



The City of Huron, Ohio
417 Main St.
Huron, OH 44839
www.cityofhuron.org
Office (419) 433-5000
Fax (419) 433-5120

Agenda for the regular session of City Council
March 10, 2020 at 6:30p.m.

I. Public Hearing #1

Call to Order – Moment of Silence followed by the Pledge of Allegiance to the Flag

Roll Call

Swear in Witnesses

Public Hearing regarding the rezoning request of Gary Savage regarding real property located at 362 Main Street (PPN: 4202081.008) from B-2 to B-3

Motion to approve/amend/deny the rezoning of real property located at 362 Main Street (PPN: 4202081.008) from B-2 to B-3

Adjourn Public Hearing #1

II. Public Hearing #2

Roll Call

Swear in Witnesses

Public Hearing for the purpose of amending the Zoning Code Sections 1123.01 and 1123.02 to allow the transient rental of residential properties in the City.

Adjourn Public Hearing #2

III. Call to Order (Regular Meeting)

IV. Roll Call of City Council

V. Approval of Minutes

Minutes of work session and regular Council meeting of February 25, 2020

VI. Audience Comments

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

VII. Old Business

Legal Discussion re: ConAgra Property Swap

Legal Discussion re: Showboat Property

Ordinance 2019-33	An ordinance amending the Huron Codified Ordinances relating to transient rental registrations (third reading).
Ordinance 2019-34	An ordinance amending the Huron Codified Ordinance and instituting a lodging tax (third reading).

VIII. New Business

Ordinance 2020-3	An ordinance amending the Codified Ordinance to allow transient rental of residential property zoned as R-1 and R-1A.
Motion	A motion setting Chapter 1369 transient rental registration and re-inspection fees for 2020.
Ordinance 2020-4	An ordinance revising the Codified Ordinances by adopting current replacement pages.
Ordinance 2020-5	An ordinance authorizing 2019 taxable note refinancing.
Ordinance 2020-6	An ordinance authorizing the City Manager to enter into a Temporary Construction and Storage Easement with Columbia Gas for PPN: 42-00120.000.
Ordinance 2020-7	Appropriation measure and estimated resources ordinance.
Resolution 2020-17	A resolution authorizing the City Manager to enter into an agreement with Cooner Enterprises LTD dba A-1 Lawn Care for beach cleaning services at Nickel Plate Beach, Lake Front Park and Huron Pier Beach.
Resolution 2020-18	A resolution authorizing the City Manager to re-enroll and execute payment to CompManagement, Inc. for third-party administration services for the 2020-2021 Workers Compensation Group Rating Enrollment Program.
Resolution 2020-19	A resolution to award the bid to Smith Paving regarding the US Route 6 Paving Project
Resolution 2020-20	A resolution authorizing the request of the Huron 5K Series for placement of banners on walk bridge of US-6 for the “We Run This Town” race series.
Resolution 2020-21	A resolution authorizing the City Manager to enter into an agreement with Shepherd’s Shoreline Construction for services relating to flood mitigation at the east retention pond at Beachwood Cove.

IX. City Manager’s Discussion

X. Mayor’s Discussion

XI. For the Good of the Order

XII. Executive Session(s)

Executive Session #1	Executive session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual.
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XIII. Return to Regular Session

Resolution 2020-22	A resolution authorizing the City to engage in a contract with the law firm of Seelie Savidge Ebert & Gourash Co., LPA for legal services.
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Motion	A motion appointing Interim City Manager.
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XIV. Adjournment



TO: Mayor Artino, City Council, and Andrew D. White City Manager
FROM: Doug Green, Zoning Official
RE: **Public Hearing-** Rezoning Application of 362 Main Street from B-2 Downtown Business to B-3 General Business
DATE: March 10, 2020

Subject Matter/Background

The existing parcel contains a multi-tenant building currently used as office space on the first floor with residential units on the second floor. The applicant submitted an application to rezone the property from its current B-2 Downtown Business District designation to B-3 General Business District to allow for mixed use, specifically, the ability to utilize ground floor space for residential units in addition to the current business usage.

The parcel was part of the Urban Renewal Zone which was planned in the late 1970's at the area immediately surrounding what is now the Huron Boat Basin. In this plan, the parcel's intended use was a commercial building with office on the first floor and residential usage limited to the upper floors. A recent review of the Urban Renewal Plan by the City Law Director determined that the original plan put in place during Urban Renewal can only currently be enforced if there were similar deed restrictions placed on the parcel.

Regardless of the current disposition of the Urban Renewal Guidelines, the parcel is located within a B-2 district and as per Section 1125.02, the B-2 District is the only commercial district in the zoning code which does not allow for residential uses. The current residential usage on the upper floor may continue as it is a pre-existing, non-conforming use. Additional residential units on the ground floor cannot be permitted within the current B-2 zoning.

A public hearing was held at the January 22, 2020 meeting of the Planning Commission to review the application and discuss the application request and make recommendation on the matter. Following the public hearing, members recommended that the application be denied due to concerns related to allowable uses in a B-3 district and in support of the direct intent of the zoning designation. Minutes of the January 22, 2020 Planning Commission meeting, as well as Sections 1123.02 (B-2) and 1123.03 (B-3) of the Zoning Code are attached for your information.

Following the public hearing to be held by City Council on March 10th, City Council will have final authority to approve, amend, or deny the application for rezoning.

Note: If Council approves the rezoning request, an ordinance to formally amend the Zoning Map will be required and will be prepared as an emergency in order to recognize the Zoning Change and have the Zoning Map amended accordingly.

Attachments:

Minutes of the Public Hearing held by the Planning Commission on January 22, 2020
B2 & B3 Codified Ordinances

**City of Huron
Planning Commission
January 22, 2020**

The meeting was called to order at 5:30p.m. in the Council Chambers at Huron City Hall, 417 Main Street by Acting Chair Bob Howell. Members in attendance: Jim Hartley, Mark Claus and Mark Cencer. Members absent: Gary Boyle. Staff in attendance: City Engineer/Zoning Inspector Doug Green, Zoning Admin. Assistant Christine Gibboney.

Adoption of Minutes (November 20, 2019)

Motion by Mr. Hartley to approve the minutes of November 20, 2019 as presented.

Motion seconded by Mr. Cencer. Members voted as follows:

Yeas: Cencer, Howell, Hartley, Claus (4)

Nays : 0

Motion passes, minutes approved.

Audience Comments- None.

Old Business-None.

New Business

Public Hearing- 362 Main Street, Parcel #42-02081.008- Rezoning Application Request.

Project description from summary: The applicant would like to rezone the parcel from its current B-2 designation to B-3 to allow for mixed use, specifically, the ability to utilize ground floor space for residential units in addition to the current business usage.

Mr. Howell called the Public Hearing to order at 5:32p.m. Mr. Green reviewed the application from Mr. Garry Savage for the rezoning of his property located at 362 Main Street, from B-2 to B-3 and recapped the executive summary. Mr. Green referenced the property was part of Urban Renewal, and noted he and the Law Director have reviewed the Urban Renewal Plan, noting the plan specified that residential units be limited to above ground floors. He commented that the Law Director advised that the Urban Renewal Plan is hard to enforce unless there is a specific deed restriction on the property. Mr. Green referenced the restrictions within the current B-2 zoning explaining that this zoning does not allow any residential use, noting that this property and other nearby properties have existing upper floor residential condos and are all pre-existing, non-conforming uses. A discussion regarding the ground floor offices ensued, as Mr. Green commented that he understood most of the ground floor space was vacant and referenced this in his summary accordingly. Mr. Savage stated that all ground floor office spaces are currently leased, that there are no vacancies at this time. Mr. Green noted the applicant is seeking mixed use. In response to a question by Mr. Howell, Mr. Green confirmed that commercial use is allowed throughout the building. Mr. Hartley asked if there was any vacant space available, referencing the summary. Mr. Green noted he must have misunderstood in his conversations with Mr. Savage, and thought the ground floor had vacancies.

Property Owner: Garry Savage, 1225 Marina Drive. Mr. Savage explained he has been receiving inquiries from people interested in ground floor condominiums and referenced that he would like to be able to have the ability in the future to have this mixed-use option. He referenced the years he has owned the building and stated that they have tried promoting retail but that the ground floor areas did not work for retail as he believes there is not enough exposure. He stated that he would like to have condominiums and office

spaces and eventually be able to have condos on the first, second and third floor as he believes this would be the best use. He noted all buildings are part of the Riverview Condo Association. In response to questions from members, Mr. Savage confirmed that each of the four ground floor units is 1,250sf, but noted that walls can be moved to expand the size of the units; referenced that the complex has 70 parking spaces, and confirmed that he is trying to sell the property. Mr. Savage reviewed all the spaces and occupants in the complex. Members reviewed the zoning map stating the surrounding properties are also B-2. Mr. Howell referenced that the B-2 zoning does not prohibit a third story as the height max is 40'. Mr. Green noted if he wanted to add a third floor for residential, a variance or rezoning would still be needed as B-2 does not allow for any residential. Mr. Claus referenced the condos on the second floor at Anchor Point and it was noted they are in the same position and are also non-conforming and grandfathered in.

Mr. Howell referenced Mr. Boyle's email relative to the re-zoning as he expressed that the code in that area was designed to have first floor commercial or office use and residential above. Mr. Howell noted his concerns related to allowable uses under a B-3, some of which he referenced: mini Lowes, sheet metal shops, and car dealerships. He stated he had concerns with these allowable uses in the future if the property were to be rezoned. Mr. Hartley commented that he understands the request as a business owner, but referenced the city would be setting a precedent and would need to consider what the goal would be for Main Street if it were to allow this and consider the possibility of surrounding businesses doing the same. Mr. Howell referenced the extensive code amendments in recent years relative to zoning and future development of the city. Mr. Claus inquired if any other adjacent properties in the B-2 zoning would be allowed to build condos on the second floor. Mr. Green replied they would not be allowed to do so, but explained that those in existence are allowed to continue. Mr. Howell inquired about the potential option for Mr. Savage in seeking a variance. Mr. Green noted he had this conversation with Mr. Savage and then explained that the standard for the BZA to approve a use variance is much higher and Mr. Savage would have to prove an actual hardship. Mr. Savage questioned the zoning of the surrounding property where I5's is located. Mr. Green and members noted that property is also B-2, noting the nearest B-3 is around Valley Ford and reviewed the zoning map with Mr. Savage. Mr. Savage commented that he would like to reside in one of the ground level condominiums himself and talked about the location and view. He added that it would be hard for anyone to put in a dealership or any of the other uses mentioned by Mr. Howell as the property is not large enough. Mr. Savage also mentioned the 99-year lease he has with the city for a portion of his property and other leases he has with surrounding businesses. He referenced being able to use the property and build it up to where the demand is- for three floors of condominiums. He referenced that the large building is going to be an issue when the tenant leaves because he has taken over the whole building and would then again have an issue with the ground floor. Mr. Howell asked if there were any other comments. There being none, he closed the Public Hearing at 5:51p.m. and declared the regular meeting to order.

Members then discussed the re-zoning:

- Mr. Hartley commented that if the city is going to allow a rezoning, then City Council and City Administration should review all property that is currently zoned B-2 and decide if they can afford the flexibility a B-3 affords, then it should be considered.
- Mr. Cencer commented it is difficult when there are pockets of differing zoning, as the inconsistencies undermine the Zoning Code. He noted he believes the property is best to remain B-2. Mr. Howell noted his agreement.
- Due to this being his first meeting, Mr. Claus asked for clarification of the process, asking if this board is voting to make the recommendation to City Council. Mr. Green and members advised this was correct, and referenced that City Council is

required to set a public hearing and they will make the ultimate decision on the rezoning.

- Mr. Howell acknowledged the applicants desire to be able to have ground floor condos on the property, referencing the code does not allow this. He referenced the extensive amendments to the zoning code and map to shape the downtown section of the city to be mixed use, but not all residential; and noted his objection relates to all the other allowable uses under B-3 zoning.

Motion by Mr. Cencer that the recommendation to Council would be to retain this property as the current B-2 zoning. Motion seconded by Mr. Hartley. Roll call on the motion:

Yeas: Cencer, Howell, Hartley, Claus (4)

Nays: 0

Motion passes and recommendation to be provided to City Council.

Mr. Howell commented on future development of ConAgra, stating this property and others will increase in value and he didn't believe there would be any issues in renting. Mr. Savage noted there would still be trouble renting retail. Mr. Savage noted his goal is to keep it all residential.

Proposed amendments to Code Sections 1123.01 and 1123.02 relating to the implementation of the transient rental regulations- referred to the Planning Commission by City Council.

Mr. Green referenced the city enacted Transient Rental Regulations in November of 2018, and explained that currently City Council, Administration, and Building and Zoning are considering changes to the ordinance before it is implemented. Changes include fee schedules, criteria for inspections, hiring of a PT or FT Zoning Inspector, protocol of scheduling of inspections, and the mechanics of issuing certificates. He explained in review of the city's existing code, it was noticed by the Law Director that the current code language does not list transient rentals as an allowable or conditional use in residential zones. Proposed changes to Section 1123.01 and 1123.02 will include language that will address what is currently happening with regard to transient rentals in residential areas. He referenced Mr. Boyle's email inquiring about the possibility to allow or disallow transient rentals in specified neighborhoods or areas of the city, like an overlay district. Mr. Green referenced discussion with the Law Director who advised the way to implement this would be by the existing zoning map and designate by zoning sections only. The Law Director had concerns with disallowing in an area where there have been rentals for years and the legal ramifications of doing so. Following a question by Mr. Howell on more restrictive regulations relative to transient rentals; Mr. Green advised that this is what is being discussed within the Transient Rental Registration ordinance, but clarified that the matter before the PC tonight is strictly the amendment to the code to make legal what is already being done in the city, but is not a part of the discussion of how rental registration is going to work.

Mr. Howell stated that Huron has had a long history of transient/short-term rentals throughout the city and believes there would be backlash if the city were to prohibit rentals. He noted he doesn't believe it would be right to prohibit rentals, but does believe there needs to be restrictive regulations. He referenced materials he provided from Chatham, New York on their Transient Rental Regulations and the FAQ Fact Sheet they developed. A discussion ensued relative to efforts by the city to do the same.

