the total appropriation as increased by and such repayment shall not be exceeded.

SECTION 3. The Director of Finance is hereby authorized to draw his warrants as approved by the City Manager for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefor, duly approved; provided, however, no warrants shall be drawn or paid for salaries or wages except for persons employed by authority of, and in accordance with, law or ordinance.

SECTION 4. That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. § 121.22

SECTION 5. That, in accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect immediately upon its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



To: Huron City Council
Cc: Finance Committee, Department Heads
From: Matt Lasko, City Manager
Re: Recommended FY 2024 Budget
Date: November 30, 2023

In accordance with Section 6.05 of the Huron City Charter it is my pleasure to present you with the City Manager's Recommended FY 2024 Budget. The 2024 budget document aims to blend realistic revenue and expense projections for next year in a manner that seeks to provide a high level of services to our residents, businesses, and property owners. The 2024 budget coupled with the Capital Improvement Plan and the updated Vision 2020 Action Plan also serves to make recommended capital investments throughout the City.

This 2024 budget was presented through an online interactive platform, called OpenGov¹, intended to provide the reader with multiple levels of information including: a user guide, defined city policies, the budget process, fund breakdown, debt obligations, capital equipment summary, and capital improvement plan (CIP). While establishing a plan for 2024, this budget additionally forecasts the impact of its adoption through 2033. Detailed plans have been analyzed and included for all City operations on an annual basis for 2024 through 2033. Inflationary cost and revenue adjustments have been made for all departmental activities as well as inclusion of capital investment expenses over the next ten (10) years. Council went through a master plan update (included in the budget book), termed the Vision 2020 Action Plan in 2021. The CIP references various initiatives that were prioritized in the master plan to be undertaken in the next 3-5 years. We also incorporated a new column in the CIP. The CIP now labels each project as "new" or "maintenance". "New" meaning the project is more of an addition or a wish list item and "maintenance" is more of a necessity in the sense that the City already owns a project or facility that must be maintained.

The City's adopted General Fund Balance reserve policy is reflected on an annual basis through 2033. The policy requires a minimum available surplus of 15% (a maximum of 25%) of operating expenditures. Based on year-to-date activity the City's General Fund is expected to exceed this minimum and be at or exceed 25% at year end. Without fully funding major capital projects over the next three years, the General Fund is expected to maintain an 18% reserve or higher through 2033. The City is requesting a one-time capital transfer for future projects planned for 2024 and beyond and a transfer to the payroll stabilization fund thereby reducing the General Fund balance to minimally, the required maximum. This reserve has a direct impact to the City's Bond Rating and spending plans and is trending in a positive direction. In 2023, the City received a positive outlook on the City's current AA3 rating. We are hopeful this will result in a rating upgrade in 2024.

Since the COVID-19 pandemic, fiscal controls were put into place to both protect the fiscal solvency of the City and ensure our employees and community at large were insulated from as much as harm from the pandemic as possible. Based on those measures and in combination with various aid programs and economic development activities, the City has improved its annual fiscal position while also ensuring stability during the pandemic. A great deal of this financial activity and benefit has been rooted in economic development projects - years in planning - that are beginning to positively impact the City's

¹ [Online Budget Book Link](#)

budget – and therefore operations. The City will continue to monitor these projects and related revenue streams to determine how and when additional investments can be recommended and planned for – while simultaneously exploring additional economic development projects that will benefit the community and enhance quality of life for all.

The FY 2024 Budget provides an opportunity to continue that dialogue and exploration with the ultimate goal of strong and reliable service delivery. As resources increase above the minimum General Fund reserve the City has had the opportunity to consider additional investments in areas such as parks and recreation, economic and community development, fleet and facilities, and infrastructure. However, additional investments with General Fund reserves are increasingly becoming necessary for operational needs in areas that are traditionally supported by other taxes and contributions. The City's General Fund subsidized over \$225,000 of operations for the Parks and Recreation Department and Street Department in 2023. As shown in each department's budget summary¹, this is not a sustainable practice. The 2024 budget book was recommended to Council by the Finance Committee with a request to explore other revenue sources in order to fiscally manage operational needs and fund major capital projects in the City's the master plan.

Financial Performance – A Review 2023

General Fund Performance: Staff has projected that we will end FY 2023 with over \$1.9 million in unencumbered fund balance, a factor of 29%. Budgeting conservatively for the next ten years, the General Fund is expected to maintain an 18% or higher fund balance reserve. However, potential debt liabilities for planned capital projects without additional revenue sources such as grants, low-interest loans, or increased income taxes will lower the General Fund reserve balance under 15% by 2029.

Revenues: The City's major revenue sources, such as income taxes and utility charges, have seen inflationary increases over the past year. In 2021, the City was awarded with over \$700,000 in federal stimulus funds to be used on the local economy. These funds are mostly committed to downtown improvements and future economic development investments. City property taxes and state states (e.g. gas tax) have remained consistent over the last 3 years, resulting in additional General Fund subsidies to various operational funds such as the Street Maintenance Fund and Parks and Recreation Fund.

Notable revenue increases in 2023 include interest earnings (+\$200,000 from 2022) and water sales (+\$400,000 from 2022). The City received federal and state grants during the year for the fish cleaning station and Sawmill Parkway improvements. The City also received contributions from the Townships for the joint recreation district and replacement of Fabens tennis courts.

The main source of revenue within the General Fund is the collection of an income tax on all withholdings and corporate net profits. Staff is forecasting a 7% increase in income tax collections for 2023. The reason for the 7% increase is mostly due to the annexation of the Sawmill Creek Resort (+\$60,000 in withholdings for 2023) and continued expansion and production at the Ardagh facility on Sawmill Parkway. Growth in existing commercial businesses such as Mucci Farms and Firelands Scientific also played a factor. The City is anticipating a 2% increase in income tax revenue in 2024.

Staff conservatively budgeted increases for all other revenue sources at 1-2% unless historical trends show consistency in annual revenue.

New initiatives/Revenue in 2023/2024: The City's Finance Committee and Council approved the first water rate increase in fifteen (15) years. Starting in 2023, annual water rates will increase 5% annually for ten (10) consecutive years – although these rates will be studied tri-annually to determine if additional measures (in the form of increases or decreases) are warranted. The rate increase is critical for ensuring the City's ability to maintain water security for our customers as well as undertake a series of major capital projects to ensure the long-term viability of our system. These projects include, but are not limited to, creation of a secondary water intake on the Huron River, South Main Street watermain replacement, Old Platt water line replacement, construction of a new 2-million gallon elevated water tank on the west side of town and the Superior Avenue water line replacement. The City did receive a \$5 million grant from the State of Ohio to help construct a new elevated water tank and continues to aggressively seek federal, state or county funds to reduce local costs.

Additionally, the Sawmill Creek Resort annexation and related development began providing new income tax revenue to the City in 2023. The City is anticipating approximately \$60,000 per year in income tax. Beginning in 2024, the City will also begin receiving the minimum service payment of approximately \$330,000 (once reduced per compensation agreements with Huron Schools and EHOVE Career Center). These funds will be utilized to pay the debt service for 1) reimbursement to Cedar Fair for renovations to the resort, 2) serve as Huron's local contribution to the US 6 transformation, 3) aid in the City's strategic land acquisition efforts at Oster's mobile home park.

Finally, the City began work on various capital projects throughout the City. The South Main Street Corridor Plan was adopted in 2023 and the project is expected to begin construction in 2024/2025. The City has been awarded over \$630,000 in grants from various agencies, including ARPA funds to subsidize design and construction costs. The city also is expected to begin work on the Cleveland Rd. E sidewalk project which was awarded over \$775,000 in grants from the Ohio Department of Transportation, Erie County and Huron Township. The City was also awarded a grant from the Ohio Department of Natural Resources (CMAG) for design work on improvements along the lakeshore near Showboat and Lakefront Park. Two other major capital projects are finishing the design process for construction in 2024 which include the S. Main Waterline replacement project (which includes road replacement for Valley View, Hickory and Forest Hills) and major road reconstruction work in the Chaska, Old Homestead I and Old Homestead II neighborhoods.

Budget 2024

The 2024 budget was built with a mindset of cautious optimism, especially with the uncertainty of current economic inflationary trends. The City is ending 2023 in a strong financial position to implement the 2024 budget. In 2023, income tax continues to grow with inflation. However, revenue shortfalls in other operational funds and rising healthcare costs require more subsidy from the General Fund in 2023 and 2024. Items of note in the 2024 budget include:

Property Tax Revenue: Real property valuations are anticipated to slightly increase in 2024. County Auditor estimates as of October 2023 do not show much of an increase in property tax revenues, therefore, the City is projecting a 2% increase in property tax proceeds for 2024 in the General Fund. Property tax revenue for the Fire Levy Fund is expected to remain the same. Property tax revenue for 2024 is expected to exceed \$1 million for all funds.

Income Tax Revenue: Staff conservatively forecasted this vitally important revenue stream for 2023. However, 2023 income tax revenue is projected at over 7% from 2022 actuals and the City is budgeting a 2% increase in 2024 from the 2023 projections, at \$4.1 million. Growing payroll at Mucci Farms and Ardagh along with annexation of Sawmill Creek Resort justified a 7% projection in 2023.

Personnel: The 2024 budget includes proposed additions to the City's workforce to strengthen City services, as follows:

- 1 FT Service Maintenance Foreman – Budget impact = +\$120,00 (General Fund and Service Funds). A similar position was included in the 2023 budget. The City will continue to monitor the need for this position throughout 2024 as we explore the creation of a unified maintenance department.
- 1 FT Administrative Assistant/Communication position – Budget impact = +\$80,00 (General Fund).
- 1 FT Patrolman – Budget impact = +\$100,00 (General Fund).
- Increase in part-time firefighter wages.

Parks and Recreation Revenue: Overall, Parks and Recreation budgeted revenue decreased from 2022 by \$50,000 in 2023. This is mostly due to the reduction in contributions from the Huron Joint Recreation District (HJRD) - more specifically due to the Huron School District voting to forego its regular 10% contribution that has historically been received by HJRD. Total revenue is anticipated to remain at this level in the foreseeable future. . The 2024 budget does not include the School District's contribution. Maintaining the operations of the Parks and Recreation Department is mostly dependent on the Huron Joint Recreation District's annual contribution, making up 71% of the total budget in 2024. Any net impact on HJRD contributions could result in budget cuts directly related to services provided to residents. Although parking fee revenues at Nickel Plate Beach have increased the last two years, the Parks and Recreation budget cannot financially maintain the current operational budget without additional revenues. In 2023 and continuing in 2024, the City's general fund is subsidizing personnel costs. Based on current projections, the fund balance in the Parks and Recreation Fund is expected to decrease by \$50,000 per year and fall into a deficit balance in 2029.

Capital Assets: The 2024 budget book includes the City's capital asset replacement schedule. The schedule shows the City's commitment to purchasing and maintaining adequate vehicles and equipment for City services. In 2023, the City spent over \$1.2 million on new vehicles and equipment, including two new ambulances and a new City website. The recommended 2024 budget includes the purchase of one (1) new police cruiser, one (1) new water truck, and replacement of turnout gear for Fire, totaling over \$500,000 in capital asset expenditures. The City has applied for grant funds to mitigate the costs of the turnout gear however the budget currently conservatively assumes no grant award.

Capital Projects: The 2024 budget book also includes the City's current capital improvement plan. Although the City's current capital improvement plan (totaling over \$72 million) includes over \$28 million in unfunded projects over the next ten (10) years, the City is committed to spending over \$20 million on major capital improvements in 2024. Major 2024 capital expenses include a major local road resurfacing program, east side sidewalk extension, Berlin Rd. park improvements, S. Main Street streetscape engineering and construction, Rt. 6 Phase II design and \$14 million in various water projects (e.g. S. Main St. waterline replacement).

Debt Management: Starting in 2014, the City began a strategy to invest in critical capital infrastructure that had been under invested in as the City recovered from the Great Recession. Utilizing historically low interest rates, close to \$15 million worth of capital was invested in critical infrastructure projects. In 2023, Moody's confirmed the City's current rating of AA3 with a positive outlook. With a positive outlook the City's credit rating could improve in 2024 if current financial factors remain consistent. Currently, the City has over \$12 million in outstanding bonded debt, not inclusive of programmatic loans. As we plan for future years of investment, 2023 was the first major milestone to consider as a substantial portion of the City's debt was retired, freeing up additional resources available for debt service as well as capacity. The City took fiscally responsible steps in 2023 to develop a debt strategy for future capital needs and wants, including projects related to the Sawmill Creek Resort TIF, ConAgra redevelopment, comprehensive local street resurfacing, Huron Public Power Expansion, and Main Street redevelopment. In 2023, the City issued long-term bonds on public improvements funded through the Sawmill Creek Resort TIF. Debt planned for 2024 includes local street resurfacing and South Main St. improvements.

Future Policy Discussions: The staff also looks forward to engaging Council in 2024 on several larger, and impactful project and policy discussions including but not limited to the list below. The Finance Committee recommended the 2024 budget to Council and also recommended Council to further review and consider the first item on the list below.

- *New taxes and or levies to support essential services and public improvements in the master plan*
- Storm Water Management Fee
- Electric Rate (study in progress)
- City Organizational Structure
- Long-term dispatching strategy
- Conagra Redevelopment Service/Maintenance Facility Construction
- Capital Improvement Program Financing Plan (continued discussion)

This budget is the work product of countless hours of preparation, analysis and input from a wide variety of personnel. I appreciate the time, effort, and input of all department heads and staff members who have been instrumental in providing information, feedback and capital projections for their respective departments - and the coordination and leadership displayed by Cory Swaisgood and his staff specifically. I also want to thank the Finance Committee who have been tremendous stewards of the 2024 budget process and have brought forth expertise and thought-provoking considerations and dialogue.