Mr. Hartley referenced that other communities have included language in their ordinances that require property owners to secure permission/approval of their homeowner's

associations, if applicable. He referenced the community of North Royalton who has this in place. Mr. Hartley asked that this suggestion be reviewed by the Law Director. A brief conversation regarding some homeowner associations ensued as Mr. Claus noted the Chaska Beach Association has had discussions on the topic. Mr. Claus recognized audience member, Kyle Wright, President of Beachwood, commenting that he believes Beachwood has a deed restriction for transient rentals, Mr. Wright noted this is in the original restrictions. Discussion ensued regarding homeowner's association by-laws versus the city's codified ordinance and Mr. Green advised that the city looks only at the codified ordinances, the property owner and by laws of their association are separate and not regulated by the city. Mr. Hartley suggested having the language in the city ordinance and believes the city Law Director look into the matter. A discussion regarding parking regulations associated with Transient Rentals ensued as some surrounding communities have added language relative to on street parking as well. Mr. Claus and Mr. Green reviewed items that have been discussed relative to Transient Rental Regulations.

Mr. Howell provided comments/suggestions on Section 1123.01:

- (a) 2 -Suggested the first sentence should read: Churches and other *religious* places of worship
- (a) 2- fourth sentence- typo error – should read: public *art* galleries.
- (a) 4- Suggested size maximums of nurseries and greenhouses should be added. Mr. Howell suggested that the ordinance be more specific.
- (a) 6- Licensed adult family homes as defined in ORC 3722.01- Mr. Howell noted this section no longer exists, this section should be removed.
- (a) 7 (A)- Suggested that the language “or portion of a dwelling unit” be added following the language “a dwelling unit”
- (a) 7 (B)- concerns with use as party house with guests not actually staying overnight; may need to be more restrictive in language.
- 1123.02 (a) 4- same suggestion as (a) 7(A).

Mr. Green advised the comments would be provided to the Law Director for review.

Motion by Mr. Hartley to approve the proposed amendments to Sections 1123.01 and 1123.02 with the recommended changes discussed. Motion seconded by Mr. Cencer.

Members voted as follows:

Yeas: Cencer, Howell, Hartley, Claus (5)

Nays: 0

Motion passes, and recommendation to be provided to City Council.

With no further business, motion by Mr. Cencer to adjourn, seconded by Mr. Hartley. All in favor, meeting adjourned at 6:18p.m.

Christine M. Gibboney
Zoning Administrative Assistant



TO: Mayor Artino, City Council, and Andrew D. White City Manager
FROM: Doug Green, Zoning Official
RE: **Public Hearing-** Proposed Amendments to 1123.01 and 1123.02 of the Zoning Code.
DATE: March 10, 2020

Subject Matter/Background

Proposed amendments to Sections 1123.01 and 1123.02 of the Zoning Code reflect necessary changes to list transient rentals as an allowable use under the R-1 and R-1A residential sections of the zoning code which will make the existing practice of transient rentals in these residential districts compliant with the code. Further zoning districts in our code, such as R-2, R-3, and business zones also do not list transient rentals as an allowable use, but are inclusive of any allowable use listed in the R-1 and R-1A sections, thus only these two sections require modification.

A public hearing was held at the January 22, 2020 meeting of the Planning Commission to review the proposed amendments and make recommendation on the matter. Following the public hearing, members recommended that the proposed amendments be adopted. Members also referenced some typographical errors in the existing code language which have been corrected. Minutes of the January 22, 2020 Planning Commission meeting are attached for your information.

Following the public hearing, Ordinance 2020-3 ratifying these amendments will be on the agenda for consideration. The ordinance has been prepared as an emergency in order to reconcile the code with the long-standing existing practice of transient rental operations within R-1 and R-1A districts.

Attachment

Minutes of the Public Hearing held by the Planning Commission on January 22, 2020

**City of Huron
Planning Commission
January 22, 2020**

The meeting was called to order at 5:30p.m. in the Council Chambers at Huron City Hall, 417 Main Street by Acting Chair Bob Howell. Members in attendance: Jim Hartley, Mark Claus and Mark Cencer. Members absent: Gary Boyle. Staff in attendance: City Engineer/Zoning Inspector Doug Green, Zoning Admin. Assistant Christine Gibboney.

Adoption of Minutes (November 20, 2019)

Motion by Mr. Hartley to approve the minutes of November 20, 2019 as presented.

Motion seconded by Mr. Cencer. Members voted as follows:

Yeas: Cencer, Howell, Hartley, Claus (4)

Nays : 0

Motion passes, minutes approved.

Audience Comments- None.

Old Business-None.

New Business

Public Hearing- 362 Main Street, Parcel #42-02081.008- Rezoning Application Request.

Project description from summary: The applicant would like to rezone the parcel from its current B-2 designation to B-3 to allow for mixed use, specifically, the ability to utilize ground floor space for residential units in addition to the current business usage.

Mr. Howell called the Public Hearing to order at 5:32p.m. Mr. Green reviewed the application from Mr. Garry Savage for the rezoning of his property located at 362 Main Street, from B-2 to B-3 and recapped the executive summary. Mr. Green referenced the property was part of Urban Renewal, and noted he and the Law Director have reviewed the Urban Renewal Plan, noting the plan specified that residential units be limited to above ground floors. He commented that the Law Director advised that the Urban Renewal Plan is hard to enforce unless there is a specific deed restriction on the property. Mr. Green referenced the restrictions within the current B-2 zoning explaining that this zoning does not allow any residential use, noting that this property and other nearby properties have existing upper floor residential condos and are all pre-existing, non-conforming uses. A discussion regarding the ground floor offices ensued, as Mr. Green commented that he understood most of the ground floor space was vacant and referenced this in his summary accordingly. Mr. Savage stated that all ground floor office spaces are currently leased, that there are no vacancies at this time. Mr. Green noted the applicant is seeking mixed use. In response to a question by Mr. Howell, Mr. Green confirmed that commercial use is allowed throughout the building. Mr. Hartley asked if there was any vacant space available, referencing the summary. Mr. Green noted he must have misunderstood in his conversations with Mr. Savage, and thought the ground floor had vacancies.

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- Due to this being his first meeting, Mr. Claus asked for clarification of the process, asking if this board is voting to make the recommendation to City Council. Mr. Green and members advised this was correct, and referenced that City Council is

required to set a public hearing and they will make the ultimate decision on the rezoning.

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Motion by Mr. Cencer that the recommendation to Council would be to retain this property as the current B-2 zoning. Motion seconded by Mr. Hartley. Roll call on the motion:

Yeas: Cencer, Howell, Hartley, Claus (4)

Nays: 0

Motion passes and recommendation to be provided to City Council.

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associations, if applicable. He referenced the community of North Royalton who has this in place. Mr. Hartley asked that this suggestion be reviewed by the Law Director. A brief conversation regarding some homeowner associations ensued as Mr. Claus noted the Chaska Beach Association has had discussions on the topic. Mr. Claus recognized audience member, Kyle Wright, President of Beachwood, commenting that he believes Beachwood has a deed restriction for transient rentals, Mr. Wright noted this is in the original restrictions. Discussion ensued regarding homeowner's association by-laws versus the city's codified ordinance and Mr. Green advised that the city looks only at the codified ordinances, the property owner and by laws of their association are separate and not regulated by the city. Mr. Hartley suggested having the language in the city ordinance and believes the city Law Director look into the matter. A discussion regarding parking regulations associated with Transient Rentals ensued as some surrounding communities have added language relative to on street parking as well. Mr. Claus and Mr. Green reviewed items that have been discussed relative to Transient Rental Regulations.

Mr. Howell provided comments/suggestions on Section 1123.01:

- (a) 2 -Suggested the first sentence should read: Churches and other *religious* places of worship
- (a) 2- fourth sentence- typo error – should read: public *art* galleries.
- (a) 4- Suggested size maximums of nurseries and greenhouses should be added. Mr. Howell suggested that the ordinance be more specific.
- (a) 6- Licensed adult family homes as defined in ORC 3722.01- Mr. Howell noted this section no longer exists, this section should be removed.
- (a) 7 (A)- Suggested that the language “or portion of a dwelling unit” be added following the language “a dwelling unit”
- (a) 7 (B)- concerns with use as party house with guests not actually staying overnight; may need to be more restrictive in language.
- 1123.02 (a) 4- same suggestion as (a) 7(A).

Mr. Green advised the comments would be provided to the Law Director for review.

Motion by Mr. Hartley to approve the proposed amendments to Sections 1123.01 and 1123.02 with the recommended changes discussed. Motion seconded by Mr. Cencer.

Members voted as follows:

Yeas: Cencer, Howell, Hartley, Claus (5)

Nays: 0

Motion passes, and recommendation to be provided to City Council.

With no further business, motion by Mr. Cencer to adjourn, seconded by Mr. Hartley. All in favor, meeting adjourned at 6:18p.m.

Christine M. Gibboney
Zoning Administrative Assistant

(e) Height Regulations. No principal structure shall exceed two and one-half stories or thirty feet in height, and no accessory structure shall exceed one story or fifteen feet in height, except as provided in Section 1137.02.
(Ord. 1990-20. Passed 11-26-90.)

(f) Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed, except as otherwise provided herein:

<u>Lot Areas</u>	<u>Frontage</u>	<u>Front Yard Depth</u>	<u>Side Yard Width</u>	<u>Rear Yard Depth</u>
Nonresidential Uses: None	30 ft.	25 ft.	No side yard required, except when adjoining an R District - then not less than 10 feet	Not less than 20 feet

Residential: Same as the lot area, frontage and yard requirements for the least restrictive adjoining residence district.
(Ord. 1998-39. Passed 12-7-98.)

1125.02 B-2 DOWNTOWN BUSINESS DISTRICT.

(a) Principal Permitted Uses. Any use permitted and as regulated in the B-1 District, except residential, and as hereinafter specified in this section, but not including filling stations or repair garages:

- (1) Art or antique shops, interior decorating shops, paint and wallpaper stores, furniture and appliance stores, department stores, variety and dime stores, dry goods and apparel stores, jewelry stores, mail order houses and any other retail business or service not first permitted or prohibited in the B-3 District.
- (2) Any office or office building.
- (3) Banks and savings and loan associations, including the drive-in type; other financial establishments.
- (4) Bars, restaurants, cocktail lounges.
- (5) Billiard parlors and pool halls, not permitting the sale of alcoholic beverages.
- (6) Night clubs and theaters, but not within 100 feet of any R District, subject to all applicable regulations and such permits as may be required by law.
- (7) Trade or business schools, provided any machinery or equipment which is used for instruction purposes is not objectionable due to noise, fumes, smoke, odor or vibration.
- (8) Commercial studios, including art, photographic, music, dancing and radio studios.
- (9) Hotels, including motels and motor hotels, subject to the provisions of Section 1126.02.
- (10) Newspaper printing and publishing, job printing.
- (11) Automotive services; none, except parking lots, parking garages and automobile car wash establishments 100 feet from an R District.

(b) Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board of Zoning Appeals in accordance with the provisions of Section 1139.02:

- (1) Drive-thru facilities are permitted in B-2 zoned districts within the geographical bounds of Main Street between the Huron Boat Basin, 330 North Main Street and US 6 following review and approval of the Planning Commission.

(c) Accessory Uses. Accessory uses and structures as permitted and as regulated in the B-1 District and such other accessory uses and structures, not otherwise prohibited, customarily accessory and incidental to any of the foregoing permitted B-2 uses.

(d) Required Conditions. Same as specified for the B-1 District, except for new merchandise in the case of art or antique shops.

(e) Height Regulations. No principal structure shall exceed three stories or forty feet in height, except as provided in Section 1137.02 and subject further to review and authorization by the Board of Building and Zoning Appeals.

- (f) Lot Area, Frontage and Yard Requirements.
Commercial uses: Minimum frontage of thirty feet; otherwise, none except for the provision of loading and unloading.

(g) All lots and lands located within the boundaries of the Huron Center Urban Renewal Area, notwithstanding other requirements of this section, shall be governed by the provisions of the Urban Renewal Plan when such Plan provisions conflict with the requirements of this section. (Ord. 2014-32. Passed 12-23-14.)

1125.03 B-3 GENERAL BUSINESS DISTRICT.

(a) Principal Permitted Uses. Any use permitted and as regulated in the B-2 District, plus those hereinafter specified in this section:

- (1) Laundries, clothes cleaning or dyeing establishments, using nonflammable solvents; used merchandise stores; garden supply stores.
(Ord. 1990-20. Passed 11-26-90.)
- (2) Any wholesale business, storage and warehousing; commercial greenhouses, but excluding industrial greenhouses except in the Planned Industrial Development Project Overlay Zone.
(Ord. 2019-9. Passed 7-23-19.)
- (3) Drive-in eating and drinking places, summer gardens and roadhouses, provided the principal building is distant not less than fifty feet from any R District.
- (4) Bowling lanes, but not within 100 feet of any R District; drive-in theaters, provided the screen shall be located so as not to be visible from adjacent streets or highways and such screen shall be set back not less than 200 feet from the established right of way of any such street or highway.
- (5) Automotive and marine service establishments for automobiles, trucks, trailers, farm implements and pleasure boats, for sale, display, hire or repair, including sales lots, used car lots, trailer lots, commercial moorages and boat rental establishments, uncovered and covered moorage for commercial boats; major automotive repair garages, body and fender shops, paint shops, but not within fifty feet of any R District; automatic car wash establishments 100 feet from any R District.

- (6) Animal hospitals, kennels, housing or boarding of pets and other domestic animals, provided that any enclosures or buildings in which animals are kept are at least 100 feet from any R District and at least fifty feet from any B-1 District.
- (7) Commercial recreation, including baseball fields, swimming pools, roller skating rinks, golf driving ranges, miniature golf courses or trampoline centers, provided such establishments are distant at least 100 feet from any R District.
- (8) Electrical, plumbing, heating shops, furniture upholstery and similar enterprises, not including contractors' yards, but not within fifty feet of any R District.
- (9) Publishing, lithographing, blue printing, etc., but not within 100 feet of any R District.
- (10) Bottling of soft drinks and milk or distribution stations, providing a building used for such processing and distribution is at least 100 feet from any R District.
- (11) Sheet metal shops, sign painting shops, but not within 100 feet of any R District.
- (12) Building materials, including concrete mixing; contractors' equipment storage yard or plant and rental of equipment commonly used by contractors; trucking or motor freight stations or terminals; retail lumber yards, including incidental millwork; storage and sale of grain, livestock feed or fuel; carting, express or hauling establishments, including storage of vehicles; provided such uses are conducted either:
 - A. Wholly within a completely enclosed building or buildings, except for storage of vehicles, which building shall be distant at least 100 feet from any R District, unless such building has no opening other than stationary windows and required fire exits within such distance, but not within fifty feet of any R District in any case; or
 - B. When conducted within an area completely enclosed on all sides with acceptable screening, maintained in good condition, not less than six feet high, but not within 100 feet of any R District; provided further that all storage yards related to the uses in this subsection shall be enclosed.
- (13) Display signs, billboards and other outdoor advertising signs and structures subject to the provisions of Section 1126.03 and such other applicable provisions of the Planning and Zoning Code.
- (14) Any use permitted and as regulated in the residence district adjoining the B-3 District; and if there are adjoining two or more different categories of residence districts, the regulations of the least restrictive residence district shall prevail.
(Ord. 1990-20. Passed 11-26-90.)