INITIAL APPROPRIATIONS 2024**GENERAL FUND****110**

Police Department		
Personnel Services	\$ 1,515,978	
Other Expenses	\$ 278,875	
Department Total:		\$ 1,794,853

Police and Fire Communications		
Personnel Services	\$ -	
Other Expenses	\$ 85,000	
Department Total:		\$ 85,000

General Service		
Personnel Services	\$ 81,453	
Other Expenses	\$ 60,000	
Department Total:		\$ 141,453

Building and Inspections		
Personnel Services	\$ 241,071	
Other Expenses	\$ 121,200	
Department Total:		\$ 362,271

Information Technology		
Personnel Services	\$ -	
Other Expenses	\$ 60,000	
Department Total:		\$ 60,000

City Manager		
Personnel Services	\$ 151,522	
Other Expenses	\$ 5,400	
Department Total:		\$ 156,922

Human Resources		
Personnel Services	\$ 62,123	
Other Expenses	\$ 21,500	
Department Total:		\$ 83,623

Finance Department		
Personnel Services	\$ 107,544	
Other Expenses	\$ 13,000	
Department Total:		\$ 120,544

INITIAL APPROPRIATIONS 2024

Income Tax Department		
Personnel Services	\$ -	
Other Expenses	\$ 126,250	
Department Total:		\$ 126,250

Law Director		
Personnel Services	\$ 68,222	
Other Expenses	\$ 110,000	
Department Total:		\$ 178,222

City Council		
Personnel Services	\$ 73,072	
Other Expenses	\$ 10,500	
Department Total:		\$ 83,572

Municipal Court		
Personnel Services	\$ 268,209	
Other Expenses	\$ 15,000	
Department Total:		\$ 283,209

Public Buildings		
Personnel Services	\$ -	
Other Expenses	\$ 135,215	
Department Total:		\$ 135,215

Administrative Support		
Personnel Services	\$ 100	
Other Expenses	\$ 554,175	
Department Total:		\$ 554,275

Operating Transfers Out		
Transfers Out	\$ 2,200,200	
Advances Out	\$ 100,000	
Department Total:		\$ 2,300,200

Total GENERAL FUND:		\$ 6,465,609
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SPECIAL WARRANTS

111

Personnel Services	\$ 3,045	
Other Expenses	\$ -	
Transfers Out	\$ -	
Total SPECIAL WARRANTS:		\$ 3,045

INITIAL APPROPRIATIONS 2024**GARBAGE, RECYCLING, YARD WASTE FUND****201**

Personnel Services	\$ -	
Other Expenses	\$ 960,000	
Transfers Out	\$ -	
Total GARBAGE, RECYCLING, YARD WASTE FUND:		\$ 960,000

PROPERTY MAINTENANCE FUND**202**

Personnel Services	\$ -	
Other Expenses	\$ 101,323	
Transfers Out	\$ -	
Total PROPERTY MAINTENANCE FUND:		\$ 101,323

PARKS AND RECREATION FUND**207**

Personnel Services	\$ 416,418	
Other Expenses	\$ 244,429	
Transfers Out	\$ 28,000	
Total PARKS AND RECREATION FUND:		\$ 688,847

BOAT BASIN**210**

Personnel Services	\$ 112,445	
Other Expenses	\$ 96,820	
Transfers Out	\$ 4,500	
Total BOAT BASIN:		\$ 213,765

HURON PARKS FOUNDATION**211**

Personnel Services	\$ -	
Other Expenses	\$ 20,000	
Transfers Out	\$ -	
Total HURON PARKS FOUNDATION:		\$ 20,000

STREET MAINTENANCE FUND**212**

Personnel Services	\$ 421,287	
Other Expenses	\$ 427,917	
Transfers Out	\$ 58,000	
Total STREET MAINTENANCE FUND:		\$ 907,204

INITIAL APPROPRIATIONS 2024**STATE HIGHWAY****213**

Personnel Services	\$ 32,157	
Other Expenses	\$ 17,000	
Transfers Out	\$ -	
Total STATE HIGHWAY:		\$ 49,157

SPECIAL FIRE LEVY**214**

Personnel Services	\$ 2,085,389	
Other Expenses	\$ 328,032	
Transfers Out	\$ 394,000	
Total SPECIAL FIRE LEVY:		\$ 2,807,421

STREET LIGHTING**215**

Personnel Services	\$ 28,567	
Other Expenses	\$ 159,700	
Transfers Out	\$ -	
Total STREET LIGHTING:		\$ 188,267

COURT COMPUTER FUND**216**

Personnel Services	\$ -	
Other Expenses	\$ 75,000	
Transfers Out	\$ -	
Total COURT COMPUTER FUND:		\$ 75,000

COURT CAPITAL PROJECTS**217**

Personnel Services	\$ -	
Other Expenses	\$ 50,000	
Transfers Out	\$ -	
Total COURT CAPITAL PROJECTS:		\$ 50,000

INDIGENT ALCOHOL TREATMENT**218**

Personnel Services	\$ -	
Other Expenses	\$ 1,000	
Transfers Out	\$ -	
Total INDIGENT ALCOHOL TREATMENT:		\$ 1,000

INITIAL APPROPRIATIONS 2024**ENFORCEMENT/EDUCATION****219**

Personnel Services	\$ -	
Other Expenses	\$ 5,000	
Transfers Out	\$ -	
Total ENFORCEMENT/EDUCATION:		\$ 5,000

POLICE RESOURCE OFFICER**220**

Personnel Services	\$ 75,182	
Other Expenses	\$ -	
Transfers Out	\$ -	
Total POLICE RESOURCE OFFICER:		\$ 75,182

INDIGENT DRIV INTERLOCK & ALCO**222**

Personnel Services	\$ -	
Other Expenses	\$ 1,000	
Transfers Out	\$ -	
Total INDIGENT DRIV INTERLOCK & ALCO:	\$ 1,000	\$ 1,000

MARINE PATROL GRANT**225**

Personnel Services	\$ 25,469	
Other Expenses	\$ 12,949	
Transfers Out	\$ -	
Total MARINE PATROL GRANT:		\$ 38,418

ARPA FUND**227**

Personnel Services	\$ -	
Other Expenses	\$ 238,711	
Transfers Out	\$ -	
Total ARPA FUND:		\$ 238,711

MANDATORY TRUST FINE**270**

Personnel Services	\$ -	
Other Expenses	\$ 54	
Transfers Out	\$ -	
Total MANDATORY TRUST FINE:		\$ 54

INITIAL APPROPRIATIONS 2024**CONTRABAND FORFEITURE****271**

Personnel Services	\$	-
Other Expenses	\$	7,500
Transfers Out	\$	-
Total CONTRABAND FORFEITURE:		\$ 7,500

PROBATION FUND**272**

Personnel Services	\$	41,056
Other Expenses	\$	950
Transfers Out	\$	-
Total PROBATION FUND:		\$ 42,006

FIRE PENSION FUND**274**

Personnel Services	\$	320,250
Other Expenses	\$	890
Transfers Out	\$	-
Total FIRE PENSION FUND:		\$ 321,140

POLICE PENSION FUND**275**

Personnel Services	\$	260,000
Other Expenses	\$	1,326
Transfers Out	\$	-
Total POLICE PENSION FUND:		\$ 261,326

ECONOMIC DEVELOPMENT FUND**277**

Personnel Services	\$	-
Other Expenses	\$	35,000
Transfers Out	\$	-
Total ECONOMIC DEVELOPMENT FUND:		\$ 35,000

EMPLOYEE BENEFIT RESERVE FUND**298**

Personnel Services	\$	80,000
Other Expenses	\$	-
Transfers Out	\$	-
Total EMPLOYEE BENEFIT RESERVE FUND:		\$ 80,000

INITIAL APPROPRIATIONS 2024**EMPLOYEE BENEFIT RESERVE - WATER****299**

Personnel Services	\$	30,000
Other Expenses	\$	-
Transfers Out	\$	-
Total EMPLOYEE BENEFIT RESERVE - WATER:		\$ 30,000

G.O. BOND RETIREMENT**301**

Personnel Services	\$	-
Other Expenses	\$	719,637
Transfers Out	\$	-
Total G.O. BOND RETIREMENT:		\$ 719,637

CAPITAL IMPROVEMENT**401**

Personnel Services	\$	-
Other Expenses	\$	6,353,573
Transfers Out	\$	-
Total CAPITAL IMPROVEMENT:		\$ 6,353,573

CAPITAL EQUIPMENT RESERVE & REPLACEMENT**403**

Personnel Services	\$	-
Other Expenses	\$	439,000
Transfers Out	\$	-
Total CAPITAL EQUIPMENT RESERVE & REPLACEMENT:		\$ 439,000

RYE BEACH TIF**420**

Personnel Services	\$	-
Other Expenses	\$	79,300
Transfers Out	\$	-
Total RYE BEACH TIF:		\$ 79,300

SAWMILL CREEK IMPROVEMENT TIF**421**

Personnel Services	\$	-
Other Expenses	\$	919,925
Transfers Out	\$	-
Total SAWMILL CREEK IMPROVEMENT TIF:	\$ 919,925	\$ 919,925

INITIAL APPROPRIATIONS 2024**SAWMILL CREEK PUBLIC INFRASTRUCTURE TIF****422**

Personnel Services	\$ -	
Other Expenses	\$ -	
Transfers Out	\$ -	
Total SAWMILL CREEK PUBLIC INFRASTRUCTURE TIF:		\$ -

WATER BOND RETIREMENT**602**

Personnel Services	\$ -	
Other Expenses	\$ 229,734	
Transfers Out	\$ -	
Total WATER BOND RETIREMENT:		\$ 229,734

WATER CAPITAL PROJECTS**603**

Personnel Services	\$ -	
Other Expenses	\$ 14,587,000	
Transfers Out	\$ -	
Total WATER CAPITAL PROJECTS:		\$ 14,587,000

WATER FUND**604**

Personnel Services	\$ 1,481,882	
Other Expenses	\$ 806,701	
Transfers Out	\$ 205,000	
Total WATER FUND:		\$ 2,493,583

STORM WATER FUND**605**

Personnel Services	\$ 20,742	
Other Expenses	\$ 60,300	
Transfers Out	\$ -	
Total STORM WATER FUND:		\$ 81,042

ELECTRIC FUND**654**

Personnel Services	\$ 257,961	
Other Expenses	\$ 4,500,329	
Transfers Out	\$ -	
Total ELECTRIC FUND:		\$ 4,758,290

INITIAL APPROPRIATIONS 2024**COMMUNITY INFRASTRUCTURE FEE FUND****655**

Personnel Services	\$ -	
Other Expenses	\$ 435,293	
Transfers Out	\$ -	
Total COMMUNITY INFRASTRUCTURE FEE FUND:		\$ 435,293

COMPUTER REPAIR & MAINTENANCE**701**

Personnel Services	\$ -	
Other Expenses	\$ 75,000	
Transfers Out	\$ -	
Total COMPUTER REPAIR & MAINTENANCE:		\$ 75,000

HEALTHCARE**703**

Personnel Services	\$ 1,628,258	
Other Expenses	\$ 150	
Transfers Out	\$ -	
Total HEALTHCARE:		\$ 1,628,408

DEVELOPER DEPOSITS FUND**850**

Personnel Services	\$ -	
Other Expenses	\$ 20,000	
Transfers Out	\$ -	
Total DEVELOPER DEPOSITS FUND:		\$ 20,000

HURON JOINT RECREATION DISTRICT**860**

Personnel Services	\$ -	
Other Expenses	\$ 453,242	
Transfers Out	\$ -	
Total HURON JOINT RECREATION DISTRICT:		\$ 453,242

STATE PATROL**863**

Personnel Services	\$ -	
Other Expenses	\$ 16,000	
Transfers Out	\$ -	
Total STATE PATROL:		\$ 16,000

INITIAL APPROPRIATIONS 2024**DAMAGED STRUCTURE FUND****870**

Personnel Services	\$ -	
Other Expenses	\$ -	
Transfers Out	\$ -	
Total DAMAGED STRUCTURE FUND:		\$ -

HURON RESCUE SQUAD**876**

Personnel Services	\$ -	
Other Expenses	\$ 28,500	
Transfers Out	\$ -	
Total HURON RESCUE SQUAD:		\$ 28,500

UNCLAIMED FUNDS**899**

Personnel Services	\$ -	
Other Expenses	\$ -	
Transfers Out	\$ -	
Total UNCLAIMED FUNDS:	\$ -	\$ -

GRAND TOTAL**\$ 46,963,502**

INITIAL APPROPRIATIONS 2024

There shall be, and there are hereby, monies transferred from various funds in the amounts not to exceed those stated below:

Transfer Amount:	Transfer From:	Transfer To:
\$ 100,000	Fund 110 - General Fund	Fund 212 - Street Maint. Fund
\$ 200,000	Fund 110 - General Fund	Fund 214 - Fire Levy Fund
\$ 15,200	Fund 110 - General Fund	Fund 225 - Marine Patrol Fund
\$ 160,000	Fund 110 - General Fund	Fund 275 - Police Pension Fund
\$ 60,000	Fund 110 - General Fund	Fund 298 - Employee Benefit Fund
\$ 725,000	Fund 110 - General Fund	Fund 301 - Debt Service Fund
\$ 600,000	Fund 110 - General Fund	Fund 401 - Capital Improvement Fund
\$ 195,000	Fund 110 - General Fund	Fund 403 - Capital Equipment Fund
\$ 45,000	Fund 110 - General Fund	Fund 701 - Information Tech. Fund
\$ 100,000	Fund 110 - General Fund	Fund 703 - Healthcare Fund
\$ 8,000	Fund 207 - Parks and Rec Fund	Fund 298 - Employee Benefit Fund
\$ 20,000	Fund 207 - Parks and Rec Fund	Fund 403 - Capital Equipment Fund
\$ 4,500	Fund 210 - Boat Basin Fund	Fund 298 - Employee Benefit Fund
\$ 8,000	Fund 212 - Street Maint. Fund	Fund 298 - Employee Benefit Fund
\$ 50,000	Fund 212 - Street Maint. Fund	Fund 403 - Capital Equipment Fund
\$ 266,000	Fund 214 - Fire Levy Fund	Fund 274 - Fire Pension Fund
\$ 25,000	Fund 214 - Fire Levy Fund	Fund 298 - Employee Benefit Fund
\$ 100,000	Fund 214 - Fire Levy Fund	Fund 403 - Capital Equipment Fund
\$ 3,000	Fund 214 - Fire Levy Fund	Fund 701 - Information Tech. Fund
\$ 5,000	Fund 604 - Water Fund	Fund 299 - Water Employee Benefit Fund
\$ 100,000	Fund 604 - Water Fund	Fund 602 - Water Debt Service Fund
\$ 100,000	Fund 604 - Water Fund	Fund 603 - Water Capital Fund
\$ 2,889,700		

There shall be, and there are hereby, monies advanced from various funds in the amounts not to exceed those stated below:

Advance Amount:	Advance From:	Advance To:
\$ 100,000	Fund 110 - General Fund	Fund 202 - Property Maintenance Fund
\$ 100,000		



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2023-50 **(first reading)** *(submitted by Erik Engle)*
DATE: December 12, 2023

Subject Matter/Background

This ordinance separates out Planning Commission processes from building review processes and renames Chapter 1313 Building Plan Review. Essentially, the purpose under 1313.01 was revamped to reflect such differentiation. Furthermore, Section 1313.03 Procedure for Filing and Review was simply moved from the Building Code to the Zoning Code under the newly established 1139.01 Planning Commission Review. A redline copy of the changes proposed is attached hereto as Exhibit 1.

Financial Review

There is no financial impact.

Legal Review

The matter has been reviewed, follows normal administrative procedure, and is properly before you.

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2023-50 on its first reading is in order.

[Ordinance No. 2023-50 Chapter 1313 Building Plan Review Amendment \(1\).docx](#)

[Ordinance No. 2023-50 Exh A.pdf](#)

[Ordinance No. 2023-50 - Exh B.docx](#)

ORDINANCE NO. 2023-50
Introduced by Mark Claus

AN ORDINANCE REPEALING AND AMENDING AND RESTATING CHAPTER 1313 (BUILDING PLAN REVIEW)
OF THE HURON CODIFIED ORDINANCES.

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance, including Exhibit "B", are in the best interest of the City of Huron and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Chapter 1313 (Building Plan Review) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows (refer to Exhibit "A" attached), shall be and hereby is repealed in its entirety.

SECTION 2. That a new revised and restated Chapter 1313 (Building Plan Review) of the Codified Ordinances of the City of Huron, Ohio, as attached hereto and made a part hereof as Exhibit "B", shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 4. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

CHAPTER 1313**Site Plan and Storm Water Pollution Prevention Plan (SWPPP) Review****1313.01 Purpose.****1313.02 Requirements.****1313.03 Procedure for filing and review.****1313.04 Fees.****1313.99 Penalty.****CROSS REFERENCES**

Plans and fees under Ohio Building Code - see BLDG. 1301.10

1313.01 PURPOSE.

In order to assure the proper development of all property within the City and in order to comprehensively correlate the provisions of this chapter and other ordinances of the City, it shall be required that prior to the issuance of a building permit on any lot, building site, parcel or property, a suitable site development plan and a SWPPP shall be submitted to the Department of Building and Housing and that such plans shall be subject to review by the City Planning Commission, City Building and Housing Department, and the City Engineering Office.

(Ord. 2013-39. Passed 9-24-13.)

1313.02 REQUIREMENTS.

(a) Upon the filing of an application for a building permit for every building or structure, other than a single family or a two family dwelling, the applicant shall also submit a site development plan to the Zoning Inspector/Building Official. The site development plan shall include the following information:

(1) A scale drawing showing:

- A. Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site.
- B. The location of vehicular ingress and egress and parking spaces, (both existing and proposed) and the dimensions of the same.
- C. The extent and type of parking lot and driveway paving.
- D. The location and dimensions of all pedestrian ways and/or sidewalks.
- E. The location and size of all existing and proposed utilities.
- F. Complete building elevations and signage including color renderings of the same
- G. Lighting plan for the site including style and intensity of all parking lot and building mounted lights.
- H. The plan and method of disposing of all surface water from development area, which drainage plan shall be in accordance with Section 1115.03 of the Subdivision Regulations.

(2) A written statement containing the following:

- A. A legal description of the site and a statement of the present ownership of all the land included within the site development area.
- B. A statement of ownership (names and addresses) and the present use of all properties located within 150 feet of the exterior boundaries of the subject development site.
- C. A general indication of the expected schedules and/or phases of development.

(b) Design review responsibilities (architectural review) shall be performed by the Planning Commission and shall be in accordance with the rules and regulations of the Commission for every building or structure with the exception of one and two-family dwellings. Design review shall also include the Planning Commission's review of all signage. The standards used by the Commission for design review shall be in accordance with Chapter 1141.

(c) Upon the filing of an application for a building permit for a single family or a two-family dwelling, the applicant shall also submit a site development plan to the Zoning Inspector/Building Official. The site development plan shall include the following information: A scale drawing showing:

- (1) Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site. house number.
- (2) The location of vehicular ingress and egress and the dimensions of the same.
- (3) The location and dimensions of all pedestrian ways and/or sidewalks.
- (4) The location and size of all existing and proposed utilities.
- (5) Complete building elevations.

(6) The method of disposing of all surface water from the development area.

(d) Upon the filing of an application for a Building Permit for a Plan of Development larger than 1 acre in size of disturbed area, the applicant shall submit a comprehensive Storm Water Pollution Prevention Plan (SWPPP) to the City Engineer for review. The SWPPP shall meet the requirements set forth in the Title Three, Chapter(s) 1315 and 1317.

(Ord. 2021-36. Passed 10-26-21.)

1313.03 PROCEDURE FOR FILING AND REVIEW.

(a) For all site plans (including design review requirements), with the exception of single or two- family projects, seven (7) copies of the site development plan and all accessory and supporting documents shall be submitted to the Zoning Inspector/Building Official.

(1) For design review submittal, the developer shall submit seven (7) copies of the architectural plan, including accurate color renderings, landscaping, and lighting, and all other materials needed to allow the Planning Commission to make an accurate review of the project in accordance with Chapter 1141. This submittal can be done at the time of filing for the site plan or can be done after the preliminary approval of the site plan by the Commission. The Commission can not give final approval of the plan and the zoning and building permit may not be issued until the Commission gives their final approval of the complete plan, including the design review portion.

(b) For all Development Projects disturbing 1 or more acres, three (3) copies of the Site SWPPP and all accessory and supporting documents shall be submitted to the City Engineer. The engineer shall review the plans and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the plan described above. A plan rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised plan, another thirty (30) day review period shall begin.

(c) SWPPP Plans for site larger than one (1) acre must receive approval from the City Engineer before a Building Permit can be issued.

(d) Site development plans for a building site for single family or two family dwellings may be approved by the Zoning Inspector/Building Official without further review by the Planning Commission.

(e) Site development plans for all building sites other than for single family or two family dwellings shall be submitted by the Zoning Inspector/Building Official to the Planning Commission for review within thirty days of the filing of the plan.

(f) The Planning Commission shall consider such plan at a public meeting; notice of which meeting shall be served by regular mail to all property owners within 150 feet of the exterior boundaries of the subject site. Such public meeting shall be the next regularly scheduled meeting of the Planning Commission provided the plan is filed with the Zoning Inspector/Building Official by the applicant at least ten (10) days prior to the date of the regular meeting.

(g) Within thirty (30) days from the date of the public meeting considering such change, the Planning Commission shall approve, deny or modify the plan.

(h) Any property owner entitled to notice of the Planning Commission's review(including the design review aspect), as herein provided, and each person submitting a site development plan, shall be entitled to appeal the decision of the Zoning Inspector/Building Official and/or the Planning Commission in approving, modifying, or denying the plan, to the City Council. Such appeal shall be perfected by filing a notice in writing with the Clerk of Council within five (5) days of the decision being appealed. Such notice of appeal shall state in detail the reasons or reason why the decision is being appealed. Any applicant aggrieved by the decision of the City Council, on the appeal described in Subsection (a) above, may appeal said final decision to the Court of the Common Pleas that such decision was unreasonable or unlawful. Such petition shall be filed with the Court within thirty (30) days of the meeting of the City Council at which said decision was made.

(i) The Zoning Inspector/Building Official shall not issue a Zoning Permit or a Building Permit and or a Certificate of Occupancy for the structure/project, until all the requirements of the Planning Commission, including design review and SWPPP review, have been fully complied with.

(j) An approval for a site plan and SWPPP shall be in effect for a period of two (2) years from the date of the Commission's approval. If the project is not started with continual work being performed within that time, the approval shall be voided.

(Ord. 2021-36. Passed 10-26-21.)

1313.04 FEES.

Fees for the review of the site development plan, including the design review, as required by this chapter, shall be as prescribed by Council in Section 1321.12.

(Ord. 2013-39. Passed 9-24-13.)

1313.99 PENALTY.

Whoever violates any portion of this Chapter, or fails to comply fully with the requirements of the Planning Commission, shall be deemed in violation of the Zoning Code and such violation shall be punishable under Section 1131.01 (h) and (i) of the Zoning Code.

(Ord. 2013-39. Passed 9-24-13.)

CHAPTER 1313
Building Plan Review

- 1313.01 Purpose.
 - 1313.02 Requirements.
 - 1313.03 Procedure for filing and review.
 - 1313.04 Fees.
 - 1313.99 Penalty.
- CROSS REFERENCES

Plans and fees under Ohio Building Code - see BLDG. 1301.10

1313.01 PURPOSE.

In order to assure the proper development of all property within the City and in order to comprehensively correlate the provisions of this chapter and other ordinances of the City, it shall be required that prior to the issuance of a building permit on any lot, building site, parcel or property, suitable site development plan and a SWPPP, if required, be submitted to the Planning and Zoning Department and Building Department and that such plans shall be subject to review by the City Planning Commission, City Building and Zoning Department, and the City Engineering Office.

(Ord. 2013-39. Passed 9-24-13.)

1313.02 MINIMUM REQUIREMENTS FOR CONSTRUCTION.

(a) Upon the filing of an application for a building permit for every building or structure, other than a single-family or a two-family dwelling, the applicant shall also submit a site development plan to the Zoning Inspector/Building Official. The site development plan shall include the following information:

- (1) A scale drawing showing:
 - A. Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site.
 - B. The location of vehicular ingress and egress and parking spaces, (both existing and proposed) and the dimensions of the same.
 - C. The extent and type of parking lot and driveway paving.
 - D. The location and dimensions of all pedestrian ways and/or sidewalks.
 - E. The location and size of all existing and proposed utilities.
 - F. Complete building elevations and signage including color renderings of the same
 - G. Lighting plan for the site including style and intensity of all parking lot and building mounted lights.

H. The plan and method of disposing of all surface water from development area, which drainage plan shall be in accordance with Section 1115.03 of the Subdivision Regulations.

(2) A written statement containing the following:

A. A legal description of the site and a statement of the present ownership of all the land included within the site development area.

B. A statement of ownership (names and addresses) and the present use of all properties located within 150 feet of the exterior boundaries of the subject development site.

C. A general indication of the expected schedules and/or phases of development.

(b) Design review responsibilities (architectural review) shall be performed by the Planning Commission and shall be in accordance with the rules and regulations of the Commission for every building or structure with the exception of one and two-family dwellings. Design review shall also include the Planning Commission's review of all signage. The standards used by the Commission for design review shall be in accordance with Chapter 1141.

(c) Upon the filing of an application for a building permit for a single family or a two-family dwelling, the applicant shall also submit a site development plan to the Zoning Inspector/Building Official. The site development plan shall include the following information: A scale drawing showing:

(1) Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site. house number.

(2) The location of vehicular ingress and egress and the dimensions of the same.

(3) The location and dimensions of all pedestrian ways and/or sidewalks.

(4) The location and size of all existing and proposed utilities.

(5) Complete building elevations.

(6) The method of disposing of all surface water from the development area.

(d) Upon the filing of an application for a Building Permit for a Plan of Development larger than 1 acre in size of disturbed area, the applicant shall submit a comprehensive Storm Water Pollution Prevention Plan (SWPPP) to the City Engineer for review. The SWPPP shall meet the requirements set forth in the Title Three, Chapter(s) 1315 and 1317.

(Ord. 2021-36. Passed 10-26-21.)

1313.03 PROCEDURE FOR FILING AND REVIEW.

(a) For all site plans (including design review requirements), with the exception of single- or two-family projects, seven (7) copies of the site development plan and all accessory and supporting documents shall be submitted to the Zoning Inspector/Building Official.

(1) For design review submittal, the developer shall submit seven (7) copies of the architectural plan, including accurate color renderings, landscaping, and lighting, and all other materials needed to allow the Planning Commission to make an accurate review of the project in accordance with Chapter 1141. This submittal can be done at the time of filing for the site plan or can be done after the preliminary approval of the site plan by the Commission. The Commission can not give final approval of the plan and the zoning and building permit may not be issued until the Commission gives their final approval of the complete plan, including the design review portion.

(b) For all Development Projects disturbing 1 or more acres, three (3) copies of the Site SWPPP and all accessory and supporting documents shall be submitted to the City Engineer. The engineer shall review the plans and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the plan described above. A plan rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised plan, another thirty (30) day review period shall begin.

(c) SWPPP Plans for site larger than one (1) acre must receive approval from the City Engineer before a Building Permit can be issued.

(d) Site development plans for a building site for single family or two family dwellings may be approved by the Zoning Inspector/Building Official without further review by the Planning Commission.

(e) Site development plans for all building sites other than for single family or two family dwellings shall be submitted by the Zoning Inspector/Building Official to the Planning Commission for review within thirty days of the filing of the plan.

(f) The Planning Commission shall consider such plan at a public meeting; notice of which meeting shall be served by regular mail to all property owners within 150 feet of the exterior boundaries of the subject site. Such public meeting shall be the next regularly scheduled meeting of the Planning Commission provided the plan is filed with the Zoning Inspector/Building Official by the applicant at least ten (10) days prior to the date of the regular meeting.

(g) Within thirty (30) days from the date of the public meeting considering such change, the Planning Commission shall approve, deny or modify the plan.

(h) Any property owner entitled to notice of the Planning Commission's review (including the design review aspect), as herein provided, and each person submitting a site development plan, shall be entitled to appeal the decision of the Zoning Inspector/Building Official and/or the Planning Commission in approving, modifying, or denying the plan, to the City Council. Such appeal shall be perfected by filing a notice in writing with the Clerk of

Council within five (5) days of the decision being appealed. Such notice of appeal shall state in detail the reasons or reason why the decision is being appealed. Any applicant aggrieved by the decision of the City Council, on the appeal described in Subsection (a) above, may appeal said final decision to the Court of the Common Pleas that such decision was unreasonable or unlawful. Such petition shall be filed with the Court within thirty (30) days of the meeting of the City Council at which said decision was made.

(i) The Zoning Inspector/Building Official shall not issue a Zoning Permit or a Building Permit and or a Certificate of Occupancy for the structure/project, until all the requirements of the Planning Commission, including design review and SWPPP review, have been fully complied with.

(j) An approval for a site plan and SWPPP shall be in effect for a period of two (2) years from the date of the Commission's approval. If the project is not started with continual work being performed within that time, the approval shall be voided.

(Ord. 2021-36. Passed 10-26-21.)

1313.04 FEES.

Fees for the review of the site development plan, including the design review, as required by this chapter, shall be as prescribed by Council in the Fee Schedule.

(Ord. 2013-39. Passed 9-24-13.)

1313.99 PENALTY.

Whoever violates any portion of this Chapter, or fails to comply fully with the requirements of the Planning Commission, shall be deemed in violation of the Zoning Code and such violation shall be punishable under Section 1131.01 (h) and (i) of the Zoning Code.

(Ord. 2013-39. Passed 9-24-13.)



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Ordinance No. 2023-53 **(first reading)** *(submitted by Erik Engle)*
DATE: December 12, 2023

Subject Matter/Background

This ordinance clarifies language set in Chapter 1139 Zoning Administration.

Amendments include the following:

1. Typical grammatical edits, wordsmithing, and basic revisions
2. Restructuring language from other code chapters
3. Establishing a clear process for conditional uses
4. Formally establishing zoning certificate expirations aligned with building permits; one year timeframe
5. Formally establishing a one-year expiration for area variances

A redline copy of the changes proposed is attached hereto as Exhibit 1.

Financial Review

There is no financial impact.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2023-53 on its first reading is in order.

[Ordinance No. 2023-53 Chapter 1139 Zoning Administration.docx](#)

[Ordinance No. 2023-53 Exhibit A.pdf](#)

[Ordinance No. 2023-53 Exh B \(2\).docx](#)

ORDINANCE NO. 2023-53
Introduced by Mark Claus

AN ORDINANCE REPEALING AND AMENDING AND RESTATING CHAPTER 1139 (ZONING ADMINISTRATION) OF THE HURON CODIFIED ORDINANCES.

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance, including Exhibit "B", are in the best interest of the City of Huron and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Chapter 1139 (Zoning Administration) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows (refer to Exhibit "A" attached), shall be and hereby is repealed in its entirety.

SECTION 2. That a new revised and restated Chapter 1139 (Zoning Administration) of the Codified Ordinances of the City of Huron, Ohio, as attached hereto and made a part hereof as Exhibit "B", shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 4. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

CHAPTER 1139

Zoning Administration

- 1139.01 Enforcement; penalty.**
- 1139.02 Board of Building and Zoning Appeals.**
- 1139.03 District changes and regulation amendments.**
- 1139.04 Validity and repeal.**

CROSS REFERENCES

Board of Building and Zoning Appeals created - see CHTR. 7.02

1139.01 ENFORCEMENT; PENALTY.

(a) Enforcement by Zoning Inspector. The Zoning Inspector, or his designated representative, shall enforce this Zoning Ordinance in accordance with the administrative provisions of the City Building Code and this chapter. All departments, officials and public employees of the City, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this chapter and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this chapter. Any permit or license, issued in conflict with the provisions of this chapter shall be null and void.

(b) Filing Plans. Every application for a zoning certificate shall be accompanied by plans in duplicate, drawn to scale in black line or blue print, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size and height of any building or structure to be erected or altered; in the case of a proposed new building or structure as would substantially alter its appearance, drawings or sketches showing the front, side and rear elevations of the proposed building or structure, or of the structure as it will appear after the work for which a permit is sought is completed; the existing and intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate; and when no buildings are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this chapter. One copy of such plans shall be returned to the owner when the plans are approved by the Zoning Inspector, together with such zoning certificate as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started. In any case where the lot is not provided and is not proposed to be provided with a public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a certificate of approval by the Health Officer of the proposed method of water supply and/or disposal of sanitary wastes.