(b) Conditionally Permitted Uses. The following uses provided any building occupied by such use shall be no less than 100 feet from any R District and as authorized by the Board of Building and Zoning Appeals, subject to such further conditions and requirements, as in the opinion of the Board are necessary to protect adjacent property and prevent conditions which may become noxious or offensive:

- (1) Blacksmith, welding or other metalworking shop, machine shop, excluding punch presses over twenty tons rated capacity, drop hammers and other noise-producing machine operated tools.

- (2) Planned development projects, subject to the provisions of Section 1126.05.
- (3) Adult cabarets and adult oriented businesses in accordance with Section 1126.14. In addition, the following regulations shall apply:
 - A. The structure housing such use shall be situated on a parcel of land having an area of at least one acre and shall be the only use on such parcel.
 - B. The parcel of land described in subsection (b)(3)A. hereof shall be located a minimum of 500 feet from the boundaries of any parcel of real estate having situated on it a dwelling unit or units, church, school, playground or park.
(Ord. 1998-39. Passed 12-7-98.)

(c) Accessory Uses. Accessory uses and structures as permitted and as regulated in the R-3 District as related only to permitted residential developments, if any, in this district, plus those uses and structures as permitted and regulated in the B-2 District, plus any other accessory uses and structures customarily accessory and incidental to any of the foregoing permitted B-3 uses, and not otherwise prohibited.

(d) Required Conditions.

- (1) Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste, and must comply with the performance standards in Section 1126.06.
- (2) All businesses, services or processing shall be conducted wholly within a completely enclosed building, except for the sale of automobile fuel, lubricants and fluids at service stations, establishments of the drive-in type, loading and unloading operations, parking, the outdoor display or storage of vehicles, materials and equipment and the uses specified in connection with contractors' yards and related establishments above.
- (3) No building customarily used for night operation, such as a wholesale bakery or milk bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within 100 feet of any R District, and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within 100 feet of any R District.

(e) Height Regulations. No principal or accessory structures shall exceed three stories or forty feet in height, except as provided in Section 1137.02 and subject further to review and authorization by the Board. (Ord. 1990-20. Passed 11-26-90.)

(f) Lot Area, Frontage and Yard Requirements.

Commercial uses: Minimum frontage of thirty feet; otherwise, none except for the provision of loading and unloading.
(Ord. 1998-39. Passed 12-7-98.)

Residential uses: Same as the lot area, frontage and yard requirements for the least restrictive adjoining residence district.

(Ord. 1990-20. Passed 11-26-90.)



TO: Mayor Artino and City Council
FROM: Andrew D. White, City Manager
RE: Ordinance No. 2019-33
DATE: March 6, 2020

Subject Matter/Background

Ordinance No. 2019-33 is an ordinance amending Ordinance No. 2018-33, which was passed by Council on January 8, 2019.

Summary

Ordinance No. 2019-33 amends Chapter 1369-Transient Rental Property. The proposed amendments create a simplified procedure for ensuring that every "Transient Rental Property" in the City secures a valid "Transient Occupancy Registration Certificate" before renting any Transient Rental Property to a Transient Guest. The Certificate is required to be displayed on every Transient Rental Property in a location that is easily visible from the street or sidewalks. Under the new certification process, owners of Transient Rental Properties can secure a Certificate which lasts for a one-year period. Applications can be submitted beginning January 1, 2020, and properties must comply by May 1, 2020 or be subject to enforcement proceedings and penalties. On an annual basis, the Building Official or his designee, must present a report to Council which explains and justifies the fees to be charged for obtaining a certificate during the ensuing year. Council can approve or modify the cost of those fees by motion in an open meeting.

The Finance Committee scheduled a special meeting on March 5, 2020, at which time the members present discussed a rental registration fee of \$400.00 per transient rental unit, which registration fee would include one reinspection. If another reinspection is required, The members discussed charging an additional \$50 for each re-inspection after the first re-inspection. See recommendation of Tax Administrator and Building Official attached hereto as Exhibit "A".

Draft copies of the following registration documents are attached:

- Transient Occupancy Registration Certificate;
- Transient Rental Registration Form;
- Transient Rental Inspection Report (reviewed and approved by John Zimmerman).

Financial Review

Upon implementation of the rental registration and inspection program, data collected will allow the city to forecast anticipated revenue and expense associated with the program and adjust the budget accordingly. Mr. Zimmerman has confirmed that required inspections identified in the ordinance would fall under the current scope of service within the Building Official agreement.

Legal Review

This matter has been reviewed and is properly before you.

Recommendation

If Council is in approval, the administration is recommending a motion to place Ordinance 2019-33 on its third reading and final reading as an emergency measure would be in order.

If Ordinance 2019-33 is adopted, Council should follow with a motion to approve the transient rental registration and reinspection fees as determined by Council.

Chapter 1369

Costs for Inspections on Transient Rentals (2020 Rates)

City Annual Costs for Overhead	Hourly Rate (with Benefits/Taxes)	Est. Hours^	System Support*	Total Costs
Zoning Permit Tech	\$ 38.78	300	\$ 80.00	\$ 11,713.86
Code Enforcement Officer (PT)	\$ 23.74	800	\$ -	\$ 18,992.00
Service Director (Zoning Contract)	\$ 53.68	200	\$ -	\$ 10,735.04
City Manager	\$ 79.35	10	\$ -	\$ 793.50
Asst. to the City Manager	\$ 53.68	10	\$ -	\$ 536.75
Finance Director	\$ 63.19	10	\$ -	\$ 631.94
Finance Specialist - MB	\$ 33.46	100	\$ -	\$ 3,345.72
Finance Specialist - JR	\$ 42.00	100	\$ -	\$ 4,199.54
Public Safety (PD/Fire)	\$ 47.76	150	\$ -	\$ 7,164.39
Law Director	\$ 195.00	10	\$ -	\$ 1,950.00
IT Director	\$ 58.23	10	\$ 959.00	\$ 1,541.26

*Includes IWorQ annual support/maint cost and issuing paper cert.

Total Annual Cost \$ 61,604.01

^Total est. hours for each position based on 200 units registering in 2020

Annual Inspection and Registration Fees

		Cost Calc.	Actual Fee	Actual Fee
Registration and Inspection Fee	1-year	\$ 308.02	\$ 400.00	\$ -

Year One

Expected Receipts	# of Registrations		Total Receipts	Total Receipts
Annual Registrations	200		\$ 80,000.00	\$ -

Annual Cost vs. Revenue of Zoning

	Projected Revenue (3-year avg.)		2019 Actuals	
Zoning Permits	\$	16,654.80	\$	34,345.78
Building Permits (15% of total)	\$	12,110.61	\$	9,761.57
Contractor Registration	\$	16,290.70	\$	16,654.60
Transient Rental Registration	\$	80,000.00	\$	-
	\$	125,056.11	\$	60,761.95

	Projected Cost (2020 Budget) - w/ PT Enforcer and Service Dir.		2019 Actuals	
Salaries/Benefits (2.5 FTEs)	\$	145,153.37	(1 FTE)	\$ 43,071.51
Zoning Contract (OHM)	\$	-		\$ 49,200.00
Software	\$	5,000.00		\$ 4,795.00
Refunds	\$	2,200.00		\$ 2,212.00
Training	\$	2,000.00		\$ -
Fees/Dues/Printing	\$	750.00		\$ 675.72
	\$	155,103.37		\$ 99,954.23

Proj-Act

Profit/(Loss)	\$	(30,047.26)	\$	(39,192.28)	\$	9,145.01
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Net General Fund Annual Impact (1369,only)

Revenue Increase

Expense Increase*

Net Impact

\$400 fee	
\$	80,000.00
\$	55,466.52
\$	24,533.48

* - Expenses include full-time services director (difference between OHM contract and hiring an employee), PT code enforcer, and additional costs for Zoning Department.

ORDINANCE NO. 2019-33

Introduced by Trey Hardy

AN ORDINANCE AMENDING SECTIONS 1369.01-DEFINITIONS, 1369.02-PURPOSE, 1369.03 RENTAL LICENSE/CERTIFICATE OF OCCUPANCY, 1369.04-FEES, 1369.05-MAINTENANCE RESPONSIBILITIES, 1369.06-ENTRY AND INSPECTION, 1369.07-REPORTS AND REINSPECTION, AND 1369.08-CHANGE OF OWNERSHIP OF CHAPTER 1369 - TRANSIENT RENTAL PROPERTY OF THE CITY OF HURON CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

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

SECTION 1. That Sections 1369.01-Definitions, 1369.02-Purpose, 1369.03-Rental License/Certificate of Occupancy, 1369.04-Fees, 1369.05-Maintenance Responsibilities, 1369.06-Entry and Inspection, 1369.07-Reports and Reinspection, and 1369.08-Change of Ownership of Chapter 1369 - Transient Rental Property of the Codified Ordinances of the City of Huron which currently reads as follows: (refer to Exhibit “A” attached), shall be and hereby are amended.

SECTION 2. That Sections 1369.01-Definitions, 1369.02-Purpose, 1369.03-Rental License/Certificate of Occupancy, 1369.04-Fees, 1369.05-Maintenance Responsibilities, 1369.06-Entry and Inspection, 1369.07-Reports and Reinspection, and 1369.08-Change of Ownership of Chapter 1369 - Transient Rental Property of the Codified Ordinances of the City of Huron are hereby amended to read as follows: (refer to Exhibit “B” attached).

SECTION 3. That Sections 1369.01-Definitions, 1369.02-Purpose, 1369.03-Rental License/Certificate of Occupancy, 1369.04-Fees, 1369.05-Maintenance Responsibilities, 1369.06-Entry and Inspection, 1369.07-Reports and Reinspection, and 1369.08-Change of Ownership of Chapter 1369 - Transient Rental Property of the Codified Ordinances of the City of Huron, as existing prior to the adoption of this Ordinance shall be, and the same hereby are, repealed.

SECTION 4. 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 5. This ordinance will take effect upon passage and shall not be subject to referendum per Sec. 3.06 of the Charter for the City of Huron.

Sam Artino, Mayor

ATTEST: _____

Clerk of Council

ADOPTED: _____

CHAPTER 1369
Transient Rental Property

1369.01	Definitions.	1369.06	Entry and inspections.
1369.02	Purpose.	1369.07	Reports and reinspection.
1369.03	Rental license/certificate of occupancy	1369.08	Change of ownership.
1369.04	Fees.	1369.09	Severability.
1369.05	Maintenance responsibilities.	1369.99	Penalty; legal action.

CROSS REFERENCES

Appeal, hearing and variances - see BLDG. Ch. 1355
 Condemnation proceedings - see BLDG. Ch. 1357
 Removal of unsafe buildings - see BLDG. Ch. 1358

1369.01 DEFINITIONS.

As used in this chapter:

- (a) "Agent" or "Person in Charge" means any individual, person, firm, partnership, corporation or company acting on behalf of the property owner of a residential rental.
- (b) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.
- (c) "Rental agreement" means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of residential premises by one of the parties.
- (d) "Residential premises" means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances unit, and the grounds, areas, and facilities for the use of tenants generally or the use of which is promised the tenant.
- (e) "Life Safety Inspection" means that inspection performed by the Building Official consisting of the following:
 - (1) Testing of all electrical receptacles;
 - (2) Check for and test smoke detectors and CO2 detectors;
 - (3) Check for improper wiring;
 - (4) Check electrical panel;
 - (5) Check all light fixtures at all stairways and exterior doors;
 - (6) Check furnace and water heaters;
 - (7) Check for leaking water, gas and waste lines;
 - (8) Check for removal of all refuse, garbage and debris.
 (Ord. 2018-33. Passed 1-8-19.)

1369.02 PURPOSE.

The purpose and intent of this section is to regulate the health, safety and wellness of the public, including the owners, occupants, and neighboring property owners of properties being utilized for transient occupancy within the City. (Ord. 2018-33. Passed 1-8-19.)

1369.03 RENTAL LICENSE/CERTIFICATE OF OCCUPANCY.

(a) Required. There is hereby created a Residential Rental Property Registration System for the City of Huron that requires owners of residential rental property units located within the City to register each of their rental units. Rental units will be required to be renewed within thirty (30) days of any ownership change. The owner/operator of the rental unit shall comply with the following:

- (1) A property being utilized as a transient rental property shall visibly display a Rental License/Certificate of Occupancy outside the main entry of the property.
- (2) No person shall be allowed to transient rent a dwelling that is in violation of the City of Huron's health code, building code, or zoning regulations.
- (3) No person shall display a Rental License/Certificate of Occupancy or allow transient occupancy of a dwelling that has had its License/Certificate suspended, revoked, or denied.
- (4) No person shall allow a dwelling to be listed or advertised as a transient rental prior to obtaining a valid Rental License/Certificate of Occupancy.
- (5) No person shall allow a dwelling to be listed or advertised as a transient rental if the Rental License/Certificate of Occupancy has been suspended, revoked, or denied

(b) Issuance.

- (1) Application for a Rental License/Certificate of Occupancy required by the provisions of this chapter shall be made by supplying the information and date to determine the compliance with the requirements of the Life Safety Inspection and compliance with the Residential Building Code of Ohio and Property Maintenance Code for the City of Huron for the existing use or occupancy or the intended use or occupancy on forms supplied by the Building Department. Upon completion of such application and submission of the required fee, the Building Official shall issue a Rental License. Upon obtaining a Rental License, the owner, agent or person in charge of any building or unit thereof shall comply with the provisions of this Chapter to obtain a Certificate of Occupancy.
- (2) The Building Official shall cause a general inspection of the building and premises to be made.
- (3) If it is found that a building and premise is in compliance with the inspection provisions of this chapter regarding a Life Safety Inspection, the Building Official shall issue a Certificate of Occupancy for such building and the rental units thereof which shall contain the following information: the name, address and telephone number of the owner(s); the address of each structure and premises with a rental unit; the number of rental units within each structure and premises; and, if someone other than the owner(s) is responsible for maintenance or repairs to a rental unit, the name, address and telephone number of the person(s) or entity responsible for such maintenance or repairs, along with identification of the rental units for which they are responsible.

(c) Revocation. The Building Official shall have the power to revoke a Rental License/Certificate of Occupancy if any false statement shall be made by the applicant in connection with the issuance of such certificate, or for the noncompliance of a building or rental unit thereof with the requirements of this chapter, or the owner, agent or person in charge of a building or rental unit thereof shall refuse to comply with any provisions of this chapter.

(d) Term. A Rental License/Certificate of Occupancy issued pursuant to this chapter shall be valid for twenty-four months from the application date or until a change in ownership of the rental unit. (Ord. 2018-33. Passed 1-8-19.)

1369.04 FEES.

(a) Registration Fee. All rental units, including but not limited to, single family buildings or residential units located within a single building shall pay the registration fee for a Rental License/Certificate of Occupancy. Fees shall not be prorated for partial year issuance.

One Rental Unit	\$50.00
Two to Five Rental Units	\$100.00
Six or more Rental Units	\$100.00 plus \$15.00 per unit

(b) Reinspection Fee. The initial inspection and a maximum of one reinspection is of the rental unit is included in the application fee paid to the City for the Rental License/Certificate of Occupancy. Any subsequent reinspection will require a reinspection fee of \$50.00 per rental unit. (Ord. 2018-33. Passed 1-8-19.)

1369.05 MAINTENANCE RESPONSIBILITIES.

(a) The code used in determining whether the conditions of property and premises are maintained in an approved manner shall be the Property Maintenance Code as adopted or may be amended by the City of Huron, and the Residential Building Code of Ohio.

(b) The owner(s), agent(s) or person(s) in charge of every residential rental unit or structure shall be responsible for the maintenance thereof in good repair and safe condition in compliance with the requirements of this chapter and the requirements established by the City administratively. The owner shall also be responsible to maintain in a safe and sanitary condition the shared or common areas of the premises.

(c) The occupant(s) of a residential rental unit or premises shall be responsible for maintaining in a safe and sanitary condition that part of the unit and premises which he or she occupies and controls. In addition, such occupant shall be responsible for maintain in a safe condition all equipment and appliances which he or she owns.
(Ord. 2018-33. Passed 1-8-19.)

1369.06 ENTRY AND INSPECTION.

(a) The Building Official is authorized and directed to cause exterior inspections to be made of all dwellings, and the grounds surrounding such dwellings located within the City of Huron, with the inspection to include only those items which can be inspected by lawful means. In the event the Building Official has reason to believe that a code violation may have occurred within a dwelling unit, he is authorized and directed to inspect the remainder of the premises. The owner, operator or occupant of every rental unit may, upon the request of the Building Official, give the Building Official free access to the property, at reasonable times, for the purpose of inspection. In the event access to the premises is refused, the Building Official with the assistance of the Law Director may obtain an administrative warrant from a court of competent jurisdiction in order to gain access to the premises. In the event an administrative warrant cannot be obtained, then the inspection shall include only those items which can be inspected by lawful means. This chapter shall not be construed to require an owner, operator or occupant to consent to a warrantless inspection of property except as provided by law.

(b) All owners/operators of rental units within the City of Huron shall cause to have each rental unit inspected by the Building Official on an annual basis to determine compliance with this Chapter. A failure to permit the inspection shall be cause for revocation of the Rental License/Certificate of Occupancy. (Ord. 2018-33. Passed 1-8-19.)

1369.07 REPORTS AND REINSPECTION.

(a) Upon completion of an inspection, an inspection report will be issued to the agent/owner of the rental unit within fourteen (14) days.

(b) Violations enumerated in the inspection report shall be abated by the owner/operator of the rental unit within thirty (30) days from the date of the inspection report. A reinspection shall be required to verify that the violations have been corrected. The owner/operator of the rental unit shall contact the Building Official to schedule the required reinspection.

(c) Failure to correct the violations within thirty (30) days from the inspection report date shall constitute a violation of this chapter and may result in the revocation of the Rental License. (Ord. 2018-33. Passed 1-8-19.)

1369.08 CHANGE OF OWNERSHIP.

Any person selling or otherwise relinquishing ownership control of a rental unit shall notify the Building Official of said change in ownership within fourteen (14) calendar days of the effective date of the transfer. Such notice shall be in writing and shall include: the name, address and telephone number of the new owner, and the name, address and telephone number of the previous owner. Rental registration shall not be transferred or assigned to any property owner, or to any dwelling rooming unit, other than to who and for which it was issued. New owners must register rental units in accordance with the provisions of this code. (Ord. 2018-33. Passed 1-8-19.)

1369.09 SEVERABILITY.

The provisions of these regulations shall be severable and should any section or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 2018-33. Passed 1-8-19.)

1369.99 PENALTY; LEGAL ACTION.

(a) Whoever violates any provision of this chapter or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice or written order issued thereunder shall be guilty of a first degree misdemeanor and subject to a maximum fine of one thousand dollars (\$1,000.00) or a maximum imprisonment term of six (6) months or both, with the special restriction that each violation shall result in at least a minimum fine of two hundred fifty dollars (\$250.00).

(b) The imposition of any penalty as provided for in this chapter shall not preclude the Director of Law from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance, to restrain, correct or abate a violation, the prevent the occupancy of a building, or premises, or to require compliance with the provisions of this chapter or other applicable laws, ordinances, rules or regulations.
(Ord. 2018-33. Passed 1-8-19.)

CHAPTER 1369
Transient Rental Property

1369.01	Definitions.	1369.06	Entry and inspections.
1369.02	Purpose.	1369.07	Reports and reinspection.
1369.03	Rental license/certificate of occupancy.	1369.08	Change of ownership.
1369.04	Fees.	1369.09	Severability.
1369.05	Maintenance responsibilities.	1369.99	Penalty; legal action.

CROSS REFERENCES

Appeal, hearing and variances - see BLDG. Ch. 1355

Condemnation proceedings - see BLDG. Ch. 1357

Removal of unsafe buildings - see BLDG. Ch. 1358

1369.01 DEFINITIONS.

As used in this chapter:

- (a) "Agent" or "Person in Charge" means any individual, person, firm, partnership, corporation or company acting on behalf of the property owner of a residential rental.
- (b) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.
- (c) "Rental agreement" means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of residential premises by one of the parties.
- (d) "Residential premises" means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances unit, and the grounds, areas, and facilities for the use of tenants generally or the use of which is promised the tenant.
- (e) "Life Safety Inspection" means that inspection performed by the Building Official or his designee that consists of the following:
 - (1) Testing of all electrical receptacles;
 - (2) Check for and test smoke detectors and CO2 detectors;
 - (3) Check for improper wiring;
 - (4) Check electrical panel

- (5) Check all light fixtures at all stairways and exterior doors;
 - (6) Check furnace and water heaters;
 - (7) Check for leaking water, gas and waste lines;
 - (8) Check for removal of all refuse, garbage and debris.
- (f) “Transient Guest” has the same meaning as the term is used in Section 189.02(k) of the Codified Ordinances.
- (g) “Transient Rental Property” means any Dwelling Unit, Residential Premises, or any other residential property being utilized or otherwise made available for rent to Transient Guests within the City.

1369.02 PURPOSE.

The purpose and intent of this section is to regulate the health, safety and wellness of the public, including the owners, occupants, and neighboring property owners of any Transient Rental Property.

1369.03 TRANSIENT OCCUPANCY REGISTRATION CERTIFICATE.

- (a) Required. Effective January 1, 2020, there is hereby created a Residential Rental Property Registration System for the City of Huron that requires owners of Transient Rental Property to register with the City each and every individual Transient Rental Property in the City. Beginning May 1, 2020, every Transient Rental Property must be issued a Transient Occupancy Registration Certificate before being used or otherwise made available for rent to a Transient Guest. If the ownership of any Transient Rental Property changes, then the new owner shall secure a new Transient Occupancy Registration Certificate within thirty (30) days of any ownership change. The owner/operator of each Transient Rental Property shall comply with the following:
- (1) Any Transient Rental Property shall display a Transient Occupancy Registration Certificate in a location that can be easily observed from public streets or sidewalks.
 - (2) No person shall be allowed to make a Transient Rental Property available for rent to Transient Guests if such Transient Rental Property is in violation of any of the provisions of the City of Huron's health code, building code, or zoning regulations.
 - (3) No person shall display a Transient Occupancy Registration Certificate or rent a Transient Rental Property if said Transient Rental Property has had its Transient Occupancy Registration Certificate suspended, revoked, or denied.
 - (4) No person shall allow a Transient Rental Property to be listed or advertised for rent to Transient Guests prior to obtaining a valid Transient Occupancy Registration Certificate.
 - (5) No person shall allow a Transient Rental Property to be listed or advertised for rent to Transient Guests if the Transient Occupancy Registration Certificate has been suspended, revoked, or denied.

(b) Issuance.

- (1) Application for a Transient Occupancy Registration Certificate required by the provisions of this chapter shall be made by supplying the information and date to determine the compliance with the requirements of the Life Safety Inspection requirements set forth in this Chapter, as well as all applicable provisions the Codified Ordinances of the City of Huron which govern the existing use or occupancy or the intended use or occupancy of property and the regulations governing all buildings and structures on such properties on forms supplied by the Building Department and/or the Administrator, as the term is used in Chapter 189 of the Codified Ordinances. Upon completion of such application and submission of the required fee, the Building Official or his designee shall issue a Transient Occupancy Registration Certificate. Upon obtaining a Transient Occupancy Registration Certificate, the owner, agent or person in charge of any Transient Rental Property shall comply with the provisions of this Chapter.
- (2) The Building Official or his designee shall cause a general inspection of any Transient Rental Property that is or will be made available for rent to Transient Guests.
- (3) If it is found that a Transient Rental Property to be made available for rent to Transient Guests is in compliance with the inspection provisions of the City Building Code, the Building Official or his designee shall issue a Transient Occupancy Registration Certificate for such Transient Rental Property which shall contain the following information: the name, address and telephone number of the owner(s); the address of each Transient Rental Property; and, if someone other than the owner(s) is responsible for maintenance or repairs to said Transient Rental Property, the name, address and telephone number of the person(s) or entity responsible for such maintenance or repairs.

(c) Revocation. The Building Official or his designee shall have the power to revoke a Transient Occupancy Registration Certificate if any false statement is made by the applicant in connection with the issuance of such certificate, or for the noncompliance of a Transient Rental Property with the requirements of this chapter, or the if the owner, agent or person in charge of a Transient Rental Property refuses to comply with any provisions of this chapter.

(d) Term. A Transient Occupancy Registration Certificate issued pursuant to this chapter shall be valid for twelve months from the application date or until a change in ownership occurs. Applications will be reviewed on a rolling basis. From the time an application is submitted until an inspection report is completed and issued to the applicant, the applicant is deemed to have an approved temporary Transient Occupancy Registration Certificate whose duration shall last only from the date an application is submitted (along with all required fees) until the date when the inspection report is completed.

1369.04 FEES.

- (a) Registration Fee. On or before January 15 of each year, the Building Official and the Administrator, as the term is defined by Chapter 189 of the Codified Ordinances, shall present to City Council a fee schedule that itemizes the fees charged to applicants for a Transient Occupancy Registration Certificate. Council may approve or modify the proposed fee schedule upon motion and affirmative vote of a simple majority of Council.

1369.05 MAINTENANCE RESPONSIBILITIES.

- (a) The owner(s), agent(s) or person(s) in charge of every Transient Rental Property shall be responsible for the maintenance thereof in good repair and safe condition in compliance with the requirements of applicable requirements of Title 13 of the Codified Ordinances and the requirements established by the City administratively. The owner shall also be responsible to maintain in a safe and sanitary condition the shared or common areas of the premises.
- (b) The occupant(s) of a Transient Rental Property shall be responsible for maintaining in a safe and sanitary condition that part of the unit and premises which he or she occupies and controls. In addition, such occupant shall be responsible for maintain in a safe condition all equipment and appliances which he or she owns.

1369.06 ENTRY AND INSPECTION.

- (a) The Building Official or his designee is authorized and directed to cause inspections to be made of all Dwelling Units, Residential Premises, or any other residential property to be listed or advertised for rent to Transient Guests which is subject to this Chapter 1369 of the Codified Ordinances, and the grounds surrounding such properties located within the City of Huron, with the inspection to include only those items which can be inspected by lawful means. The owner, operator, or occupant of every rental unit may, upon the request of the Building Official or his designee, give the Building Official or his designee free access to the property, at reasonable times, for the purpose of inspection. In the event access to any private property is refused, the Building Official or his designee with the assistance of the Law Director may obtain an administrative warrant from a court of competent jurisdiction in order to gain access to the property. In the event an administrative warrant cannot be obtained, then the inspection shall include only those items which can be inspected by lawful means. This chapter shall not be construed to require an owner, operator or occupant to consent to a warrantless inspection of private property.
- (b) All owners/operators of Transient Rental Property within the City of Huron shall cause to have each Transient Rental Property inspected by the Building Official or his designee on an as-needed basis to determine compliance with this Chapter. A failure to permit the inspection shall be cause for revocation of the Transient Occupancy Registration Certificate.

1369.07 REPORTS AND REINSPECTION.

- (a) Upon completion of an inspection, an inspection report will be issued to the agent/owner of the Transient Rental Property within fourteen (14) days. If the Building Official and his designee(s) cannot complete an inspection report within fourteen (14) days, then the Transient Rental Property Registration Certificate shall be deemed to be temporarily approved until such time as the required inspection or reinspection is completed.
- (b) Violations enumerated in the inspection report shall be abated by the owner/operator of the Transient Rental Property within thirty (30) days from the date of the inspection report. A reinspection shall be required to verify that the violations have been corrected. The owner/operator of the Transient Rental Property shall contact the Building Official or his designee to schedule the required reinspection.
- (c) Failure to correct the violations within thirty (30) days from the inspection report date shall constitute a violation of this chapter and may result in the revocation of the Transient Occupancy Registration Certificate.