(c) Zoning Certificate. No owner shall use or permit the use of any structure, building or land or part thereof, hereafter created, erected, changed, converted or enlarged in whole or in part, until a zoning certificate, which may be a part of the building permit, is issued by the Zoning Inspector. Such zoning certificate shall show that such building or premises or part thereof, and the proposed use thereof, are in conformity with the provisions of this chapter. The Zoning Inspector shall issue a zoning certificate, provided he is satisfied that the structure, building or premises and the proposed use thereof and the proposed methods of water supply and disposal of sanitary wastes, conform with all applicable requirements of this chapter.

(d) Certificate of Occupancy. A certificate of occupancy, either for the whole or a part of a building shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or structural alteration of such building or part is completed in conformity with the provisions of this chapter. A record of all such certificates shall be kept on file in the office of the City Manager and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

(e) Zoning Inspector to Act Within Thirty Days. The Zoning Inspector shall act upon all such applications on which he is authorized to act by the provisions of this chapter within thirty days after they are filed in full compliance with all the applicable requirements. He shall either issue a zoning certificate within the thirty days or shall notify the applicant in writing of his refusal of such certificate and the reasons therefor. Failure to notify

the applicant in case of such refusals within the thirty days shall entitle the applicant to a zoning certificate, unless the applicant consents to an extension of time.

(f) Fees. A fee shall be charged for an original zoning certificate applied for before the application for a building permit, where such permit is required and issued under the Building Code. For all other zoning certificates, there shall be a fee and the charge therefor, as referenced in Section 1321.13 of the Building Code.

(g) Violation; Penalty. No person, firm or corporation shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any of the provisions of this chapter, or any amendment or supplement thereto adopted by Council. Any person, firm or corporation violating any of the provisions of this chapter or any amendment or supplement thereto, for which no other penalty is provided, shall be fined not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues shall be deemed a separate offense.

(h) Violation; Remedy. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of this chapter or any amendment or supplement thereto, Council, the Law Director, the Zoning Inspector or any adjacent or neighboring property owner, may in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

(Ord. 2012-32. Passed 7-24-12.)

1139.02 BOARD OF BUILDING AND ZONING APPEALS.

(a) Appointment. There is hereby created a Board of Building and Zoning Appeals consisting of five members who shall be residents who hold no other City office or employment, selected by Council, one each year for overlapping terms of five years. It shall have all the power and authority conferred upon boards of zoning appeals by state law and such other duties as may be imposed upon it by state law. Its members shall serve without compensation.

(b) Procedure. The Board shall adopt its own rules, in accordance with this chapter and elect its own officers annually. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.

The Chairman, or in his absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

(c) Quorum. Three members of the Board shall constitute a quorum. The Board shall act by resolution; and the concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Official or any other duly authorized administrative officer, or to decide in favor of an applicant in any matter on which it is required to pass under this Zoning Ordinance, of every such determination shall be stated. A member of the Board shall not be qualified to vote if he has not attended the public hearing or if he has a direct or indirect interest in the issue appealed.

(d) Assistance; Other Departments. The Board may call upon the City departments for assistance in the performance of its duties, and such departments shall render such assistance to the Board as may reasonably be required.

(e) Applications, Appeals, Hearings and Stay of Proceedings. An application in cases in which the Board has original jurisdiction under the provisions of this chapter, may be taken by any property owner, including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Inspector, who shall transmit same to the Board. An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Inspector. Such appeal shall be taken within thirty days after the decision, by filing with the secretary of the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

If an application or appeal is received at least five days before a regularly scheduled meeting of the Board, it shall act within forty-five days after such meeting. Failure to act within such period shall be considered approval. Before making any decisions on an application or appeal, the Board shall hold a public hearing at such times as

shall be determined by the Board itself. Special hearings can be arranged at the call of the Chairman. Notices of the time and place of hearings shall be mailed, by regular first-class mail, not less than three days prior to the date of the hearing, to the appellant and to affected property owners owning property located within 100 feet of the property that is the subject of the application or appeal, as the names of such owners appear in the current records of the County Auditor's office, or such notice may be given by publication for two successive weeks prior thereto in a newspaper of general circulation in the City.

Failure to notify any affected property owner, as hereinbefore defined, shall have no effect upon the validity of the proceedings taken by the Board. Each application or appeal shall be accompanied by a fee as prescribed by Council in Section 1321.12 of the Building Code to cover the cost of publishing and/or posting and mailing the notices of the hearing or hearings. At the hearing, any party may appear in person or be represented by an agent or attorney.

Any person or persons, jointly or severally aggrieved by the decision of the Board, may appeal to the Court of Common Pleas that such decision is unreasonable or unlawful. Such petition shall be presented to the Court within thirty days after the filing of the decision in the office of the Board.

A certified copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.

A decision of the Board shall not become final until the expiration of five days from the date such decision is made, unless the Board finds the immediate taking of effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board after notice of appeal is filed with him, that by reason of acts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the Court of Common Pleas on application, on notice to the Zoning Inspector, or by judicial proceedings and on due cause shown.

(f) Powers. The Board of Building and Zoning Appeals shall have the following powers:

The Board shall have the power to hear and decide, in accordance with the provisions of this chapter, applications, filed as hereinbefore provided, for conditional uses, special exceptions or for interpretation of the Zoning Map, or for decision upon other special questions on which the Board is authorized by this Ordinance to pass. In considering an application for a conditional use, a special exception or interpretation of the Zoning Map, the Board shall give due regard to the nature and conditions of all adjacent uses and structures; and in authorizing a conditional use or special exception, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this chapter for the particular conditional use or special exception, as the Board may deem necessary for the protection of adjacent properties and the public interest.

In addition to permitting the conditional uses and special exceptions hereinbefore specified, the Board shall have the power to permit the following conditional uses and special exceptions:

- (1) Nonconforming uses; substitution. The substitution of a nonconforming use existing at the time of enactment of this chapter by another nonconforming use, if no structural alterations except those required by law or resolution are made, provided however, that in an R District, no change shall be authorized by the Board to any use which is not a permitted or conditional use in any R District and in a B District, no change shall be authorized to any use which is not a permitted or conditional use in any B District.
- (2) Nonconforming uses; extension. The extension of a nonconforming building upon the lot occupied by such building or on an adjoining lot, provided that such lot was under the same ownership as the lot in question at the time the use of such building became a nonconforming use, that the value of such extension shall not exceed in all twenty-five percent (25%) of the assessed valuation for tax purposes of the existing building devoted to a nonconforming use, that such extension shall be within a distance of not more than fifty feet of the existing building or premises, that such extension shall in any case be undertaken within five years of the enactment of this chapter; and provided further however, that the Board shall not authorize any extension or enlargement which would result in violation of the provisions of this chapter with respect to any adjoining premises.

- (3) Extension of use on border of district. The extension of a use or building into a more restricted district immediately adjacent thereto, but not more than twenty-five feet beyond the dividing line of the two districts, under such conditions as will safeguard development in the more restricted district.
- (4) Conditional industrial uses. Permitted in the I-1 and I-2 Districts, certain of the industries or uses listed in Sections 1125.04 and 1125.05 as conditionally permitted. In doing so, the Board may require the installation, operation and maintenance in connection with the proposed use, of such devices or such methods of operation, as may in the opinion of the Board be reasonably required to prevent or reduce fumes, gas, dust, smoke, odor, water-carried waste, noise, vibration or similar objectionable features, and may further impose such conditions regarding the extent of open spaces between such industries or uses and surrounding properties, where such distance is not specifically indicated, as will tend to prevent or reduce the harm which might otherwise result from the proposed use of surrounding properties and neighborhoods.
- (5) Temporary structures and uses. The temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this chapter for the district in which it is located, provided that such use is of a temporary nature and does not involve the erection of a substantial structure. A zoning certificate for such use shall be granted in the form of a temporary and revocable permit for not more than a twelve-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.
- (6) Conditional uses: wind energy conversion systems.
- A. Purpose. The purpose of subsection (f)(6) hereof is to preserve and protect the public health and safety and to promote the orderly land use and development in the City of Huron by the implementation of standards and procedures by which the installation and operation of Wind Energy Conversion Systems (WECS) (wind turbines) shall be governed as a conditional use in any zoning district of the City.
- B. Definitions.
1. A wind energy conversion system (WECS) includes any or all of the following components.
 - a. A turbine with propeller type blades;
 - b. A vertical rotor;
 - c. Other means of capturing the energy of the moving air;
 - d. A tower or a mounting structure;
 - e. An electrical power generator with associated electrical power transmission circuitry;
 - f. A battery or other means of storing energy;
 - g. Other means of transmitting energy (hydraulic, mechanical, etc.);
 - h. Mechanical control mechanisms;
 - i. Electrical/electronic/computer circuitry;
 - j. A foundation;
 - k. Enclosures.
 2. Total height means the distance measured from ground level to the blade extended at its highest point or to the top of the tower, whichever is the highest.
 3. Small wind energy conversion system means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which will be used primarily to reduce on-site consumption of electrical power.
 4. Windmill rotor means that portion of the windmill which includes the blades, hub and shaft.
 5. Windmill tower means the supporting structure on which the rotor, turbine and accessory equipment are mounted.
 6. Commercial wind energy conversion system means a wind energy conversion system consisting of more than one wind turbine and tower, and a wind energy conversion system which will be used primarily for off-site consumption of electrical power.
 7. Wind turbine means a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator or rotor; and includes the

turbine, rotor, blade, tower, base and pad transformer (if any) in addition to the wind energy conversion systems designed to mount directly on the roof of existing buildings including residences.

8. Applicant means the person or entity filing an application for a conditional use permit under this subsection (f)(6).

C. Applicability.

1. This subsection is applicable to all Wind Energy Conversion Systems (WECS), small and commercial; and Wind Turbines as defined in this section which are proposed to be constructed or located after the effective date of this section.
2. Wind Energy Conversion Systems and Wind Turbines constructed or located prior to the effective date of this subsection shall not be required to meet the provisions of this subsection provided that any physical modification to such pre-existing Wind Energy Conversion System (WECS) or Wind Turbine that materially alters the size, type and number of any such WECS or Wind Turbine shall require compliance with this subsection. If any preexisting WECS or Wind Turbine is destroyed or damaged to the extent of more than 50 percent of its fair market value at the time of destruction or damage, it shall not be reconstructed except in conformity with this section.

D. Permit requirement.

1. No Wind Energy Conversion System, small or commercial, or Wind Turbine shall be constructed or located within the City of Huron unless a conditional use permit has been issued to the applicant.
2. The conditional use permit application shall be made in compliance with this subsection and be accompanied with a fee for appearances before the Board of Building and Zoning Appeals.
3. Any physical modification to an existing and permitted Wind Energy Conversion System or Wind Turbine that materially alters the size, type and number of such WECS shall require a permit modification under this subsection. Like-kind replacements shall not require a permit modification.
4. An applicant who proposes to construct or locate a Wind Turbine, as defined in this subsection, on the roof of an existing structure shall be required to apply for a conditional use permit and request a variance from the Board of Building and Zoning Appeals.

E. Small Wind Energy Conversion System Requirements.

1. Permitted locations. A small wind energy conversion system is permitted in any zoning district.
2. Setbacks.
 - a. Property lines. A small wind energy conversion system or tower shall be set back from the nearest property line, public road right-of-way and communication and electrical line not less than 1.0 times its total height.
3. Design standards.
 - a. Monopole or freestanding design. The design of the small wind energy conversion system or tower shall be of a monopole or freestanding design without guy wires.
 - b. Minimum blade height. The minimum height of the lowest extent of a turbine blade shall be 30 feet above the ground or 30 feet above any structure or obstacle within 50 feet of the tower.
 - c. Access. No tower shall have a climbing apparatus within 15 feet of the ground. All access doors or access ways to towers and electrical equipment shall be able to be locked.
 - d. Noise. No small wind energy conversion system shall generate sounds exceeding 60 dBA as measured at 100 feet from the tower. Noise generated from any small WECS shall also comply with existing City noise ordinance.
 - e. Visual appearance. Small wind energy conversion or tower systems shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective. No small wind energy conversion system or tower shall be lighted

unless required by the FAA. No flags, streamers, decorations, advertising signs of any kind or nature whatsoever shall be permitted on any small wind energy conversion system and/or tower.

- f. Electrical interconnections. All electrical interconnection or distribution lines shall be underground and comply with all applicable codes and public utility requirements.
- g. Signal interference. Efforts shall be made to site small wind energy conversion systems, or towers, to reduce that likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the small wind energy conversion system or tower owner and individual receiving interference shall make reasonable efforts to resolve the problem. No small wind energy conversion system or tower shall cause permanent and material interference with television or other communication signals.

F. Permit applications. Application for a small wind energy conversion system and/or tower shall include the following information:

- 1. Site plan to scale showing the location of the proposed small wind energy conversion system and/or tower and the locations of all existing buildings, structures and property lines, along with distances; and,
- 2. Elevations of the site to scale showing the height, design and configuration of the small wind energy conversion system and the height and distance to all existing structures, buildings, electrical lines and property lines; and
- 3. Standard drawings and an engineering analysis of the systems tower, including weight capacity; and,
- 4. A standard foundation and anchor design along with soil conditions and specifications for the soil conditions at the site; and,
- 5. Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the system; including, the name and address of the manufacturer, model and serial number; and,
- 6. Emergency and normal shutdown procedures; and,
- 7. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes; and,
- 8. Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator; unless, the system will not be connected to the electricity grid.

G. Commercial wind energy conversion system requirements.

- 1. Permissible locations. A commercial wind energy conversion system may be permitted as a conditional use (special exception) in all commercial and/or Industrial Districts.
- 2. Setbacks.
 - a. Property lines. A commercial wind energy conversion system shall be set back from the nearest property line and public road right-of-way not less than 1.0 times the total height of installation.
 - b. Other uses. No commercial wind energy conversion system shall be located within 1,000 feet of a platted subdivision, park, church, school or playground.
 - c. Inhabited structures. A commercial wind energy conversion system shall be set back from the nearest inhabited building, power line or communication line, not less than 1.0 times its total height.
- 3. Design standards. A commercial wind energy conversion system shall comply with the design standards set forth for small wind energy conversion systems in this section.
- 4. Permit applications. A commercial wind energy conversion system shall comply with the permit application requirements set forth for small wind energy conversion systems in this section.

5. Commercial Wind Energy Conversion Systems shall not be permitted without approval by the Planning Commission .

H. Non-use.

1. Any small wind energy conversion system, commercial wind energy conversion system or tower which complies with the terms of this section which is not used for two (2) years, excluding repairs, shall be removed within six (6) months most closely following the two (2) year period. Failure to remove the system shall be deemed a violation of this subsection.
2. Any small wind energy conversion system or commercial wind energy conversion system which is non-conforming and which is not used for one (1) year, excluding repairs, shall be removed within six (6) months most closely following the one (1) year period. Failure to remove the system shall be deemed a violation of this subsection.

(g) Interpretation of Zoning Map. Where the street or lot layout actually on the ground or as recorded differs from the street and lot lines as shown on the Zoning Map, the Board after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purpose of this chapter. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made to the Board and a determination shall be made by the Board.

(h) Administrative Review; Appeals. The Board shall have the power to hear and decide appeals filed as hereinbefore provided, where it is alleged by the appellant that there is error in any order, requirement, decision, determination, grant or refusal made by the Building Official or other administrative official in the enforcement and/or interpretation of the provisions of this chapter.

(i) Variances. The Board shall have the power to authorize variance from the terms, provisions or requirements of this chapter upon appeal in a specific case filed as hereinbefore provided:

- (1) Where by reason of the size, shape, physical and/or topographic characteristics of the specific parcel of land on the effective date of this chapter, or other extraordinary physical situation or condition of this property or of the land immediately adjoining the property in question, the literal enforcement of the provisions or requirements of this chapter would result in denial of all economic use of the land, or
- (2) Where a developer of land files an application with the Planning Commission to subdivide, resubdivide or divide a parcel of land and one or more of the lots intended to be created thereby do not meet the requirements of the chapter and, by reason of unique physical conditions relative to this specific property, a literal enforcement of the provisions or requirements of this chapter will be physically impossible or economically destructive of all economic use of the land.

(j) Conditions in Granting a Variance.

- (1) In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the chapter and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence, guarantee, bond, surety or other security as it may deem necessary to enforce compliance with the conditions attached to such variance.
- (2) The variance granted shall be in direct response to the unique problem presented. That is, a problem in application of side yards shall be met with variance of side yard requirements, not by variance in permitted land use.
- (3) The variance granted shall be the least variance required to respond to the problem.
- (4) The variance granted shall not be a substantial detriment to adjacent property or impair the purposes of this chapter or the public interest.

(k) Certifications in Variance. Upon granting a variance under one of the two conditions specified in subsection (i) hereof, the Board shall certify to the Zoning Inspector and to the Planning Commission:

- (1) That the conditions of either subsection (i)(1) or (2) hereof permitting the granting of the variance, have been met.
- (2) The manner in which the conditions specified in subsection (j)(2) to (4) hereof have been met, and
- (3) The special conditions of the variance, if any, as authorized in subsection (j)(1) hereof.

(l) Board May Reverse Orders. In exercising its power, the Board may in conformity with the provisions of statute and of this chapter, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the office from whom the appeal is taken.
(Ord. 2021-36. Passed 10-26-21.)

1139.03 DISTRICT CHANGES AND REGULATION AMENDMENTS.

(a) Council May Amend Ordinance. Whenever the public necessity, convenience, general welfare or good zoning practice require, Council may by ordinance, after recommendation thereon by the Planning Commission and subject to the procedure provided in this section, amend, supplement or change the regulations, district boundaries or classifications of property, now or hereinafter established by this chapter or amendments thereof. The Planning Commission shall submit its recommendations regarding all applications or proposals for amendments or supplements. An amendment, supplement, reclassification or change may be initiated by the Commission on its own motion or by a verified application of one or more of the owners or lessees of property within the area proposed to be changed or affected by this chapter.

(b) Procedure for Change. Applications for change of district boundaries or classifications of property as shown on the Zoning Map shall be filed with Council and in turn shall be submitted to the Commission, which shall be allowed a reasonable time, not less than thirty days, for consideration and report to Council. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission itself shall be accompanied by its own motion pertaining to such proposed amendment.

- (1) List of property owners. Any person or persons desiring change in the zoning classification of property shall file with the application for such change a statement giving the names and addresses of the owners of all properties lying within 150 feet of any part of the exterior boundaries of the premises the zoning classification of which is proposed to be changed.
- (2) Notice and hearing. Before submitting its recommendations on a proposed amendment or reclassification to Council, the Commission may hold a public hearing thereon, notice of which shall be given by one publication in a newspaper of general circulation in the City at least ten days before the date of such hearing. The notice shall state the place and time at which the proposed amendment to the Ordinance, including text and maps, may be examined. If the Ordinance intends to rezone or redistrict ten or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council by first-class mail, at least twenty days before the date of the public hearing, to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The failure of delivery of such notice shall not invalidate any such ordinance.
- (3) Recommendation to Council. Following their review, the Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall then be certified to Council.
- (4) Council hearing. After receiving from the Commission the certification of such recommendations on the proposed amendment or amendments, and before adoption of such amendment, Council shall hold a public hearing thereon, at least thirty days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the City.
- (5) Council; final action. Following such hearing and after reviewing the recommendations of the Commission thereon, Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the Ordinance or the Zoning Map. Council may overrule the recommendations of the Commission by a majority vote of the full embership of Council. Whenever a written protest against such proposed amendment or reclassification, signed by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, is filed with the Commission and Council, the

ordinance providing for such proposed amendment or reclassification shall not be passed except by a majority vote of Council.

- (6) Fees. Each application for a zoning amendment, except those initiated by the Planning Commission, shall be accompanied by a fee as prescribed by Council in Section 1321.12 of the Building Code to cover the costs of publishing, posting and/or mailing notices of hearings.

(Ord. 2012-32. Passed 7-24-12.)

1139.04 VALIDITY AND REPEAL.

This Zoning Ordinance and the various chapters, sections and paragraphs thereof are hereby declared to be severable. If any chapter, section, subsection, paragraph, sentence or phrase of this chapter is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

(Ord. 2012-32. Passed 7-24-12.)

CHAPTER 1139
ZONING ADMINISTRATION

- 1139.01 Planning Commission Review
- 1139.02 Procedure for Filing and Review
- 1139.03 Enforcement; penalty.
- 1139.04 Board of Building and Zoning Appeals.
- 1139.05 Conditional Use Permits
- 1139.06 Zoning district changes and zoning regulation amendments.
- 1139.07 Validity and repeal.

CROSS REFERENCES

Board of Building and Zoning Appeals created - see CHTR. 7.02

1139.01 PLANNING COMMISSION REVIEW.

(a) Requirements. Upon the filing of an application for a building permit for every building or structure, other than a single family or a two-family dwelling, the applicant shall also submit a site development plan to the Planning and Zoning Department. The site development plan shall include the following information:

- (1) A scaled drawing showing:
 - A. Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site.
 - B. The location of vehicular ingress and egress and parking spaces, (both existing and proposed) and the dimensions of the same.
 - C. The extent and type of parking lot and driveway paving.
 - D. The location and dimensions of all pedestrian ways and/or sidewalks.
 - E. The location and size of all existing and proposed utilities.
 - F. Complete building elevations and signage including color renderings of the same
 - G. Lighting plan for the site including style and intensity of all parking lot and building mounted lights.
 - H. The plan and method of disposing of all surface water from development area, which drainage plan shall be in accordance with Section 1115.03 of the Subdivision Regulations.
- (2) A written statement containing the following:
 - A. A legal description of the site and a statement of the present ownership of all the land included within the site development area.
 - B. A statement of ownership (names and addresses) and the present use of all properties located within 150 feet of the exterior boundaries of the subject development site.
 - C. A general indication of the expected schedules and/or phases of development.

(b) Design review responsibilities (architectural review) shall be performed by the Planning Commission and shall be in accordance with the rules, regulations, and design guidelines of the Commission for every building or structure with the exception of one and two-family dwellings. Design review shall also include the Planning Commission's review of all signage. The standards used by the Commission for design review shall be in accordance with Chapter 1141.

(c) Upon the filing of an application for a building permit for a single family or a two-family dwelling, the applicant shall also submit a site development plan to the Planning and Zoning Department. The site development plan shall include the following information: A scale drawing showing:

- (1) Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site. house number.
- (2) The location of vehicular ingress and egress and the dimensions of the same.
- (3) The location and dimensions of all pedestrian ways and/or sidewalks.
- (4) The location and size of all existing and proposed utilities.
- (5) Complete building elevations.
- (6) The method of disposing of all surface water from the development area.

(d) Upon the filing of an application for a Building Permit for a Plan of Development larger than 1 acre in size of disturbed area, the applicant shall submit a comprehensive Storm Water Pollution Prevention Plan (SWPPP) to the City Engineer for review. The SWPPP shall meet the requirements set forth in the Title Three, Chapter(s) 1315 and 1317.

1139.02 PROCEDURE FOR FILING AND REVIEW

(a) For all site plans (including design review requirements), with the exception of single or two- family projects, a digital copy and three (3) physical printed copies of the site development plan and all accessory and supporting documents shall be submitted to the Planning and Zoning Department.

(b) For design review submittal, the developer shall submit a digital copy and three (3) physical printed copies of the architectural plan, including accurate color renderings, landscaping, and lighting, and all other materials needed to allow the Planning Commission to make an accurate review of the project in accordance with Chapter 1141. This submittal can be done at the time of filing for the site plan or can be done after the preliminary approval of the site plan by the Commission. The Commission cannot give final approval of the plan and the zoning and building permit may not be issued until the Commission gives their final approval of the complete plan, including the design review portion.

(c) For all Development Projects disturbing 1 or more acres, three (3) copies of the Site SWPPP and all accessory and supporting documents shall be submitted to the City Engineer. The engineer shall review the plans and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the plan described above. A plan rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised plan, another thirty (30) day review period shall begin.

(d) SWPPP Plans for site larger than one (1) acre must receive approval from the City Engineer before a Building Permit can be issued (See Chapter 1313); for sites smaller than one (1) acre, approval from the City Engineer will be determined on a case-by-case basis.

(e) Site development plans for a building site for single family or two-family dwellings may be approved by the Zoning Inspector, Building Official, and City Engineer without further review by the Planning Commission.

(f) Site development plans for all building sites other than for single family or two-family dwellings shall be submitted by the Zoning Inspector/Building Official to the Planning Commission for review within thirty days of the filing of the plan.

(g) The Planning Commission shall consider such plan at a public meeting; notice of which meeting shall be served by regular mail to all property owners within 150 feet of the exterior boundaries of the subject site and a sign posted on the site no less than three days prior to the public meeting. Such public meeting shall be the next regularly scheduled meeting of the Planning Commission provided the plan is filed with the Planning and Zoning Department by the applicant at least ten (10) days prior to the date of the regular meeting.

(h) Within thirty (30) days from the date of the public meeting considering such change, the Planning Commission shall approve, deny or modify the plan.

(i) Any property owner entitled to notice of the Planning Commission's review (including the design review aspect), as herein provided, and each person submitting a site development plan, shall be entitled to appeal the decision of the Zoning Inspector/Building Official and/or the Planning Commission in approving, modifying, or denying the plan, to the City Council. Such appeal shall be perfected by filing a notice in writing with the Clerk of Council within five (5) days of the decision being appealed. Such notice of appeal shall state in detail the reasons or reason why the decision is being appealed. Any applicant aggrieved by the decision of the City Council, on the appeal described in Subsection (a) above, may appeal said final decision to the Court of the Common Pleas that such decision was unreasonable or unlawful. Such petition shall be filed with the Court within thirty (30) days of the meeting of the City Council at which said decision was made.

(j) Planning and Zoning Staff/Building Official shall not issue a Zoning Permit or a Building Permit and or a Certificate of Occupancy for the structure/project, until all the requirements of the Planning Commission, including design review and SWPPP review, have been fully complied with.

(k) An approval for a site plan and SWPPP shall be in effect for a period of one (1) year from the date of the Commission's approval. If the project is not started with continual work being performed within that time, the approval shall be voided.

1139.03 ENFORCEMENT; PENALTY.

(a) Enforcement by Zoning Inspector. The Zoning Inspector, or his designated representative, shall enforce this Zoning Ordinance in accordance with the administrative provisions of the City Building Code and this chapter. All departments, officials and public employees of the City, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this chapter and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this chapter. Any permit or license, issued in conflict with the provisions of this chapter shall be null and void.

(b) Filing Plans. Every application for a zoning certificate shall be accompanied by plans in duplicate, drawn to scale in black line or blue print, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size and height of any building or structure to be erected or altered; in the case of a proposed new building or structure as would substantially alter its appearance, drawings or sketches showing the front, side and rear elevations of the proposed building or structure, or of the structure as it will appear after the work for which a permit is sought is completed; the existing and intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate; and when no buildings are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this chapter. One copy of such plans shall be returned to the owner when the plans are approved by the Zoning Inspector, together with such zoning certificate as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started. In any case where the lot is not provided and is not proposed to be provided with a public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a certificate of approval by the Health Officer of the proposed method of water supply and/or disposal of sanitary wastes.

(c) Zoning Certificate. No owner shall use or permit the use of any structure, building or land or part thereof, hereafter created, erected, changed, converted or enlarged in whole or in part, until a zoning certificate, which may be a part of the building permit, is issued by the Zoning Inspector. Such zoning certificate shall show that such building or premises or part thereof, and the proposed use thereof, are in conformity with the provisions of this chapter. The Zoning Inspector shall issue a zoning certificate, provided he is satisfied that the structure, building or premises and the proposed use thereof and the proposed methods of water supply and disposal of sanitary wastes, conform with all applicable requirements of this chapter. The zoning certificate is only valid for one (1) year, which is fulfilled with the commencement of construction within one (1) year of issuance. Should the year time limit lapse, applicants may renew their certificate or resubmit for Planning Commission approval at the Director's discretion.

(d) Certificate of Occupancy. A certificate of occupancy, either for the whole or a part of a building shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or structural alteration of such building or part is completed in conformity with the provisions of this chapter. A record of all such certificates shall be kept on file in the Building Department and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

(e) Zoning Inspector to Act Within Thirty Days. The Zoning Inspector shall act upon all such applications on which he is authorized to act by the provisions of this chapter within thirty days after they are filed in full compliance with all the applicable requirements. He shall either issue a zoning certificate within the thirty days or shall notify the applicant in writing of his refusal of such certificate and the reasons therefor. Failure to notify the applicant in case of such refusals within the thirty days shall entitle the applicant to a zoning certificate, unless the applicant consents to an extension of time.

(f) Fees. A fee shall be charged for an original zoning certificate applied for before the application for a building permit, where such permit is required and issued under the Building Code (Chapter 1321). For all other zoning certificates, there shall be a fee and the charge therefor, as referenced in the Fee Schedule.

(g) Violation; Penalty. No person, firm or corporation shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any of the provisions of this chapter, or any amendment or supplement thereto adopted by Council. Any person, firm or corporation violating any of the provisions of this chapter or any amendment or supplement thereto, for which no other penalty is provided, shall be fined an amount prescribed by Council in the Fee Schedule found in the Administrative Code. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues shall be deemed a separate offense.

(h) Violation; Remedy. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of this chapter or any amendment or supplement thereto, Council, the Law Director, the Zoning Inspector or any adjacent or neighboring property owner, may in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

(Ord. 2012-32. Passed 7-24-12.)

1139.04 BOARD OF BUILDING AND ZONING APPEALS.

(a) Appointment. There is hereby created a Board of Building and Zoning Appeals consisting of five members who shall be residents who hold no other City office or employment, selected by Council, one each year for overlapping terms of five years. It shall have all the power and authority conferred upon boards of zoning appeals by state law and such other duties as may be imposed upon it by state law. Its members shall serve without compensation.

(b) Procedure. The Board shall adopt its own rules, in accordance with this chapter and elect its own officers annually. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.

The Chairman, or in his absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

(c) Quorum. Three members of the Board shall constitute a quorum. The Board shall act by resolution; and the concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Official or any other duly authorized administrative officer, or to decide in favor of an applicant in any matter on which it is required to pass under this Zoning Ordinance, of every such determination shall be stated. A member of the Board shall not be qualified to vote if he has not attended the public hearing or if he has a direct or indirect interest in the issue appealed.