1369.08 CHANGE OF OWNERSHIP.

Any person selling or otherwise relinquishing ownership or control of a Transient Rental Property shall notify the Building Official of said change in ownership within fourteen (14) calendar days of the effective date of the transfer. Such notice shall be in writing and shall include: the name, address and telephone number of the new owner, and the name, address and telephone number of the previous owner. Rental registration shall not be transferred or assigned to any property owner. New owners must register Transient Rental Property in accordance with the provisions of this code.

1369.09 SEVERABILITY.

The provisions of these regulations shall be severable and should any section or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1369.99 PENALTY; LEGAL ACTION.

- (a) Whoever violates any provision of this chapter or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice or written order issued thereunder shall be guilty of a first degree misdemeanor and subject to a maximum fine of one thousand dollars (\$1,000.00) or a maximum imprisonment term of six (6) months or both, with the special restriction that each violation shall result in at least a minimum fine of two hundred fifty dollars (\$250.00).
- (b) The imposition of any penalty as provided for in this chapter shall not preclude the Director of Law from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance, to restrain, correct or abate a violation, to prevent the occupancy of a building, or premises, or to require compliance with the provisions of this chapter or other applicable laws, ordinances, rules or regulations.



TO: Mayor Artino and City Council
FROM: Andrew D. White, City Manager
RE: Ordinance No. 2019-34
DATE: March 6, 2020

Subject Matter/Background

Ordinance No. 2019-34 amends four sections of Chapter 189-Lodging Tax of the Codified Ordinances. Exhibit A of the ordinance is the Lodging Tax as it currently exists with Exhibit B representing the proposed modifications.

Under current legislation, the lodging tax is applicable to hotels. A hotel by definition has five or more rooms for accommodating guests. Under the proposed legislation, the new category of transient accommodation is created. Transient accommodations contain less than five rooms for accommodating guests and would incorporate short term weekly/weekend rental houses. By definition, a transient accommodation is available for less than thirty days rental. These properties are not currently subject to the 3% lodging tax. Additionally, the legislation will require owner/operators of all transient rental properties to register with the city.

Erie County and Sandusky passed similar legislation in 2018 and the matter has been discussed throughout the year at the Finance Committee and City Council levels and identified as a legislative item for consideration. The Erie County Auditor's office has established an internal mechanism to manage the additional lodging tax collections.

Financial Review

A conservative estimate of \$50,000 in revenue has been included in the 2020 proposed budget to be directed to the Recreation Fund as is currently being done with receipted bed tax revenue.

Legal Review

This matter has been reviewed and is properly before you.

Recommendation

If Council is in support of the request, a motion to place Ordinance 2019-34 on its third and final reading as an emergency measure would be in order.

ORDINANCE NO. 2019-34

Introduced by Trey Hardy

AN ORDINANCE AMENDING SECTIONS 189.02-DEFINITIONS, 189.03-IMPOSITION OF TAX, 189.07-STATEMENT AND CHARGE OF TAX, AND 189.08-REGISTRATION OF CHAPTER 189 - LODGING TAX OF THE CITY OF HURON CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

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

SECTION 1. That Sections 189.02- Definitions, 189.03-Imposition of Tax, 189.07- Statement and Charge of Tax, and 189.08-Registration of Chapter 189 – Lodging Tax of the Codified Ordinances of the City of Huron which currently reads as follows: (refer to Exhibit “A” attached), shall be and hereby are amended.

SECTION 2. That Sections 189.02- Definitions, 189.03-Imposition of Tax, 189.07- Statement and Charge of Tax, and 189.08-Registration of Chapter 189 – Lodging Tax of the Codified Ordinances of the City of Huron are hereby amended to read as follows: (refer to Exhibit “B” attached).

SECTION 3. That Sections 189.02- Definitions, 189.03-Imposition of Tax, 189.07- Statement and Charge of Tax, and 189.08-Registration of Chapter 189 – Lodging Tax of the Codified Ordinances of the City of Huron, as existing prior to the adoption of this Ordinance shall be, and the same hereby are, repealed.

SECTION 4. 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 5. This ordinance will take effect upon passage and shall not be subject to referendum per Sec. 3.07 of the Charter for the City of Huron.

Sam Artino, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

EXHIBIT A

CHAPTER 189 Lodging Tax

189.1	Purpose.	189.11	Penalties and interest.
189.2	Definitions.	189.12	Failure to collect; assessments; refunds.
189.3	Imposition of tax.	189.13	Appeals.
189.4	Exemptions.	189.14	Collection.
189.5	False evidence of tax-exempt status.	189.15	Collection of tax after termination of chapter.
189.6	Payment by transient guest.	189.16	Disposition of funds collected.
189.7	Statement and charge of tax.	189.17	Separability.
189.8	Registration.	189.99	Violations; penalty.
189.9	Records.		
189.10	Returns and payment.		

CROSS REFERENCES

State Authority- see Ohio R.C. 5739.08
City Income Tax - see Ch. 185

189.1 PURPOSE.

To provide revenues for the general fund to be used for municipal purposes including but not limited to the promotion of tourism in the City and all matters related thereto, this lodging tax is established.
(Ord. 2005-2. Passed 1-24-05.)

189.2 DEFINITIONS.

As used in this chapter, the following words shall have the meaning ascribed to them in this Section, except as and if the context clearly indicates or requires a different meaning.

- (a) "Administrator" means the individual designated pursuant to Chapter 185, who is to administer and enforce the provisions of this chapter.
- (b) "Board of Review" means the Board of Review created by and constituted as provided in Section 185.12.
- (c) "City" means the City of Huron, Ohio.
- (d) "Hotel" means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether such rooms are in one or several structures (including but not limited to motels and bed and breakfast establishments).

- (e) "Occupancy" means the use or possession, or the right to the use or possession, of any room or rooms or space or portion thereof, in any hotel for dwelling, lodging or sleeping purposes. The use or possession or the right to use or possess any room or any suite of connecting rooms as office space, banquet or private dining rooms, or exhibit, sample or display space shall not be considered occupancy within the meaning of this definition unless the person exercising occupancy uses or possesses, or has the right to use or possess, all or any portion of such room or suite of rooms for dwelling, lodging or sleeping purposes.
- (f) "Operator" means any person who is the proprietor of a hotel, whether in the capacity of owner, lessee, licensee or any other capacity. Where the operator performs his functions through a managing agent of any type or character, other than an employee, the managing agent shall be deemed an operator for the purposes of this Chapter and shall have the same duties and liabilities as his or her principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.
- (g) "Person" means a "person" as defined in Section 185.02(v).
- (h) "Rent" means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or service of any kind or nature, and also any amount for which the occupant is liable for the occupancy without any deduction therefrom whatsoever.
- (I) "State" means the State of Ohio.
- (j) "Transient Guests" means persons occupying a room or rooms for sleeping accommodations for less than 30 consecutive days.
(Ord. 2005-2. Passed 1-24-05.)

189.3 IMPOSITION OF TAX.

(a) For the purpose of providing revenue for the purpose set forth in Section 189.01, an excise tax is levied on transactions by which lodging by a hotel is or is to be furnished to transient guests.

(b) The tax is 3% on all rents paid or to be paid by transient guests for the lodging. Such tax constitutes a debt owed by the transient guest to the City, which debt is extinguished only by payment to the operator as trustee for the City, or to the City. The tax applies and is collectible at the time the lodging is furnished regardless of the time when the rent is paid.

(c) For the purpose of the proper administration of this Chapter and to prevent the evasion of the tax, it is presumed that all lodging furnished by hotels in the City to transient guests is subject to the tax until the contrary is established.
(Ord. 2005-2. Passed 1-24-05.)

189.4 EXEMPTIONS.

(a) No tax shall be imposed under this chapter on:

- (1) Rents not within the taxing power of the City under the Constitution or laws of the State or the United States of America; or
- (2) Rents paid by the City or any of its political subdivisions.

(b) No exemption claimed under (a) above shall be granted except on a claim therefor made at the time the rent is collected and under penalty of perjury on a form prescribed by the Administrator. All claims of exemption shall be made in the manner prescribed by the Administrator. (Ord. 2005-2. Passed 1-24-05.)

189.5 FALSE EVIDENCE OF TAX-EXEMPT STATUS.

No transient guest shall refuse to pay the full tax as required by this chapter or present to the operator false evidence indicating that the lodging as furnished is not subject to the tax. (Ord. 2005-2. Passed 1-24-05.)

189.6 PAYMENT BY TRANSIENT GUEST.

(a) The tax imposed by this chapter shall be paid by the transient guest to the operator, and each operator shall collect from the transient guest the full and exact amount of the tax payable on each taxable lodging.

(b) If the transaction is claimed to be exempt, the transient guest must furnish to the operator, and the operator must obtain from the transient guest, a certificate specifying the reason that the sale is not legally subject to the tax. If no certificate is obtained, it shall be presumed that the tax applies.

(Ord. 2005-2. Passed 1-24-05.)

189.7 STATEMENT AND CHARGE OF TAX.

(a) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted and charged for, and on every evidence of occupancy or any bill or statement or charge made for such occupancy issued or delivered by the operator. The tax shall be paid by the occupant to the operator as trustee for and on account of the City and the operator shall be liable for the collection thereof and for the remittance of the tax to the Administrator.

(b) No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided.

(Ord. 2005-2. Passed 1-24-05.)

189.8 REGISTRATION.

Within 30 days after the effective date of Ordinance 2005-2, passed January 24, 2005 or within 30 days after commencing business, whichever is later, each operator of any hotel renting lodging to transient guests shall register the hotel with the Administrator and obtain from the Administrator a Transient Occupancy Registration Certificate, which Certificate shall be at all times posted in a conspicuous place on the premises. The Certificate shall, among other things, state the following:

- (a) The name of the operator;
- (b) The address of the hotel;
- (c) The date upon which the Certificate was issued; and
- (d) "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Lodging Tax Ordinance by registering with the Administrator of the City of Huron for the purpose of collecting from transient guests the Lodging Tax and remitting that tax to the Administrator of the City of Huron. This Certificate does not constitute a permit."

(Ord. 2005-2. Passed 1-24-05.)

189.9 RECORDS.

Each operator shall keep complete and accurate records of lodging furnished, together with a record of the tax collected thereon, which shall be the amount due under this chapter, and shall keep all invoices and other pertinent documents. If the operator furnishes lodging not subject to the tax, the operator's records shall show the identity of the transient guest, if the sale was not exempted by reason of such identity, or the nature of the transaction if exempted for any other reason. The records and other documents shall be opened during business hours to the inspection of the Administrator and shall be preserved for a period of three years, unless the Administrator, in writing, consents to their destruction within that period, or unless the Administrator orders that such records be kept for a longer period of time.

(Ord. 2005-2. Passed 1-24-05.)

189.10 RETURNS AND PAYMENT.

Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period that may be established by the Administrator, make a return to the Administrator, on forms provided by the Administrator, of the total rents charged and received and the amount of tax collected by transient occupancies. All claims for exemption from tax filed by transient guests with the operator during the reporting period shall be filed with the report. At the time the return is filed, the full amount of the tax collected shall be remitted to the Administrator. The Administrator may establish shorter reporting periods for any Certificate holder if the Administrator deems it necessary in order to insure collection of the tax, and the Administrator may require further information in the return if such information is pertinent to the collection of the tax. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this Chapter shall be held in trust for the account of the City until payment is made to the Administrator. All returns and payments submitted by each operator shall be treated as confidential by the Administrator and shall not be released by the Administrator except on order of a court of competent jurisdiction or to an officer or agent of the United States of America, the State, the County of Erie or the City for official use only.

(Ord. 2005-2. Passed 1-24-05.)

189.11 PENALTIES AND INTEREST.

(a) Original delinquency. Any operator who fails to remit any tax imposed by this Chapter within the time required shall pay a penalty equal to 10% of the amount of the tax, in addition to the tax.

(b) Continued delinquency. Any operator who fails to remit any delinquent remittance on or before a period of 30 days following the date on which the remittance became delinquent shall pay a second delinquency penalty equal to 10% of the amount of the tax and previous penalty in addition to the tax and the 10% penalty first imposed. An additional penalty equal to 10% of the total tax and penalty of the previous 30-day period shall be added for each successive 30-day period that the occupant remains delinquent, but the accumulated penalty shall not exceed 100% of the delinquent remittance.

(c) Fraud. If the Administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty equal to 25% of the amount of the tax shall be added thereto, in addition to the penalties stated in (a) and (b) above.

(d) Interest. In addition to the previous penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of 1.0% per month, or fraction thereof, on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

(e) Penalties during pendency of hearing or appeal. No penalty provided under the terms of this Chapter shall be imposed during the pendency of any hearing provided for herein or during the pendency of any appeal to the Board of Review.
(Ord. 2005-2. Passed 1-24-05.)

189.12 FAILURE TO COLLECT; ASSESSMENTS; REFUNDS.

If any operator fails or refuses to collect the tax and to make, within the time provided in this chapter, any report and remittance of such tax or any portion thereof required by this chapter, the Administrator shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due and shall have the same investigative powers described in Section 185.09(a) and (b). As soon as the Administrator procures such facts and information as the Administrator is able to obtain on which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect it and to make such report and remittance, the Administrator shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the Administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at the operator's last known place of business. Such operator may, within ten days after the serving or mailing of such notice, make application in writing to the Administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the Administrator shall become final and conclusive and immediately due and payable. If such application is made, the Administrator shall give not less than five days written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in such notice why such amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After the hearing, the Administrator shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after 15 days unless an appeal is taken as provided by Section 189.13. No assessment shall be made against an operator for any tax, interest or penalty imposed by or pursuant to this Chapter more than four years after the due date for the remittance of the tax imposed by this Chapter or the date the return of such tax is filed, whichever is later. No statute of limitation on assessments exists where (i) the Administrator has substantial evidence of amounts of tax collected by an operator from transient guests that were not returned to the Administrator or (ii) the operator failed to file a return as required by this Chapter. A claim for refund to the Administrator of any tax illegally or erroneously paid, collected and/or remitted shall be made in the manner, and within the time, prescribed by Ohio R.C. 5739.07, including any amendments or successor provisions thereto. (Ord. 2005-2. Passed 1-24-05.)

189.13 APPEALS.

Any operator aggrieved by any decision of the Administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the Board of Review by filing a notice of appeal with it within ten days of the serving or mailing of the determination of tax due. The Board of Review shall fix a time and place for hearing the appeal, and shall give notice in writing to such operator at the last known place of business of the operator. The findings of the Board of Review shall be final and conclusive and shall be served on the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.
(Ord. 2005-2. Passed 1-24-05.)