(d) Assistance; Other Departments. The Board may call upon the City departments for assistance in the performance of its duties, and such departments shall render such assistance to the Board as may reasonably be required.

(e) Applications, Appeals, Hearings and Stay of Proceedings. An application in cases in which the Board has original jurisdiction under the provisions of this chapter, may be taken by any property owner, including a tenant, or by a governmental officer, department, board or bureau. Such application shall be

filed with the Zoning Inspector, who shall transmit same to the Board. An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Inspector. Such appeal shall be taken within thirty days after the decision, by filing with the secretary of the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

If an application or appeal is received at least five days before a regularly scheduled meeting of the Board, it shall act within forty-five days after such meeting. Failure to act within such period shall be considered approval. Before making any decisions on an application or appeal, the Board shall hold a public hearing at such times as shall be determined by the Board itself. Special hearings can be arranged at the call of the Chairman. Notices of the time and place of hearings shall be mailed, by regular first-class mail, not less than three days prior to the date of the hearing, to the appellant and to affected property owners owning property located within 150 feet of the property that is the subject of the application or appeal, as the names of such owners appear in the current records of the County Auditor's office, or such notice may be given by publication for two successive weeks prior thereto in a newspaper of general circulation in the City. A sign shall also be posted on site indicating the proposed zoning variance(s) not less than three days prior to the meeting.

Failure to notify any affected property owner, as hereinbefore defined, shall have no effect upon the validity of the proceedings taken by the Board. Each application or appeal shall be accompanied by a fee as prescribed by Council to cover the cost of publishing and/or posting and mailing the notices of the hearing or hearings. At the hearing, any party may appear in person or be represented by an agent or attorney.

Any person or persons, jointly or severally aggrieved by the decision of the Board, may appeal to the Court of Common Pleas that such decision is unreasonable or unlawful. Such petition shall be presented to the Court within thirty days after the filing of the decision in the office of the Board.

A certified copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.

A decision of the Board shall become effective immediately on the date of the final decision.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board after notice of appeal is filed with him, that by reason of acts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the Court of Common Pleas on application, on notice to the Zoning Inspector, or by judicial proceedings and on due cause shown.

(f) Powers. The Board of Building and Zoning Appeals shall have the following powers:

- (1) The Board shall have the power to hear and decide, in accordance with the provisions of this chapter, applications, filed as hereinbefore provided, for variances, interpretation of the Zoning Map, interpretation of the Zoning Code or for decision upon other special questions on which the Board is authorized by this Ordinance to pass. In considering an application, the Board shall give due regard to the nature and conditions of all adjacent uses and structures.

(2) The Board shall have the power to permit the following nonconforming uses:

- A. Nonconforming Uses; Substitution. The substitution of a nonconforming use existing at the time of enactment of this chapter by another nonconforming use, if no structural alterations except those required by law or resolution are made, provided however, that in an R District, no change shall be authorized by the Board to any use which is not a permitted or conditional use in any R District and in a B District, no change shall be authorized to any use which is not a permitted or conditional use in any B District.
- B. Nonconforming Uses; Extension. The extension of a nonconforming building upon the lot occupied by such building or on an adjoining lot, provided that such lot was under the same ownership as the lot in question at the time the use of such building became a nonconforming use, that the value of such extension shall not exceed in all twenty-five percent (25%) of the assessed valuation for tax purposes of the existing building devoted to a nonconforming use, that such extension shall be within a distance of not more than fifty (50) feet of the existing building or premises, that such extension shall in any case be undertaken within five years of the enactment of this chapter; and provided further however, that the Board shall not authorize any extension or enlargement which would result in violation of the provisions of this chapter with respect to any adjoining premises, unless a structure in question is exactly within the same footprint as the previous nonconforming structure.
- C. Extension of Use on Border of District. The extension of a use or building into a more restricted district immediately adjacent thereto, but not more than twenty-five feet beyond the dividing line of the two districts, under such conditions as will safeguard development in the more restricted district.
- D. Temporary Structures and Uses. The temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this chapter for the district in which it is located, provided that such use is of a temporary nature and does not involve the erection of a substantial structure. A zoning certificate for such use shall be granted in the form of a temporary and revocable permit for not more than a twelve-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

(g) Interpretation of Zoning Map. Where the street or lot layout actually on the ground or as recorded differs from the street and lot lines as shown on the Zoning Map, the Board after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purpose of this chapter. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made to the Board and a determination shall be made by the Board.

(h) Administrative Review; Appeals. The Board shall have the power to hear and decide appeals filed as hereinbefore provided, where it is alleged by the appellant that there is error in any order, requirement, decision, determination, grant or refusal made by the Building Official, Planning Director, or other administrative official in the enforcement and/or interpretation of the provisions of this chapter.

(i) Variances. The Board shall have the power to authorize variance from the terms, provisions or requirements of this chapter upon appeal in a specific case filed as hereinbefore provided:

(1) Where by reason of the size, shape, physical and/or topographic characteristics of the specific parcel of land on the effective date of this chapter, or other extraordinary physical situation or condition of this property or of the land immediately adjoining the property in question, the literal enforcement of the provisions or requirements of this chapter would result in denial of all economic use of the land, or

(2) Where a developer of land files an application with the Planning Commission to subdivide, recombine or divide a parcel of land and one or more of the lots intended to be created thereby do not meet the requirements of the chapter and, by reason of unique physical conditions relative to this specific property, a literal enforcement of the provisions or requirements of this chapter will be physically impossible or economically destructive of all economic use of the land.

(3) Conditions in Granting a Variance.

A. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the chapter and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence, guarantee, bond, surety or other security as it may deem necessary to enforce compliance with the conditions attached to such variance.

B. The variance granted shall be in direct response to the unique problem presented. That is, a problem in application of side yards shall be met with variance of side yard requirements, not by variance in permitted land use.

C. The variance granted shall be the least variance required to respond to the problem.

D. The variance granted shall not be a substantial detriment to adjacent property or impair the purposes of this chapter or the public interest.

(4) Certifications in Variance. Upon granting a variance under one of the two conditions specified in subsection (j) hereof, the Board shall certify to the Zoning Inspector and to the Planning Commission:

A. That the conditions of either subsection (1) A or B hereof permitting the granting of the variance, have been met.

B. The manner in which the conditions specified in subsections (3) B through D hereof have been met, and

C. The special conditions of the variance, if any, as authorized in subsection (3)A hereof.

(j) Board May Reverse Orders. In exercising its power, the Board may in conformity with the provisions of statute and of this chapter, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the office from whom the appeal is taken.

(k) Expiration. If a use is established under a use permit or variance and the use is discontinued for any reason for a period of one (1) year, the permit becomes void and the use may not be resumed unless granted by the Board of Building and Zoning Appeals. For area variances tied to specific projects, a variance granted is only valid for one (1) year, which is fulfilled with the commencement of construction within one (1) year of issuance. Should the one-year time limit lapse, applicants must reapply for a hearing before the Board of Building and Zoning Appeals or the Zoning Certificate becomes null and void.

(Ord. 2021-36. Passed 10-26-21.)

1139.05 CONDITIONAL USE PERMITS.

(a) Purpose. Planning Commission may grant conditional use permits for certain uses which are not permitted by right under the Zoning Ordinance. Conditional uses include those uses which have some special impact or uniqueness such that their effects on the public health, safety, convenience, comfort, prosperity and general welfare in the City of Huron cannot be determined in advance of the particular use being proposed for a particular location. At that time, a review of the location, design, configuration and impact is conducted by assessing the proposed use against fixed standards. The review considers the proposal in terms of existing zoning and land use in the vicinity of the use, public and private developments which may be adversely affected by the proposed use, the impacts of the proposed use at the particular location for which it is proposed on the public health, safety, convenience, comfort, prosperity and general welfare, and whether and to what extent all appropriate feasible steps have been taken by the permit applicant to minimize or mitigate any adverse impacts of the proposed use. This review determines whether the proposed use shall be permitted or permitted conditionally by the Board.

(b) Applicability. Any use which is permitted as a conditional use by this Zoning Ordinance shall comply with this section.

(c) Procedures.

- (1) An application for a conditional use permit shall be filed with the Planning and Zoning Department on a form prescribed by the Planning Commission, accompanied by an application fee. The application shall contain the following information:
 - A. The applicant's name and address and his interest in the subject property;
 - B. The owner's name and address, if different from the applicant, and the owner's signed consent to the filing of the application;
 - C. The street address and legal description of the property;
 - D. The zoning classification and present use of the subject property;
 - E. The particular provision of this Zoning Ordinance authorizing the proposed conditional use;
 - F. A general description of the proposed conditional use;
 - G. A site plan and general building plan complying with the requirements prescribed in Section 1139.01 which will become a part of the conditional use permit, if approved;
 - H. A statement or diagram showing compliance with any special conditions or requirements imposed upon the particular conditional use by the applicable district regulations;

- I. A statement explaining how the proposed conditional use will not cause substantial injury to the value, use or enjoyment of other property in the vicinity of the proposed use;
- J. A statement explaining how the proposed conditional use at the proposed location will be compatible with and not injurious to the use and enjoyment of neighboring property, and will not significantly diminish or impair property values within the vicinity; and
- K. Any other material and/or information as may be required by the Planning Commission or Council to fulfill the purposes of this section of the Zoning Ordinance and to ensure that the application is in compliance generally with the ordinances of Huron.

(2) Copies of the application shall be distributed internally by the Planning and Zoning Department to other applicable departments.

(d) Public Hearing. See Section 1139.03(e).

(e) Conditional Use Standards. The Planning and Zoning Commission shall hold a public hearing and shall not approve a conditional use unless it finds that such use at the proposed location meets all of the following general requirements:

- (1) The proposed use will be harmonious with and in accordance with the general objectives, or with any specific conditional objective or purpose of the Zoning Code and/or Community Plan.
- (2) The proposed use will comply with all applicable development standards, except as specifically altered in the approved conditional use.
- (3) The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- (4) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
- (5) The area and proposed use(s) will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- (6) The proposed use will not be detrimental to the economic welfare of the community.
- (7) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.
- (8) Vehicular approaches to the property shall be so designed as not to create interference with traffic on surrounding public and/or private streets or roads.
- (9) The proposed use will not be detrimental to property values in the immediate vicinity.
- (10) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

(f) Revocation of Conditional Use Permit. A conditional use permit shall become null and void if construction of the proposed use has not begun within one (1) year after approval by the Planning Commission. The Commission may revoke a conditional use permit upon finding that the use does not comply with the Zoning Ordinance nor the conditions and safeguards established for such use pursuant to Section 1139.04. Upon revocation of a conditional use permit, all buildings and uses shall conform to the standards and requirements of permitted main and accessory uses established for the zoning district.

(g) Mandatory Conditions and Safeguards. Notwithstanding the provisions of Section 1139.04(e), the following conditions and safeguards shall be satisfied prior to the granting of a conditional use permit, except as expressly provided herein below.

- (1) Survey and Approval by City Engineer or Consulting City Engineer only when deemed appropriate by the Planning and Zoning Department.
- (2) Site Plan in accordance with Section 1139.01
- (3) Additional information required. See Section 1139.01

1139.06 ZONING DISTRICT CHANGES AND ZONING REGULATION AMENDMENTS.

(a) Council May Amend Zoning Ordinance. Whenever the public necessity, convenience, general welfare or good zoning practice require, Council may by ordinance, after recommendation thereon by the Planning Commission and subject to the procedure provided in this section, amend, supplement or change the regulations, district boundaries or classifications of property, now or hereinafter established by this chapter or amendments thereof. The Planning Commission shall submit its recommendations regarding all applications or proposals for amendments or supplements. An amendment, supplement, reclassification or change may be initiated by the Commission on its own motion or by a verified application of one or more of the owners or lessees of property within the area proposed to be changed or affected by this chapter. This only applies to content based

(b) Procedure for Change. Applications for change of district boundaries or classifications of property as shown on the Zoning Map shall be submitted to the Commission (with a copy provided to the Clerk of Council), which Commission shall be allowed a reasonable time, not less than thirty days, for submitting its recommendations on a proposed amendment or reclassification to Council. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission itself shall be accompanied by its own motion pertaining to such proposed amendment. (1) List of property owners. Any person or persons desiring change in the zoning classification of property shall file with the application for such change a statement giving the names and addresses of the owners of all properties lying within 100 feet of any part of the exterior boundaries of the premises the zoning classification of which is proposed to be changed.

(2) Notice and hearing. Before submitting its recommendations on a proposed amendment or reclassification to Council, the Commission may hold a public hearing thereon, notice of which shall be given by one publication in a newspaper of general circulation in the City at least ten days before the date of such hearing. The notice shall state the place and time at which the proposed amendment to the Ordinance, including text and maps, may be examined. If the Ordinance intends to rezone or redistrict ten or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council by first-class mail, at least twenty (20) days before the date of the public hearing, to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to

the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The failure of delivery of such notice shall not invalidate any such ordinance.

(3) Recommendation to Council. Following their review, the Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall then be certified to Council.

(4) Council hearing. After receiving from the Commission the certification of such recommendations on the proposed content-based amendment or amendments, and before adoption of such amendment, Council shall hold a public hearing thereon, at least thirty (30) days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the City. The 30-day notice shall be waived for minor formatting amendments only.

(5) Council; final action. Following such hearing and after reviewing the recommendations of the Commission thereon, Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the Ordinance or the Zoning Map. Council may overrule the recommendations of the Commission by a majority vote of the full membership of Council.

(6) Fees. Each application for a zoning amendment, except those initiated by the Planning Commission, shall be accompanied by a fee as prescribed by Council in the Fee Schedule set in the Administrative Code to cover the costs of publishing, posting and/or mailing notices of hearings.

(Ord. 2012-32. Passed 7-24-12.)

1139.07 VALIDITY AND REPEAL.

This Zoning Ordinance and the various chapters, sections and paragraphs thereof are hereby declared to be severable. If any chapter, section, subsection, paragraph, sentence or phrase of this chapter is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

(Ord. 2012-32. Passed 7-24-12.)



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Ordinance No. 2023-54 (**first reading**) (*submitted by Erik Engle*)
DATE: December 12, 2023

Subject Matter/Background

This ordinance simply moves Wind Energy out of Zoning Administration and establishes language under Special Provisions as Section 1126.29. There have been no revisions to any subject matter content.

Financial Review

There is no financial impact.

Legal Review

The matter has been reviewed, follows normal administrative procedure, and is properly before y

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2023-54 on its first reading is in order.

[Ordinance No. 2023-54 Add Section 1126.19 Wind Energy.docx](#)

ORDINANCE NO. 2023-54
Introduced by Mark Claus

AN ORDINANCE AMENDING CHAPTER 1126 (SPECIAL PROVISIONS) OF THE CODIFIED ORDINANCE OF HURON, OHIO TO ESTABLISH A NEW SECTIONS 1126.19 (WIND ENERGY).

WHEREAS, the Council hereby determined the changes and amendment set forth within this Ordinance, including Exhibit "A", are in the best interest of the City of Huron and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Chapter Chapter 1126 (Special Provisions) is hereby amended to add new Section 1126.19, as follows:

"1126.19 WIND ENERGY

(a) Purpose. The purpose of subsection (f)(6) hereof is to preserve and protect the public health and safety and to promote the orderly land use and development in the City of Huron by the implementation of standards and procedures by which the installation and operation of Wind Energy Conversion Systems (WECS) (wind turbines) shall be governed as a conditional use in any zoning district of the City.

(b) Definitions.