189.14 COLLECTION.

Any tax required to be paid by a transient guest under the provisions of this Chapter shall be deemed a debt owed by the transient guest to the City. Any tax collected by an operator that has not been paid to the City shall be deemed a debt owed by the operator to the City. Any person owing money to the City under the provisions of this Chapter shall be liable to an action brought in the name of the City for the recovery of such amount.
(Ord. 2005-2. Passed 1-24-05.)

189.15 COLLECTION OF TAX AFTER TERMINATION OF CHAPTER.

This chapter shall continue effective insofar as the levy of the tax is concerned until revoked, and insofar as the collection of the tax levied hereunder and actions or proceedings for collecting any tax so levied or enforcing any provisions of this chapter are concerned, it shall continue effective until all of such taxes levied in the aforesaid period are fully paid and any and all suits and prosecutions for the collection of such taxes or for the punishment of violations of this chapter have been fully terminated, subject to the limitations contained in Section 189.99.
(Ord. 2005-2. Passed 1-24-05.)

189.16 DISPOSITION OF FUNDS COLLECTED.

By the passage of this chapter, it is the expressed intention of Council to place the funds derived from the imposition of the tax herein imposed in the general fund, such funds to be used as set forth in Section 189.01.
(Ord. 2005-2. Passed 1-24-05.)

189.17 SEPARABILITY.

If any sentence, clause, section or part of this chapter or any tax against any individual or any of the several groups specified herein is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such clause, sentence, section or part of this chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this chapter. It is hereby declared to be the intention of Council that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.
(Ord. 2005-2. Passed 1-24-05.)

189.99 VIOLATIONS; PENALTY.

Whoever violates or fails to comply with any of the provisions of Sections 189.01 through 189.17 for which no penalty is otherwise provided is guilty of a minor misdemeanor. Each day the violation continues shall be deemed a separate violation.
(Ord. 2005-2. Passed 1-24-05.)

CHAPTER 189 LODGING TAX

189.1	Purpose.	189.11	Penalties and interest.
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189.8	Registration.	189.99	Violations; penalty.
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189.10	Returns and payment.		

CROSS REFERENCES

State Authority- see Ohio R.C. 5739.08

City Income Tax - see Ch. 85

189.1 PURPOSE.

To provide revenues for the general fund to be used for municipal purposes including but not limited to the promotion of tourism in the City and all matters related thereto, this lodging tax is established.

189.2 DEFINITIONS.

As used in this chapter, the following words shall have the meaning ascribed to them in this Section, except as and if the context clearly indicates or requires a different meaning.

- (a) "Administrator" means the individual designated as Tax Administrator pursuant to Chapter 185, who is to administer and enforce the provisions of this chapter.
- (b) "Board of Review" means the Board of Review created by and constituted as provided in Section 185.12.
- (c) "City" means the City of Huron, Ohio.
- (d) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.
- (e) "Hotel" means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests,

whether such rooms are in one or several structures (including but not limited to motels and bed and breakfast establishments).

- (f) "Occupancy" means the use or possession, or the right to the use or possession, of any room or rooms or space or portion thereof, in any hotel for dwelling, lodging or sleeping purposes. The use or possession or the right to use or possess any room or any suite of connecting rooms as office space, banquet or private dining rooms, or exhibit, sample or display space shall not be considered occupancy within the meaning of this definition unless the person exercising occupancy uses or possesses, or has the right to use or possess, all or any portion of such room or suite of rooms for dwelling, lodging or sleeping purposes.
- (g) "Operator" means any person who is the proprietor of a hotel, Dwelling Unit, Residential Premises, or any other residential property that is being used or is otherwise made available for rent to a Transient Guest, whether in the capacity of owner, lessee, licensee or any other capacity. Where the operator performs his functions through a managing agent of any type or character, other than an employee, the managing agent shall be deemed an operator for the purposes of this Chapter and shall have the same duties and liabilities as his or her principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.
- (h) "Person" means a "person" as defined in Section 185.02(v).
- (i) "Residential Premises" means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances unit, and the grounds, areas, and facilities for the use of tenants generally or the use of which is promised the tenant.
- (j) "Rent" means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or service of any kind or nature, and also any amount for which the occupant is liable for the occupancy without any deduction therefrom whatsoever.
- (k) "State" means the State of Ohio.
- (l) "Transient Guests" means persons occupying a room or rooms, Dwelling Unit, Residential Premises or other property used for sleeping accommodations for less than 30 consecutive days.
- (m) "Transient Occupancy Registration Certificate" means the certificate issued pursuant to Chapter 1369 of the Codified Ordinances.
- (n) "Transient Rental Property" has the same meaning as Chapter 1369 of the Codified Ordinances. Specifically, the term means any Dwelling Unit, Residential Premises, or any other residential property being utilized or otherwise made available for rent to Transient Guests within the City.

189.3 IMPOSITION OF TAX.

- (a) For the purpose of providing revenue for the purpose set forth in Section 189.01, an excise tax is levied on transactions by which lodging by a hotel or Transient Rental Property is made available for rent, use, or is to be furnished to Transient Guests.

- (b) The tax is 3% on all rents paid or to be paid by Transient Guests for the use of a Hotel, any Hotel room or rooms, or any Transient Rental Property. Such tax constitutes a debt owed by the Transient Guest to the City, which debt is extinguished only by payment to the operator as trustee for the City, or to the City. The tax applies and is collectible at the time the lodging is furnished regardless of the time when the rent is paid. The tax shall be assessed on all rents paid or to be paid by Transient Guests for use of any Transient Rental Property beginning May 1, 2020.
- (c) For the purpose of the proper administration of this Chapter and to prevent the evasion of the tax, it is presumed that all lodging furnished by hotels in the City to Transient Guests is subject to the tax until the contrary is established.

189.4 EXEMPTIONS.

- (a) No tax shall be imposed under this chapter on:
 - (1) Rents not within the taxing power of the City under the Constitution or laws of the State or the United States of America; or
 - (2) Rents paid by the City or any of its political subdivisions.
- (b) No exemption claimed under (a) above shall be granted except on a claim therefor made at the time the rent is collected and under penalty of perjury on a form prescribed by the Administrator. All claims of exemption shall be made in the manner prescribed by the Administrator.

189.5 FALSE EVIDENCE OF TAX-EXEMPT STATUS.

No Transient Guest shall refuse to pay the full tax as required by this chapter or present to the operator false evidence indicating that the lodging as furnished is not subject to the tax.

189.6 PAYMENT BY TRANSIENT GUEST.

- (a) The tax imposed by this chapter shall be paid by the Transient Guest to the Operator, and each Operator shall collect from the Transient Guest the full and exact amount of the tax payable on each taxable lodging.
- (b) If the transaction is claimed to be exempt, the Transient Guest must furnish to the Operator, and the Operator must obtain from the Transient Guest, a certificate specifying the reason that the sale is not legally subject to the tax. If no certificate is obtained, it shall be presumed that the tax applies.

189.7 STATEMENT AND CHARGE OF TAX.

- (a) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted and charged for, and on every evidence of occupancy or any bill or statement or charge made for such occupancy issued or delivered by the operator. The tax shall be paid by the occupant Transient Guest to the Operator as trustee for and on account of the City and the Operator shall be liable for the collection thereof and for the remittance of the tax to the Administrator.
- (b) No operator of a Hotel, Dwelling Unit, Residential Premises, or any other property being utilized or otherwise made available for rent to Transient Guests shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the Operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided.

189.8 REGISTRATION.

Within 30 days after the effective date of Ordinance 2005-2, passed January 24, 2005 or within 30 days after commencing business, whichever is later, each operator of any hotel renting lodging to transient guests shall register the hotel with the Administrator and obtain a Transient Occupancy Registration Certificate, which Certificate shall be at all times posted in a conspicuous place on the premises.

189.9 RECORDS.

Each operator shall keep complete and accurate records of lodging furnished, together with a record of the tax collected thereon, which shall be the amount due under this chapter, and shall keep all invoices and other pertinent documents. If the operator furnishes lodging not subject to the tax, the operator's records shall show the identity of the transient guest, if the sale was not exempted by reason of such identity, or the nature of the transaction if exempted for any other reason. The records and other documents shall be opened during business hours to the inspection of the Administrator and shall be preserved for a period of three years, unless the Administrator, in writing, consents to their destruction within that period, or unless the Administrator orders that such records be kept for a longer period of time.

189.9 RETURNS AND PAYMENT.

Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period that may be established by the Administrator, make a return to the Administrator, on forms provided by the Administrator, of the total rents charged and received and the amount of tax collected by transient occupancies. All claims for exemption from tax filed by transient guests with the operator during the reporting period shall be filed with the report. At the time the return is filed, the full amount of the tax collected shall be remitted to the Administrator. The Administrator may establish shorter reporting periods for any Certificate holder if the Administrator deems it necessary in order to ensure collection of the tax, and the Administrator may require further information in the return if such information is pertinent to the collection of the tax. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this Chapter shall be held in trust for the account of the City until payment is made to the Administrator. All returns and payments submitted by each operator shall be treated as confidential by the Administrator and shall not be released by the Administrator except on order of a court of competent jurisdiction or to an officer or agent of the United States of America, the State, the County of Erie or the City for official use only.

189.10 PENALTIES AND INTEREST.

- (a) Original delinquency. Any operator who fails to remit any tax imposed by this Chapter within the time required shall pay a penalty equal to 10% of the amount of the tax, in addition to the tax.
- (b) Continued delinquency. Any operator who fails to remit any delinquent remittance on or before a period of 30 days following the date on which the remittance became delinquent shall pay a second delinquency penalty equal to 10% of the amount of the tax and previous penalty in addition to the tax and the 10% penalty first imposed. An additional penalty equal to 10% of the total tax and penalty of the previous 30-day period shall be added for each successive 30-day period that the occupant remains delinquent, but the accumulated penalty shall not exceed 100% of the delinquent remittance.
- (c) Fraud. If the Administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty equal to 25% of the amount of the tax shall be added thereto, in addition to the penalties stated in (a) and (b) above.

- (d) Interest. In addition to the previous penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of 1.0% per month, or fraction thereof, on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.
- (e) Penalties during pendency of hearing or appeal. No penalty provided under the terms of this Chapter shall be imposed during the pendency of any hearing provided for herein or during the pendency of any appeal to the Board of Review. (Ord. 2005-2. Passed 1-24-05.)

189.11 FAILURE TO COLLECT; ASSESSMENTS; REFUNDS.

If any operator fails or refuses to collect the tax and to make, within the time provided in this chapter, any report and remittance of such tax or any portion thereof required by this chapter, the Administrator shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due and shall have the same investigative powers described in Section 185.09(a) and (b). As soon as the Administrator procures such facts and information as the Administrator is able to obtain on which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect it and to make such report and remittance, the Administrator shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the Administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at the operator's last known place of business. Such operator may, within ten days after the serving or mailing of such notice, make application in writing to the Administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the Administrator shall become final and conclusive and immediately due and payable. If such application is made, the Administrator shall give not less than five days written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in such notice why such amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After the hearing, the Administrator shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after 15 days unless an appeal is taken as provided by Section 189.13. No assessment shall be made against an operator for any tax, interest or penalty imposed by or pursuant to this Chapter more than four years after the due date for the remittance of the tax imposed by this Chapter or the date the return of such tax is filed, whichever is later. No statute of limitation on assessments exists where (i) the Administrator has substantial evidence of amounts of tax collected by an operator from transient guests that were not returned to the Administrator or (ii) the operator failed to file a return as required by this Chapter. A claim for refund to the Administrator of any tax illegally or erroneously paid, collected and/or remitted shall be made in the manner, and within the time, prescribed by Ohio R.C. 5739.07, including any amendments or successor provisions thereto. (Ord. 2005-2. Passed 1-24-05.)

189.13 APPEALS.

Any operator aggrieved by any decision of the Administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the Board of Review by filing a notice of appeal with it within ten days of the serving or mailing of the determination of tax due. The Board of Review shall fix a time and place for hearing the appeal, and shall give notice in writing to such operator at the last known place of business of the operator. The findings of the Board of Review shall be final and conclusive and shall be served on the appellant in the manner prescribed above

for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

189.14 COLLECTION.

Any tax required to be paid by a transient guest under the provisions of this Chapter shall be deemed a debt owed by the transient guest to the City. Any tax collected by an operator that has not been paid to the City shall be deemed a debt owed by the operator to the City. Any person owing money to the City under the provisions of this Chapter shall be liable to an action brought in the name of the City for the recovery of such amount.

189.15 COLLECTION OF TAX AFTER TERMINATION OF CHAPTER.

This chapter shall continue effective insofar as the levy of the tax is concerned until revoked, and insofar as the collection of the tax levied hereunder and actions or proceedings for collecting any tax so levied or enforcing any provisions of this chapter are concerned, it shall continue effective until all of such taxes levied in the aforesaid period are fully paid and any and all suits and prosecutions for the collection of such taxes or for the punishment of violations of this chapter have been fully terminated, subject to the limitations contained in Section 189.99.

189.16 DISPOSITION OF FUNDS COLLECTED.

By the passage of this chapter, it is the expressed intention of Council to place the funds derived from the imposition of the tax herein imposed in the general fund, such funds to be used as set forth in Section 189.01.

189.17 SEPARABILITY.

If any sentence, clause, section or part of this chapter or any tax against any individual or any of the several groups specified herein is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such clause, sentence, section or part of this chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this chapter. It is hereby declared to be the intention of Council that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

(Ord. 2005-2. Passed 1-24-05.)

189.99 VIOLATIONS; PENALTY.

Whoever violates or fails to comply with any of the provisions of Sections 189.01 through 189.17 for which no penalty is otherwise provided is guilty of a minor misdemeanor. Each day the violation continues shall be deemed a separate violation.



TO: Mayor Artino and City Council
FROM: Andrew D. White, City Manager
RE: Ordinance No. 2020-3
DATE: March 6, 2020

Subject Matter/Background

Ordinance No. 2020-3 proposes amendments to zoning Sections 1123.01(a) and 1123.02(a) (R-1 and R-1A) were referred to the Planning Commission by Council on December 30, 2019. These amendments will allow transient rentals of residences with R-1 and R-1A designations. The Planning Commission has reviewed the proposed changes and recommends Council's approval. A report of the Planning Commission's recommendation is attached as Exhibit "A".

A public hearing will be held at the regular Council meeting scheduled for March 10, 2020. Following the public hearing, Council will have final authority in the approval of any modifications to Sections 1123.01(a) and 1123.02(a) (via Ordinance 2020-3).

Because approval of this Ordinance should coincide with adoption of the Rental Registration and Bed Tax ordinances, the Administration recommends waiver of the three-reading rule and adoption of Ordinance 2020-3 as an emergency measure.

Financial Review

There is no financial impact relating to this legislation.

Legal Review

This matter has been reviewed by Administrative, follows normal legislative procedure and is properly before you.

Recommendation

If the Council is in support of this request, a motion to waive the three-reading rule and adoption of Ordinance 2020-3 as an emergency measure is in order.

ORDINANCE NO. 2020-3

Introduced by Trey Hardy

AN ORDINANCE AMENDING SECTION 1123.01(a), “R-1 ONE-FAMILY RESIDENCE DISTRICT,” AND SECTION 1123.02(a), “R-1-A ONE FAMILY RESIDENCE DISTRICT,” OF THE CODIFIED ORDINANCES OF THE CITY OF HURON TO ALLOW THE TRANSIENT RENTAL OF RESIDENTIAL PROPERTIES IN THE CITY.

WHEREAS, after recommendation by the Planning Commission, this Council desires to amend Sections 1123.01(a) and 1123.02(a) of the Codified Ordinances of the City of Huron to allow for the transient rental of residential properties in the City.

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

SECTION 1. Section 1123.01(a), “R-1 One Family Residence District,” of the Codified Ordinances of the City of Huron is hereby amended to read as follows:

“1123.01 R-1 ONE-FAMILY RESIDENCE DISTRICT.

(a) Principal Permitted Uses. No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses except as provided in Section 1121.07:

- (1) One-family detached dwellings.
- (2) Churches and other places of worship and Sunday school buildings located not less than twenty feet from any other lot in and R-District; schools and colleges for academic instruction, located not less than forty feet, and public libraries, public museums, public art galleries and similar public cultural uses, located not less than twenty feet from any other lot in any R-District; cemeteries.
- (3) Public parks, playgrounds, golf courses or country clubs, provided that any principal building used therefore shall be located not less than forty feet from any other lot in any R-District.
- (4) Nurseries, greenhouses, and general farming, not including commercial animal farms or kennels, provided any lot or tract in such use shall be not less than five acres in area and provide that any greenhouse heating plant or any building in which farm animals are kept shall be distant not less than 200 feet from every lot line.
- (5) Essential services as defined in Section 1121.04.
- (6) Licensed adult family homes as defined in Ohio R.C. 3722.01.

(7) Transient Rental of any Dwelling Unit, Residential Premises, or any other residential property being utilized or otherwise made available for rent to Transient Guests.

(A) **"Residential Premises" means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances unit, and the grounds, areas, and facilities for the use of tenants generally or the use of which is promised the tenant.**

(B) **"Transient Guests" means persons occupying a room or rooms, Dwelling Unit, Residential Premises or other property used for sleeping accommodations for less than 30 consecutive days."**

SECTION 2. Existing Section 1123.01(a), "R-1 One Family Residence District" of the Codified Ordinances of the City of Huron as it existed prior to the effective date of this Ordinance is hereby repealed.

SECTION 3. Section 1123.02(a), "R-1-A One Family Residence District," of the Codified Ordinances of the City of Huron is hereby amended to read as follows:

"1123.02 R-1-A ONE-FAMILY RESIDENCE DISTRICT.

(a) **Principal Permitted Uses.** No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses, except as provided in Section 1121.07:

(1) One-family detached dwellings;

(2) Public parks and playgrounds;

(3) Churches and other places of worship and Sunday school buildings located no less than twenty feet from any other lot in any R District; and

(4) Transient Rental of any Dwelling Unit, Residential Premises, or any other residential property being utilized or otherwise made available for rent to Transient Guests, as those terms are defined in Section 1123.01(a)(7) of these Codified Ordinances."

SECTION 4. Existing Section 1123.02(a), "R-1-A One-Family Residence District," of the Codified Ordinances of the City of Huron as it existed prior to the effective date of this Ordinance is hereby repealed.

SECTION 5. 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 6 This Ordinance shall be in full force and effect from at the earliest date permitted by law.

Sam Artino, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Artino and City Council
FROM: Andrew D. White, City Manager
RE: Ordinance 2020-4
DATE: March 6, 2020

Subject Matter/Background

Ordinance 2020-4 authorizes and accepts replacement pages to the 2020 Codified Ordinances, as prepared by the Walter Drane Company, based on legislation adopted by City Council for 2019 as well as any changes made by the State pertaining to the Traffic Code and General Offenses Code during this same time period.

Upon adoption of this ordinance, the 2020 Codified Ordinances will be uploaded to the city website and replacement pages inserted into administrative hard copy versions. If any members of Council or Council Committee members retain the Codified Ordinances either electronically or in hard copy, please delete/discard and make the replacement with the updated through January 2020 Codified Ordinances.

Financial Review

The matter has been reviewed and while there are no costs associated with the acceptance of the updated Codified Ordinances pages; there are costs associated with the preparation of these Ordinances by the Walter Drane Company which have been included within the 2020 Municipal Budget. Fees for this service are based on the number of pages that require revision, updating the internet version and the PDF CD, and hard copy replacements. The invoice for this revision totals \$1,332.30.

Legal Review

The matter has been reviewed by Administration, follows normal legislative procedure and is properly before you. The Ohio Revised Code is modified several times during the year. These changes do not affect the codified ordinances until city council considers an ordinance adopting changes. Ratification of this legislation will allow local officers the ability to pursue changes under the updated code sections.

Recommendation

If the Council is in support of the request, a motion to adopt Ordinance 2020-4 is in order.

ORDINANCE NO. 2020-4

Introduced by Mark Claus

AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES; AND DECLARING AN EMERGENCY.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Huron, Ohio:

Section 1. That the ordinances of the City of Huron, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the January 2020 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

Section 2. That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law:

Traffic Code

341.03 Prerequisites to Operation of a Commercial Motor Vehicle. (Amended)

General Offenses Code

513.01 Drug Abuse Control Definitions. (Amended)

537.16 Illegal Distribution of Cigarettes, Other Tobacco Products, or Alternate Nicotine Products. (Amended)

Section 3. The complete text of the Traffic and General Offenses Code sections listed above are set forth in full in the current Codified Ordinances. New material contained therein is published at length in the Huron Codified Ordinances as provided in Section 3.05(2) of the Charter and no further publication shall be necessary.

Section 4. 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 Ohio R.C. 121.22.

Section 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the residents of the City of Huron, Ohio, and for the further reason that there exists an imperative necessity for the earliest publication and distribution of current replacement pages to the Codified Ordinances to the officials and residents of the City, so as to facilitate administration, daily operation and avoid practical and legal entanglements; wherefore, this Ordinance shall be in full force and effect from and immediately following its adoption.

Sam Artino, Mayor

ATTEST: _____
Clerk of Council

Adopted: _____



TO: Mayor Artino and City Council
FROM: Andrew D. White, City Manager
RE: Ordinance No. 2020-5
DATE: March 6, 2020

Subject Matter/Background

Ordinance 2020-5 relates to the financing of the 2019 general obligation notes in the amount of \$3,500,000.

Financial Review

This ordinance authorizes the refinancing of \$3.5 million in general obligation notes (to later be converted to bonds) original obtained for the construction of the electrical substation. This debt is backed by a dedicated revenue source (proceeds from electrical agreements of the customer base of HPP). Due to the anticipated revenue generation, financial forecasts show the debt could be paid off at an aggressive schedule should Council choose to do so.

This strategy provides additional flexibility:

- Notes are able to be rolled each year with \$0 paid toward principal for up to 5 years. The City would only need to pay the interest. Current interest rates on notes are roughly 2.5%.
- Ability to customize the principal payment to be in line with each year's revenue generation.
- Encourages annual review and optimization at the staff, Finance Committee, and Council level.

An executed Fiscal Officer's Certificate relating to the notes is attached hereto as Exhibit "A".

Legal Review

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

Recommendation

If the Council is in support of the request, a motion to adopt Ordinance No. 2020-5 is in order.

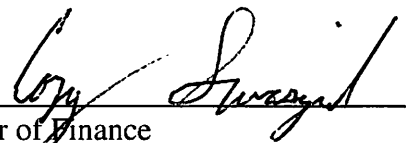
FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Huron, Ohio:

As fiscal officer of the City of Huron, I certify in connection with your proposed issue of not to exceed \$3,500,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), to pay costs of improving the municipal electric system by constructing a new substation, together with all necessary appurtenances (the improvement), that:

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 30 years, being my estimate of the life or period of usefulness of the improvement. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is April 5, 2038, which is 20 years from April 5, 2018, the date of issuance of the original notes issued for the improvement.

Dated: March 10, 2020



Director of Finance
City of Huron, Ohio

ORDINANCE NO. 2020-5

Introduced by: Joel Hagy

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$3,500,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING THE MUNICIPAL ELECTRIC SYSTEM BY CONSTRUCTING A NEW SUBSTATION, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2018-6, passed on March 13, 2018, the City issued \$3,500,000 Taxable Electric System Improvement Notes, Series 2018, in anticipation of bonds for the purpose stated in Section 1, which notes were retired at maturity with the proceeds of \$3,500,000 of notes (the Outstanding Notes), issued in anticipation of bonds pursuant to Ordinance No. 2019-4 passed on March 12, 2019, which Outstanding Notes mature on April 2, 2020; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other available funds of the City; and

WHEREAS, the Director of Finance as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 30 years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is April 5, 2038.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Huron, Erie County, Ohio, that:

Section 1. Authorized Principal Amount of Anticipated Bonds and Purpose. It is necessary to issue bonds of the City in an aggregate principal amount not to exceed \$3,500,000 (the Bonds) to pay costs of improving the municipal electric system by constructing a new substation, together with all necessary appurtenances.

Section 2. Estimated Bond Terms. The Bonds shall be dated approximately March 1, 2021, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 30 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first interest payment on the Bonds is estimated to be December 1, 2021, and the first principal payment on the Bonds is estimated to be December 1, 2022.

Section 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Council determines that notes in an aggregate principal amount not to exceed \$3,500,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire the Outstanding Notes. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date not later than one year

from the date of issuance by setting forth that maturity date in the certificate awarding the Notes and signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity or at any date of earlier prepayment as provided for in Section 4 and until the principal amount is paid or payment is provided for. The principal amount of the Notes and the rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.

Section 4. Payment of Debt Charges; Paying Agent; Prepayment. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America, and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of The Huntington National Bank or at the designated corporate trust office or other office of a bank or trust company designated by the Director of Finance in the Certificate of Award, after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent). If agreed to by the Original Purchaser, the Notes shall be prepayable without penalty or premium at the option of the City at any time prior to maturity (the Prepayment Date) as provided in this Ordinance. Prepayment prior to maturity shall be made by deposit with the Paying Agent of the principal amount of the Notes together with interest accrued thereon to the Prepayment Date. The City's right of prepayment shall be exercised by mailing a notice of prepayment, stating the Prepayment Date and the name and address of the Paying Agent, by certified or registered mail to the Original Purchaser and to the Paying Agent not less than seven days prior to the Prepayment Date. If money for prepayment is on deposit with the Paying Agent on the Prepayment Date following the giving of that notice, interest on the principal amount prepaid shall cease to accrue on the Prepayment Date. The Director of Finance may request the Original Purchaser to use its best efforts to arrange for the delivery of the Notes at the designated office of the Paying Agent for prepayment, surrender and cancellation.

Section 5. Execution of Notes; Book Entry System. The Notes shall be signed by the City Manager and the Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of

the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. Award and Sale of the Notes. The Notes shall be sold at not less than 97% of par plus accrued interest by the Director of Finance to the original purchaser identified in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance and the Certificate of Award. The Director of Finance shall sign the Certificate of Award evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the

purchase price. The City Manager, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

The Director of Finance is authorized to (i) engage the services of a municipal advisor and (ii) request a rating for the Notes from one or more nationally recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to engage a municipal advisor and/or secure any rating and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 7. Application of Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

In each year to the extent the net revenues from the municipal electric system are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such net revenues so available and appropriated.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, and to

the extent not paid from net revenues of the municipal electric system, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes or the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio, and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the two preceding paragraphs in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes and the Bonds.

Section 10. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance and the Certificate of Award to the Erie County Auditor.

Section 11. Satisfaction of Conditions for Note Issuance. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 12. Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 13. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 14. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 15. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective so that the Notes can be sold at the earliest possible date, which is necessary to enable the City to retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Sam Artino, Mayor

Attest: _____
Clerk of Council

Adopted: _____



TO: Mayor Artino and City Council
FROM: Andrew D. White, City Manager
RE: Ordinance 2020-6
DATE: March 6, 2020

Subject Matter/Background

Columbia Gas is completing a substantial project along Rye Beach Road to improve its services to the Mucci Farms facility. Due to the size and timeframe of the project, Columbia Gas is in need of a site to utilize for staging equipment during the project. Columbia Gas, through Mucci Farms, contacted the City and requested to utilize the City's substation site across from Mucci Farms as a staging area during the project. The site will be restored to its current conditions upon completion. Columbia Gas has requested the temporary easement run for a period not to exceed 12 months.

Ordinance 2020-6 authorizes the City Manager to grant the easement to Columbia Gas per the Temporary Storage Easement attached to the Ordinance as Exhibit A.

Financial Review

The matter has been reviewed and there are no costs associated with the granting of the easement

Legal Review

The matter has been reviewed by Administration, follows normal legislative procedure and is properly before you.

Recommendation

If the Council is in support of the request, a motion to adopt Ordinance 2020-6 is in order.