(1) A wind energy conversion system (WECS) includes any or all of the following components:

- A. A turbine with propeller type blades;
- B. A vertical rotor;
- C. Other means of capturing the energy of the moving air;
- D. A tower or a mounting structure;
- E. An electrical power generator with associated electrical power transmission circuitry;
- F. A battery or other means of storing energy;
- G. Other means of transmitting energy (hydraulic, mechanical, etc.);
- H. Mechanical control mechanisms;
- I. Electrical/electronic/computer circuitry;
- J. A foundation;
- K. Enclosures.

(2) Total height means the distance measured from ground level to the blade extended at its highest point or to the top of the tower, whichever is the highest.

(3) Small wind energy conversion system means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which will be used primarily to reduce on-site consumption of electrical power.

(4) Windmill rotor means that portion of the windmill which includes the blades, hub and shaft.

(5) Windmill tower means the supporting structure on which the rotor, turbine and accessory equipment are mounted.

- (6) Commercial wind energy conversion system means a wind energy conversion system consisting of more than one wind turbine and tower, and a wind energy conversion system which will be used primarily for off-site consumption of electrical power.
- (7) Wind turbine means a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator or rotor; and includes the turbine, rotor, blade, tower, base and pad transformer (if any) in addition to the wind energy conversion systems designed to mount directly on the roof of existing buildings including residences.
- (8) Applicant means the person or entity filing an application for a conditional use permit under this subsection (f)(6).

(c) Applicability.

- (1) This subsection is applicable to all Wind Energy Conversion Systems (WECS), small and commercial; and Wind Turbines as defined in this section which are proposed to be constructed or located after the effective date of this section.
- (2) Wind Energy Conversion Systems and Wind Turbines constructed or located prior to the effective date of this subsection shall not be required to meet the provisions of this subsection provided that any physical modification to such pre-existing Wind Energy Conversion System (WECS) or Wind Turbine that materially alters the size, type and number of any such WECS or Wind Turbine shall require compliance with this subsection. If any preexisting WECS or Wind Turbine is destroyed or damaged to the extent of more than 50 percent of its fair market value at the time of destruction or damage, it shall not be reconstructed except in conformity with this section. Permit requirement.

(d) Permit Requirement.

- (1) No Wind Energy Conversion System, small or commercial, or Wind Turbine shall be constructed or located within the City of Huron unless a conditional use permit has been issued to the applicant.
- (2) The conditional use permit application shall be made in compliance with this subsection and be accompanied with a fee for appearances before the Board of Building and Zoning Appeals.
- (3) Any physical modification to an existing and permitted Wind Energy Conversion System or Wind Turbine that materially alters the size, type and number of such WECS shall require a permit modification under this subsection. Like-kind replacements shall not require a permit modification.
- (4) An applicant who proposes to construct or locate a Wind Turbine, as defined in this subsection, on the roof of an existing structure shall be required to apply for a conditional use permit and request a variance from the Board of Building and Zoning Appeals.

(e) Small Wind Energy Conversion System Requirements.

- (1) Permitted Locations. A small wind energy conversion system is permitted in any zoning district.

(2) Setbacks; Property lines. A small wind energy conversion system or tower shall be set back from the nearest property line, public road right-of-way and communication and electrical line not less than 1.0 times its total height.

(3) Design Standards.

- A. Monopole or Freestanding Design. The design of the small wind energy conversion system or tower shall be of a monopole or freestanding design without guy wires.
- B. Minimum Blade Height. The minimum height of the lowest extent of a turbine blade shall be 30 feet above the ground or 30 feet above any structure or obstacle within 50 feet of the tower.
- C. Access. No tower shall have a climbing apparatus within 15 feet of the ground. All access doors or access ways to towers and electrical equipment shall be able to be locked.
- D. Noise. No small wind energy conversion system shall generate sounds exceeding 60 dBA as measured at 100 feet from the tower. Noise generated from any small WECS shall also comply with existing City noise ordinance.
- E. Visual Appearance. Small wind energy conversion or tower systems shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective. No small wind energy conversion system or tower shall be lighted unless required by the FAA. No flags, streamers, decorations, advertising signs of any kind or nature whatsoever shall be permitted on any small wind energy conversion system and/or tower.
- F. Electrical Interconnections. All electrical interconnection or distribution lines shall be underground and comply with all applicable codes and public utility requirements.
- G. Signal Interference. Efforts shall be made to site small wind energy conversion systems, or towers, to reduce that likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the small wind energy conversion system or tower owner and individual receiving interference shall make reasonable efforts to resolve the problem. No small wind energy conversion system or tower shall cause permanent and material interference with television or other communication signals.

(f) Permit Applications. Application for a small wind energy conversion system and/or tower shall include the following information:

- (1) Site plan to scale showing the location of the proposed small wind energy conversion system and/or tower and the locations of all existing buildings, structures and property lines, along with distances; and,
- (2) Elevations of the site to scale showing the height, design and configuration of the small wind energy conversion system and the height and distance to all existing structures, buildings, electrical lines and property lines; and
- (3) Standard drawings and an engineering analysis of the systems tower, including weight capacity; and,

- (4) A standard foundation and anchor design along with soil conditions and specifications for the soil conditions at the site; and,
- (5) Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the system; including, the name and address of the manufacturer, model and serial number; and,
- (6) Emergency and normal shutdown procedures; and,
- (7) A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes; and,
- (8) Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator; unless, the system will not be connected to the electricity grid.

(g) Commercial Wind Energy Conversion System Requirements.

- (1) Permissible Locations. A commercial wind energy conversion system may be permitted as a conditional use (special exception) in all commercial and/or Industrial Districts.
- (2) Setbacks.
 - A. Property lines. A commercial wind energy conversion system shall be set back from the nearest property line and public road right-of-way not less than 1.0 times the total height of installation.
 - B. Other Uses. No commercial wind energy conversion system shall be located within 1,000 feet of a platted subdivision, park, church, school or playground.
 - C. Inhabited Structures. A commercial wind energy conversion system shall be set back from the nearest inhabited building, power line or communication line, not less than 1.0 times its total height.
- (3) Design Standards. A commercial wind energy conversion system shall comply with the design standards set forth for small wind energy conversion systems in this section.
- (4) Permit Applications. A commercial wind energy conversion system shall comply with the permit application requirements set forth for small wind energy conversion systems in this section.
- (5) Commercial Wind Energy Conversion Systems shall not be permitted without approval by the Planning Commission .

(h) Non-Use.

- (1) Any small wind energy conversion system, commercial wind energy conversion system or tower which complies with the terms of this section which is not used for two (2) years, excluding repairs, shall be removed within six (6) months most closely following the two (2) year period. Failure to remove the system shall be deemed a violation of this subsection.
- (2) Any small wind energy conversion system or commercial wind energy conversion system which is non-conforming and which is not used for one (1) year, excluding repairs, shall

be removed within six (6) months most closely following the one (1) year period. Failure to remove the system shall be deemed a violation of this subsection."

and shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and it is imperative this Ordinance be effective immediately, WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Ordinance No. 2023-51 (**first reading**) (*submitted by Erik Engle*)
DATE: December 12, 2023

Subject Matter/Background

This ordinance establishes rules and regulations for the keeping of chickens (hens) in single and two-family residential zoning districts. This ordinance further establishes language for a permitting process, penalties, revocation, and appeals.

Performance standards include the following:

1. Allowed by right as an accessory use in the R1/R1-A Residential Single-Family or R2 Residential Single- and Two-Family District
2. Only allowing up to 6 hens for personal use
3. Coops or accessory structures housing hens shall be kept at least five (5) feet from the side and rear property lines. All such structures shall be located no less than six (6) feet behind the rearmost wall of the principal structure on the lot. No coops or accessory structures shall be located in the front or side yards.
4. The base surface of a coop and run must not exceed 80 square feet and six feet in height and shall be exempt from the lot coverage restrictions contained in the Zoning Code.
5. The coop and outdoor enclosure must be kept clean, dry and sanitary; free from debris and offensive odors; and devoid of rodents and vermin. It shall be so located that adequate drainage is obtained, normal drying occurs and standing water is not present.
6. There shall be no citywide cap on the number of permits issued. However, the Planning and Zoning Department reserves the right to cap the number of permits pursuant to a recommendation made from either Planning Commission and/or City Council.

Financial Review

There is no financial impact.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2023-51 on its first reading is in order.

[Ordinance No. 2023-51 Add Section 505.18 Chickens.docx](#)
[Ordinance No. 2023-51 Exh A.docx](#)

ORDINANCE NO. 2023-51
Introduced by Mark Claus

AN ORDINANCE AMENDING CHAPTER 505 (ANIMALS AND FOWL) OF THE CODIFIED ORDINANCE OF HURON, OHIO TO ESTABLISH A NEW SECTIONS 505.18 (CHICKENS).

WHEREAS, the Council hereby determined the changes and amendment set forth within this Ordinance, including Exhibit "A", are in the best interest of the City of Huron and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Chapter 505 (Animals and Fowl) is hereby amended to add new Section 505.18 (Chickens), as attached hereto and made a part hereof as Exhibit "A", shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and it is imperative this Ordinance be effective immediately, WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

Section 505.18 – Chickens

- (a) Notwithstanding any of the foregoing sections, female chickens ("hens," for the purpose of this section), may be kept in the City only in accordance with the following regulations:
1. Zoning districts. Hens may be kept only in an R1/R1-A Residential Single-Family or R2 Residential Single- and Two-Family District.
 2. Application and permit. Before the keeping of hens may occur, a permit shall have first been obtained from the Planning and Zoning Department. The permit application must be accompanied by a set fee paid to the City. New permit applications shall include the following information:
 - i. the name, phone number, home address and email address of the applicant;
 - ii. the size and location of the subject property;
 - iii. a proposal containing the number of hens the applicant seeks to keep on the property;
 - iv. a description of any coop or outdoor enclosure providing precise dimensions and the precise location of these enclosures in relation to property lines and adjacent properties, with specifications and drawings;
 - v. the permission of the property owner for the applicant to keep hens, if the applicant is not the owner;
 - vi. and the applicant's permission for Planning and Zoning Department Official to enter the lot to determine whether the permit should be granted and the use maintained.
 3. Inspection. Within 30 days of the Planning Director or their designee receiving the initial application, he or she shall cause the lot to be inspected. The person(s) inspecting the premises shall determine if the lot dimensions in the application are accurate; determine the feasibility of the applicant meeting the remaining criteria in this section; and note whether any extraordinary circumstances exist, such as outstanding property citations or unsanitary property conditions, or such as the applicant's proximity to other approved or proposed coops such that a neighborhood may be adversely impacted, that would militate against the granting of the application. For new permit applications, an inspection of the coop and any fencing shall be conducted within 30 days' notice from the applicant that the coop has been installed. A determination shall be made, within 30 days of the inspection, whether the permit should be issued.
 4. Personal use, limitations. Hens may be kept only for personal use by persons residing in the principal structure on the lot on which the hens are kept. No hens may be kept on a lot containing more than three dwelling units. Residents of no more than one dwelling unit within a structure may keep hens on that lot. No more than six (6) hens shall be allowed on any lot.
 5. Setbacks. Coops or accessory structures housing hens shall be kept at least five (5) feet from the side and rear property lines. All such structures shall be located no less than six (6) feet behind the rearmost wall of the principal structure on the lot. No coops or accessory structures shall be located in the front or side yards.
 6. Enclosure. The base surface of a coop and run must not exceed 80 square feet and six feet in height and shall be exempt from the lot coverage restrictions contained in the Zoning Code. Hens shall not be allowed out of these enclosures unless the rear yard of the

property is fenced along the rear and side lot lines, and a resident of the property on which the hens are kept is directly monitoring them within the fenced area of the back yard such that the resident is able to immediately return the hens to the cage or coop if necessary. The manufacturer's specifications for the coop, or otherwise adequate drawings including dimensions, shall be submitted for approval together with the application for the permit. Hens shall be kept in a covered, predator-proof coop that is well-ventilated and designed to be accessed for cleaning. The enclosure shall be of uniform and sturdy design and constructed of quality materials. Fencing, if used, shall be securely fastened to posts of reasonable strength firmly set into the ground and shall be stretched tightly between support posts. The enclosure shall be maintained in good repair at all times so as to protect the aesthetics of the neighborhood and to not present a blighted or untidy appearance to the property or to neighbors. Hens shall have access to an outdoor enclosure or run that is adequately fenced to contain the hens on the property, to prevent them from running at large, and to prevent access by predators. The combined area of the coop and run shall allow at least three (3) square feet per hen, and shall otherwise be constructed to provide humane conditions and to ensure the health and well-being of the animals occupying it are not endangered by the manner of keeping or confinement.

7. Sanitation, slaughtering. The coop and outdoor enclosure must be kept clean, dry and sanitary; free from debris and offensive odors; and devoid of rodents and vermin. It shall be so located that adequate drainage is obtained, normal drying occurs and standing water is not present. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste. All feed must be stored in a rodent-proof container. No hens shall be slaughtered except in accordance with, and only if permitted by, O.R.C. Chapter 918.
8. Number and transferability. There shall be no citywide cap on the number of permits issued. However, the Planning and Zoning Department reserves the right to cap the number of permits pursuant to a recommendation made from either Planning Commission and/or City Council.
9. Permit revocation. The Planning Director may revoke a permit at any time if the permit holder materially fails to adhere to the provisions of this section.
10. Appeal. Any denial of a permit application or revocation of a permit may be appealed to the Board of Zoning Appeals pursuant to Chapter 1139 of the Codified Ordinances.
2. No exemption granted pursuant to this section shall be construed, nor is it intended by the City as a guaranty or warranty of any kind, whether express or implied to any person, including without limitation the general public, persons residing or passing near the applicant's premises, or the applicant, either in general or individually, as to the danger, or lack thereof, or degree of risk to health or safety of any animal, specifically or generally, or any premises where any animal is maintained or kept pursuant to such exemption.
3. Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be as deemed committed for each day during or on which a violation occurs or continues.



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Ordinance No. 2023-52 (**first reading**) (*submitted by Erik Engle*)
DATE: December 12, 2023

Subject Matter/Background

This ordinance establishes rules and regulations for the keeping of bees in all zoning districts, except for the R-3 multi-family residential district. This ordinance further establishes language for a permitting process, penalties, revocation, and appeals.

Performance standards include the following:

1. 1 per 2500 sf; No more than one beehive shall be kept for each 2,500 square feet tract, and no beehive shall be kept on a tract less than 2,500 square feet in area.
2. No beehive shall be kept closer than five feet to any lot line and ten feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a front yard or side street yard. The front of any beehive shall face away from the property line of the residential property closest to the beehive.
3. Regardless of tract size, so long as all lots within a radius of at least 200 feet from any hive, measured from any point on the hives, remain undeveloped, there shall be no limit to the number of colonies. No grandfathering rights shall accrue under this section.
4. No hives are permitted on any tract where the setback requirements cannot be satisfied regardless of tract size.
5. The beekeeper may be exempt from the setback to adjacent lot lines by obtaining written permission from all the adjacent lot owner(s). The setback to public sidewalks and roadways may not be waived.
6. Each beekeeper shall maintain his or her beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism, and occupancy by swarms.

Financial Review

There is no financial impact.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2023-52 on its first reading is in order.

[Ordinance No. 2023-52 Add Section 505.19 Bees.docx](#)

[Ordinance No. 2023-52 Exh A.docx](#)

ORDINANCE NO. 2023-52
Introduced by Mark Claus

AN ORDINANCE AMENDING CHAPTER 1123505 (ANIMALS AND FOWL) OF THE CODIFIED ORDINANCE OF HURON, OHIO TO ESTABLISH A NEW SECTIONS 505.19 (BEES).

WHEREAS, the Council hereby determined the changes and amendment set forth within this Ordinance, including Exhibit "A", are in the best interest of the City of Huron and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Chapter 505 (Animals and Fowl) is hereby amended to add new Section 505.19 (Bees), as attached hereto and made a part hereof as Exhibit "A", shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and it is imperative this Ordinance be effective immediately, WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

Section 505.19 – Bees

(a) Notwithstanding any of the foregoing, bees, and associated hives, may be kept in the City only in accordance with the following regulations:

(1) Definitions. As used in this section, the following words and terms shall have the meanings ascribed in this section.

- A. "Apiary" means any place where one or more colonies or nucleus colony of bees are kept.
- B. "Bees" means any stage of any species of the genus *Apis*.
- C. "Beekeeper" means a person who owns or has charge of one or more colonies of bees.
- D. "Beehive" means any modern frame hive, box hive, box, or any other natural or artificial receptacle, or any part thereof, that may be used as a domicile for bees.
- E. "Colony" means the beehive and its equipment, including bees, combs and brood.
- F. "Beekeeping equipment" means anything used, in the operation of an apiary, such as hive bodies supers, frames, top and bottom boards, hive tools, smoker, gloves, veil, protective clothing, and extracting equipment.
- G. "Tract" means a contiguous parcel or land under common ownership.
- H. "Nuc" or "nucleus colony" means a small hive smaller than the usual hive box designed for a particular purpose.
- I. "Undeveloped property" means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human use occupancy and the grounds maintained in association therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

(2) Zoning districts. Bees may be kept in all zoning districts.

(3) Application and permit. Before the keeping of bees may occur, a permit shall first be obtained from the Planning and Zoning Department. Applications shall be filed with the Planning and Zoning Department. The permit application shall be accompanied by a fee paid to the City. Permit applications shall include the following information:

- A. The name, phone number, home address and email address of the applicant;
- B. The size and location of the subject property;
- C. A proposal containing the number of hives the applicant seeks to keep on the property;
- D. The permission of the property owner for the applicant to keep bees, if the beekeeper is not the owner.

All applications shall contain a waiver, signed by the applicant, providing permission for any Planning and Zoning Official to enter the property for the purpose of determining the beekeeper's compliance with this section. Permits shall not be transferable.

(4) Inspection. Within 30 days of the Planning Director or their designee receiving the initial application, they shall cause the lot to be inspected. The person(s) inspecting the premises shall determine if the applicant is in compliance with this code. The person(s) inspecting the premises shall not manipulate any hives during the inspection.

(5) Regulations.

- A. Beekeeper must file the application pursuant to section (a)(3) of this section.
- B. Beekeeper must abide by O.R.C. Chapter 909, Apiaries.
- C. Beekeeper may not opt out of the annual inspection by the county or state bee inspector as part of the Ohio Department of Agriculture's inspection program.
- D. Each beekeeper shall ensure that a convenient source of water is available to the colony at all times bees remain active outside of the hive. The water source shall be closer to the hives than any neighboring source. The water source may be natural such as a pond, stream, or artificial source. The water source shall be on the beekeeper's property.
- E. Each beekeeper shall ensure that no wax, comb, or other material that might encourage robbing by other bees are left upon the grounds of the apiary tract. Such materials once removed from the site shall be handled and stored in sealed containers or placed within a building or other insect-proof container.
- F. For each beehive permitted to be maintained under this section, there may also be maintained one nuc upon the same apiary tract.
- G. No more than one beehive shall be kept for each 2,500 square feet tract, and no beehive shall be kept on a tract less than 2,500 square feet in area. If an applicant has a greater number of beehives than permitted by this section and possessed those beehives prior to the enactment of this section, then the Planning and Zoning Department may grant the application.
- H. No beehive shall be kept closer than five feet to any lot line and ten feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a front yard or side street yard. The front of any beehive shall face away from the property line of the residential property closest to the beehive.
- I. Regardless of tract size, so long as all lots within a radius of at least 200 feet from any hive, measured from any point on the hives, remain undeveloped, there shall be no limit to the number of colonies. No grandfathering rights shall accrue under this section.
- J. No hives are permitted on any tract where the setback requirements cannot be satisfied regardless of tract size.

- K. The beekeeper may be exempt from the setback to adjacent lot lines by obtaining written permission from all the adjacent lot owner(s). The setback to public sidewalks and roadways may not be waived.
- L. Each beekeeper shall maintain their beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism, and occupancy by swarms. It shall not be a defense to this section that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.

(6) Permit revocation. The Planning and Zoning Department may revoke a permit at any time if the holder materially fails to adhere to the provisions of this section.

(7) Appeal. Any denial of a permit application or permit revocation may be appealed to the Board of Building Standards pursuant to Section 1139 of the Codified Ordinances.

(b) No exemption granted pursuant to this section shall be construed, nor is it intended by the City as a guaranty or warranty of any kind, whether express or implied to any person, including without limitation the general public, persons residing or passing near the applicant's premises, or the applicant, either in general or individually, as to the danger, or lack thereof, or degree of risk to health or safety of any animal, specifically or generally, or any premises where any animal is maintained or kept pursuant to such exemption.

(c) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be as deemed committed for each day during or on which a violation occurs or continues.



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Ordinance No. 2023-55 (**first reading**) (*submitted by Erik Engle*)
DATE: December 12, 2023

Subject Matter/Background

This ordinance establishes the keeping of bees and chickens as uses by right in the single-family and two-family residential districts. It further establishes cross-references to Section 505.18 Chickens and 505.19 Bees for permitting regulations. A redline copy of the changes proposed is attached hereto as Exhibit 1.

Financial Review

There is no financial impact.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2023-55 on its first reading is in order.

[Ordinance No. 2023-55 Amend Section 1123.01\(c\) Chickens and Bees.docx](#)

ORDINANCE NO. 2023-55
Introduced by Mark Claus

AN ORDINANCE REPEALING AND AMENDING AND RESTATING SECTION 1123.01(c) (ACCESSORY USES) UNDER CHAPTER 1123 (RESIDENCE DISTRICTS) OF THE HURON CODIFIED ORDINANCES.

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance, including Exhibit "B", are in the best interest of the City of Huron and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Section 1123.01(c) (Accessory Uses) under Chapter 1123 (Residence Districts) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows:

"(c) Accessory Uses. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted or conditionally permitted uses may be established, erected or constructed, provided that such accessory uses do not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity, or any billboard, sign or poster other than hereinafter authorized, and not including the boarding of animals or the keeping of fowl or farm animals except in a building at least 100 feet distant from every lot line. Accessory uses may include the following:

- (1) Gardening, the raising of fruits or vegetables, including an incidental roadside stand offering for sale produce grown on the premises, the keeping of domestic or farm animals exclusively for the use of residents of the premises and not for commercial purposes, provided that any heating plant and any structures in which farm animals are kept are located at least 100 feet from every lot line.
- (2) Home occupations, which by definition shall be limited to occupations remunerative in nature carried on in a dwelling solely by persons residing on the premises, such activity not involving the conduct of a retail business or manufacturing business. In connection with such home occupation, there shall be no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; no commodity shall be sold upon the premises; no parking space or spaces shall be provided or designated to accommodate the home occupation use; no bulk delivery or sending of goods shall be permitted to service the home occupation use, all materials being delivered and sent are required to be so transported within the confines of a normal passenger automobile; not more than twenty-five percent (25%) of the total actual floor area of only one story shall be utilized for such home occupation; there shall be no exterior storage of equipment or materials used in connection with such home occupation; no mechanical or electrical equipment shall be used except such as is permissible for purely domestic or household purposes; no objectionable odor, noise, radio interference or other nuisance shall be created; and no accessory building shall be used for such home occupation. A professional person may use his residence for infrequent consultation,

emergency treatment or performance of religious rites, but not for the general practice of his profession.

- (3) Garages, carports or other parking spaces for the exclusive use of residents of the premises.
- (4) Swimming pools, exclusively for the use of residents and their guests provided that such pool or premises or part thereof whereon such pool is located shall be completely enclosed by a protective fence, wall or other enclosure, not less than four feet in height.
- (5) Real estate, small announcement and professional signs subject to the provisions of Chapter [1126](#), and such other applicable provisions of the Zoning Code.
- (6) Moorages for private pleasure watercraft for the exclusive use of the residents of the premises. Moorage for no more than five pleasure watercraft per dwelling unit is permitted. Rental of moorage or pleasure watercraft in a residential zone is strictly prohibited, as is use by other than blood relatives of the residents of the premises for periods totaling more than ten days in any one calendar year. (Moorage of occupied houseboats, or other lived-in watercraft, is not permitted where the moorage is not a part of a residential site containing a residence with full cooking and sanitary facilities.) Moorage of occupied houseboats or other lived-in watercraft, is not permitted where the occupants of the craft, plus the occupants of the on-shore residence or residences, result in occupation of the site by a number of families in excess of that permitted in that residential zone and the occupants are not blood relatives, for periods in excess of ten days and/or totaling more than twenty days of houseboat unit use in any one calendar year.

(Ord. 1990-20. Passed 11-26-90.)

shall be, and hereby is, repealed in its entirety.

SECTION 2. That new revised and restated Section 1123.01 (Accessory Uses) under Chapter 1123 (Residence Districts) of the Codified Ordinances of the City of Huron, Ohio:

“(c) Accessory Uses. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted or conditionally permitted uses may be established, erected or constructed, provided that such accessory uses do not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity, or any billboard, sign or poster other than hereinafter authorized, and not including the boarding of animals or the keeping of fowl or farm animals except in a building at least 100 feet distant from every lot line; exempt are chickens and bees subject to Chapter 505.18 and Chapter 505.19. Accessory uses may include the following:

- (1) Gardening, the raising of fruits or vegetables, including an incidental roadside stand offering for sale produce grown on the premises, the keeping of domestic or farm animals exclusively for the use of residents of the premises and not for commercial purposes, provided that any heating plant and any structures in which farm animals are kept are located at least 100 feet from every lot line.

- (2) Home occupations, which by definition shall be limited to occupations remunerative in nature carried on in a dwelling solely by persons residing on the premises, such activity not involving the conduct of a retail business or manufacturing business. In connection with such home occupation, there shall be no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; no commodity shall be sold upon the premises; no parking space or spaces shall be provided or designated to accommodate the home occupation use; no bulk delivery or sending of goods shall be permitted to service the home occupation use, all materials being delivered and sent are required to be so transported within the confines of a normal passenger automobile; not more than twenty-five percent (25%) of the total actual floor area of only one story shall be utilized for such home occupation; there shall be no exterior storage of equipment or materials used in connection with such home occupation; no mechanical or electrical equipment shall be used except such as is permissible for purely domestic or household purposes; no objectionable odor, noise, radio interference or other nuisance shall be created; and no accessory building shall be used for such home occupation. A professional person may use his residence for infrequent consultation, emergency treatment or performance of religious rites, but not for the general practice of his profession.
- (3) Garages, carports or other parking spaces for the exclusive use of residents of the premises.
- (4) Swimming pools, exclusively for the use of residents and their guests provided that such pool or premises or part thereof whereon such pool is located shall be completely enclosed by a protective fence, wall or other enclosure, not less than four feet in height.
- (5) Real estate, small announcement and professional signs subject to the provisions of Chapter [1126](#), and such other applicable provisions of the Zoning Code.
- (6) Moorages for private pleasure watercraft for the exclusive use of the residents of the premises. Moorage for no more than five pleasure watercraft per dwelling unit is permitted. Rental of moorage or pleasure watercraft in a residential zone is strictly prohibited, as is use by other than blood relatives of the residents of the premises for periods totaling more than ten days in any one calendar year. (Moorage of occupied houseboats, or other lived-in watercraft, is not permitted where the moorage is not a part of a residential site containing a residence with full cooking and sanitary facilities.) Moorage of occupied houseboats or other lived-in watercraft, is not permitted where the occupants of the craft, plus the occupants of the on-shore residence or residences, result in occupation of the site by a number of families in excess of that permitted in that residential zone and the occupants are not blood relatives, for periods in excess of ten days and/or totaling more than twenty days of houseboat unit use in any one calendar year.
- (7) Keeping of female chickens (hens) subject to meeting the requirements set forth in Chapter 505.18
- (8) Keeping of bees subject to meeting the requirements set forth in Chapter 505.19."

shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 4. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Resolution No. 2023-56 **(first reading)***(submitted by Erik Engle)*
DATE: December 12, 2023

Subject Matter/Background

This ordinance establishes language for the keeping of bees as a use by right in the B-1 Neighborhood Business zone. All other non-residential zones refer back to the B-1 zoning district, thus establishing beekeeping as use by right in all other business and industrial zones.

Financial Review

There is no financial impact.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly before you.

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2023-56 on its first reading is in order.

[Ordinance No. 2023-56 Add New Section 1125.01\(a\)\(7\).docx](#)

ORDINANCE NO. 2023-56
Introduced by Mark Claus

AN ORDINANCE AMENDING CHAPTER 1125.01 (B-1 NEIGHBORHOOD BUSINESS DISTRICT) UNDER CHAPTER 1125 (NONRESIDENCE DISTRICTS) OF THE CODIFIED ORDINANCE OF HURON, OHIO TO ESTABLISH A NEW SECTION 1125.01(a)(7).

WHEREAS, the Council hereby determined the changes and amendment set forth within this Ordinance, including Exhibit "A", are in the best interest of the City of Huron and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Section 1125.01 (B-1 Neighborhood Business District) under Chapter 1125 (Nonresidence Districts) is hereby amended to add new Section 1125.01(a)(7), as follows:

"(a)(7) Keeping of bees subject to meeting the requirements set forth in Chapter 505.19."

and shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and it is imperative this Ordinance be effective immediately, WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Erik Engle
RE: Ordinance No. 2023-57 (**first reading**) (*submitted by Erik Engle*)
DATE: December 12, 2023

Subject Matter/Background

This ordinance prohibits the keeping of chickens and bees as uses in the R-3 multi-family residential zone.

Financial Review

There is no financial impact.

Legal Review

The matter has been reviewed, follows nor

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2023-57 on its first reading is in order.

[Ordinance No. 2023-57 Add New Section 1123.04\(f\) Chickens and Bees \(1\).docx](#)

ORDINANCE NO. 2023-57
Introduced by Mark Claus

AN ORDINANCE AMENDING SECTION 1123.04 (R-3 MULTI-FAMILY RESIDENCE DISTRICT) OF CHAPTER 1123 (RESIDENCE DISTRICTS) OF THE CODIFIED ORDINANCE OF HURON, OHIO TO ESTABLISH A NEW SECTION 1123.04(f).

WHEREAS, the Council hereby determined the changes and amendment set forth within this Ordinance, including Exhibit "A", are in the best interest of the City of Huron and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Section 1123.04 (R-3 Multi-Family Residence District) of Chapter 1123 (Residence Districts) is hereby amended to add a new Section 1123.04(f), as follows:

"(f) Prohibited Uses. Notwithstanding any of the foregoing section and chapter, the following uses are strictly prohibited in the R-3 zoning district:

- (1) Keeping of chickens;
- (2) Keeping of bees."

and shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and it is imperative this Ordinance be effective immediately, WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____