ORDINANCE NO. 2020-6

Introduced by: Mark Claus

AN ORDINANCE GRANTING AN EASEMENT TO COLUMBIA GAS OF OHIO, INC. FOR THE RIGHT TO UTILIZE A TEMPORARY CONSTRUCTION AND STORAGE EASEMENT OVER AND THROUGH THE PREMISES WITHIN THE CITY OF HURON IDENTIFIED AS ORLINES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRIC CURRENT INCLUDING COMMUNICATION FACILITIES, UPON, OVER, UNDER, AND ACROSS PROPERTY WITHIN THE CITY OF HURON IDENTIFIED AS LOT 22, PERMANENT PARCEL NUMBER 42-00120.000, AND DECLARING AN EMERGENCY

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

SECTION 1. That the City Manager be, and he hereby is, authorized and directed to grant an easement and right of way to Columbia Gas of Ohio, Inc. for the right to utilize a temporary construction and storage easement over and through the premises within the City of Huron identified as Lot 22, Permanent Parcel No. 42-00120.000, which easement shall be in substantially 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 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 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare; and for the further reason to accommodate the impending timeline of associated with the construction of an electrical substation, wherefore, this Ordinance shall be in full force and effect from and immediately after its passage.

Sam Artino, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

TEMPORARY STORAGE EASEMENT

FOR AND IN CONSIDERATION OF ONE DOLLAR (\$1.00) and other good and valuable consideration to the Grantors in hand paid, receipt of which is hereby acknowledged, **THE CITY OF HURON** (hereinafter called the Grantors whether singular or plural), do hereby grant to **COLUMBIA GAS OF OHIO, INC.**, with principal offices at 290 West Nationwide Boulevard, Columbus, Ohio 43215, (hereinafter called the Company), its successors and assigns, the right to utilize a temporary construction and storage easement over and through the premises hereinafter described being situated in Erie County, State of Ohio, and more particularly described as follows:

Recorded In: 201710293

Permanent Parcel No.: 42-00120.000

Property Address: Rye Beach Road, Huron, Ohio

Containing: 5.25 acres, more or less being located in Lot 22

The temporary storage easement shall be utilized to store equipment and material. With the right of ingress to and egress from the storage easement area by means of existing or future roads and other reasonable routes on said premises and on Grantors' adjoins lands.

The Company shall replace and restore the storage easement area to as good or better condition as it existed prior to storage and construction activities taking place, all to the satisfaction of Grantors.

The rights, privileges and terms hereby shall extend to and be binding upon the Grantors and the Company and their respective representatives, heirs, successors and assigns upon receipt of written request for same from Grantors forthwith.

It is understood and agreed by the parties hereto that the rights granted herein shall begin upon written notification to enter the property and terminate upon project completion or February 28th, 2021, whichever occurs first, whichever is first.

THE CITY OF HURON

Date

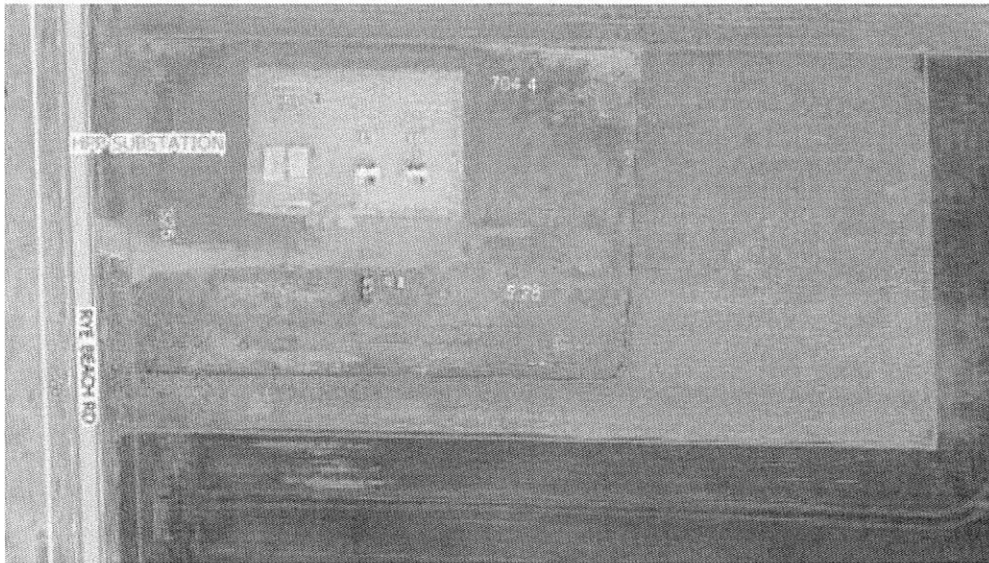
Signature: _____

Name: _____

Title: _____

JO#:17-0108038-00 EDAK

PRELIMINARY EXHIBIT "A"
FROM
CITY OF HURON
TO
COLUMBIA GAS OF OHIO, INC.



Scale: N. T. S.
City: HURON
County of: ERIE
State of: OHIO
O.R.:
Parcel No.: 42-00120.000

This Exhibit Is Drawn For The Limited Use Of Columbia Gas of Ohio, Inc. To Identify
The Easement Location And Not Intended To Represent An Accurate Survey Of The Property



TO: Mayor Artino and City Council
FROM: Andrew D. White, City Manager
RE: Ordinance 2020-7
DATE: March 6, 2020

Subject Matter/Background

Ordinance 2020-7 requests the Council's authorization for changes to the annual budget appropriations. Please refer to Exhibit "A" of the ordinance for the detailed breakdown and summary.

Legal Review

The matter has been reviewed and is properly before Council for consideration.

Recommendation

The Council should consider a motion to adopt the ordinance as presented in order to maintain budgetary compliance.

ORDINANCE NO. 2020-7

Introduced by Joel Hagy

AN ORDINANCE AMENDING ORDINANCE NO. 2019-27, ADOPTED DECEMBER 10, 2019, TO PROVIDE FOR ADDITIONAL APPROPRIATIONS FROM THE GENERAL FUND AND OTHER FUNDING SOURCES AND AN INCREASE IN ESTIMATED RESOURCES AND FURTHER APPROVING CASH TRANSFERS BETWEEN FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2019-27, adopted December 10, 2019, Huron City Council adopted the annual budget for the fiscal year ending December 31, 2020 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 appropriation transfers, supplemental appropriations and an increase in estimated resources and to also approve a cash transfer 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.

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

SECTION 1. That Exhibit "A" of Ordinance No. 2019-27, adopted on the 10th day of December, 2019, as amended by Ordinance No. 2020-1 adopted January 28, 2020, is hereby amended to provide for appropriation transfers, supplemental appropriations and an increase in estimated resources 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, 2020 and to make the necessary entries on the accounting records of the City to reflect the appropriations and expenditures herein authorized.

SECTION 3. That, to properly balance the various funds of the City, the Finance Director shall be, and he hereby is, authorized and directed to make the cash transfer between and among those certain funds of the City, in the amounts as set forth in Exhibit "A" attached hereto and made a part hereof.

SECTION 4. 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 5. 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 for the further reason that this Ordinance shall become immediately effective to fund the operations of the City of Huron; additionally, 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.

Sam Artino, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____.

CITY OF HURON
BUDGET APPROPRIATION ADJUSTMENTS, ESTIMATED RESOURCES, AND CASH TRANSFERS
SUMMARY SHEET

DATE: 3/10/2020
ORDINANCE: 2020-7

Appropriation Measure

Reason for Supplemental Appropriations and Estimated Resources:

The following supplemental appropriations and estimated resources adjustments are a result of legislative actions taken by Council at this meeting (3/10/20).

The increase in estimated resources for the General Fund is directly related to Resolution 2019-3 and the motion to set transient rental registration and inspection fees. At \$400 per hour, the City estimates to receive \$80,000 in 2020 for transient rental registration, assuming 200 units will register.

Additional appropriations relate to a legal agreement (Resolution 2020-22) and hiring of the part-time code enforcement officer. If Council approves legislation to encumber funds for SSEG, the funds will be appropriated out of the General Fund. Additional appropriations must be approved to pay the salary and other operating costs of the part-time code enforcement officer and implementation of Chapter 1369, estimated to total approximately \$41,000 per year.

ESTIMATED RESOURCES INCREASE

Fund Name	Fund Number	Department/Activity	Account Description	Increase/(Decrease) Amount	Total Estimated Resources After Adjustment
General Fund	110	Licenses/Permits/Fees	TRANSIENT RENTAL REGISTRATION	\$ 80,000	\$ 80,000

NET IMPACT ON TOTAL ESTIMATED RESOURCES \$ 80,000

APPROPRIATION INCREASES

Fund Name	Fund Number	Department/Activity	Object Level	Increase/(Decrease) Amount	Total Appropriations After Adjustment
GENERAL FUND	110	LAW DIRECTOR	OTHER EXPENSES	\$ 10,000	\$ 115,000
GENERAL FUND	110	BUILDING/ZONING	PERSONNEL SERVICES	\$ 30,000	\$ 89,299
GENERAL FUND	110	BUILDING/ZONING	OTHER EXPENSES	\$ 11,000	\$ 96,150

NET IMPACT ON TOTAL APPROPRIATIONS \$ 51,000

NET IMPACT ON TOTAL BUDGET \$ 29,000



TO: Mayor Artino and City Council
FROM: Andrew D. White, City Manager
RE: Resolution 2020-17
DATE: March 6, 2020

Subject Matter/Background

This resolution authorizes two-year with Cooner Enterprises LTD dba A-1 Lawn Care ("Cooner Enterprises LTD) for the provision of routine beach cleaning of Nickel Plate Beach, Lake Front Beach Park and Huron Pier Beach for a two-year period (with 12-month auto renewal).

As explained by the Parks and Recreation Operations Manager within a legislative request:

This resolution authorizes an agreement with Cooner Enterprises LTD. to provide beach cleaning services at Nickel Plate Beach, Lake Front Beach Park and Huron Pier Beach from Memorial Day Weekend to Labor Day Weekend. We have received two estimated for beach cleaning services and both are attached hereto as Exhibit A for your review.

We have been extremely satisfied with beach cleaning services provided by Cooner Enterprises LTD for the past six years at Nickel Plate Beach.

The total amount is based on seventy-eight (78) beach cleanings over a two-year period, for a total of \$13,020.00. This expense was budgeted in account 208-3400-53726 Prof. Maintenance of Facilities in the 2020 Budget.

Financial Review

The matter has been reviewed; as noted above, this anticipated expense was included in the 2020 Municipal Budget.

Legal Review

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

Recommendation

If the Council is in support of the request, a motion to adopt Resolution No. 2020-17 is in order.

Mailing Address

A1 Services

602 River Road
Huron OH 44839

Estimate

Date	Estimate #
2/27/2020	2033

Name / Address
City of Huron Attn: Doug Stienwart 417 Main Street Huron, OH 44839

A1 Facility
3520 Cleveland Road West
Huron, OH 44839

Due Date	Terms
Net 30	3/28/2020

Item	Description	Qty	Rate	Total
Beach Raking	Nickel Plate Beach 2020 Season Using H Barber combing machine to smooth beach surface-picking up smaller items. Memorial weekend-Labor Day Weekend. Friday's-May 22-Sept 4 2020	16	225.00	3,600.00
Beach Raking	Using H Barber combing machine to smooth beach surface-as above description - 5 Monday's: June 22-August 3 2020 Haul debris and dispose of properly-trash, dead fish Invoiced monthly	7	210.00	1,470.00

Please remit to above address.

Subtotal \$5,070.00

All elements of this agreement are contingent upon strikes, accidents or delays beyond our control. The estimate does not include material price increase, or additional labor and materials which may be required should unforeseen problems arise after the work has started. Any alteration or deviation from the above involving extra costs will be done only upon written change order. The costs will become an extra charge over and above estimate.

Sales Tax (6.75%) \$0.00

Total \$5,070.00

Phone #
419-433-4954

E-mail
allawncare@bex.net

Web Site
A1servicesohio.com

Mailing Address

A1 Services

602 River Road
Huron OH 44839

Estimate

Date	Estimate #
2/27/2020	2051

Name / Address
City of Huron Attn: Doug Stienwart 417 Main Street Huron, OH 44839

A1 Facility
3520 Cleveland Road West
Huron, OH 44839

Due Date	Terms
Net 30	3/28/2020

Item	Description	Qty	Rate	Total
Beach Raking	Pier Beach 2020 Season May 22-August 28 Using H Barber combing machine to smooth beach surface-picking up smaller items. Haul debris and dispose of properly Invoiced Monthly	8	95.00	760.00
Please remit to above address.			Subtotal	\$760.00
All elements of this agreement are contingent upon strikes, accidents or delays beyond our control. The estimate does not include material price increase, or additional labor and materials which may be required should unforeseen problems arise after the work has started. Any alteration or deviation from the above involving extra costs will be done only upon written change order. The costs will become an extra charge over and above estimate.			Sales Tax (6.75%)	\$0.00
			Total	\$760.00

Phone #
419-433-4954

E-mail
a1lawncare@bex.net

Web Site
A1servicesohio.com

Mailing Address

A1 Services

602 River Road
Huron OH 44839

Estimate

Date	Estimate #
2/27/2020	2035

Name / Address
City of Huron Attn: Doug Stienwart 417 Main Street Huron, OH 44839

A1 Facility
3520 Cleveland Road West
Huron, OH 44839

Due Date	Terms
Net 30	3/28/2020

Item	Description	Qty	Rate	Total
Beach Raking	Lake Front Park 2020 Season May 22-August 28 Using H Barber combing machine to smooth beach surface-pick up small items and trash Haul debris and dispose of properly Invoiced monthly	8	85.00	680.00
Please remit to above address.			Subtotal	\$680.00
All elements of this agreement are contingent upon strikes, accidents or delays beyond our control. The estimate does not include material price increase, or additional labor and materials which may be required should unforeseen problems arise after the work has started. Any alteration or deviation from the above involving extra costs will be done only upon written change order. The costs will become an extra charge over and above estimate.			Sales Tax (6.75%)	\$0.00
			Total	\$680.00

Phone #
419-433-4954

E-mail
alllawncare@bex.net

Web Site
A1servicesohio.com



604 River Rd
Huron, Ohio 44839
Phone: (419) 656-4658
Email: jonessanitationllc@gmail.com



QUOTATION

Date: February 23, 2020
Project: **2020 Beach Cleaning Services**
Owner: City of Huron
County: Erie Contract ID/PID:
Completes: 9/4/20

City of Huron
417 Main St.
Huron, Ohio 44839
Phone: (419) 433-4848
Fax:
Contact: Douglas Steinw
Email: doug.steinwart@huronohio.us

REF. NO.	ITEM	QUANTITY	UNIT PRICE	TOTAL ITEM
	Nickel Plate Beach			
1	FRIDAY MORNING BEACH CLEANINGS (5/22-9/4)	16	205.00 EACH	\$ 3,280.00
2	MONDAY MORNING BEACH CLEANINGS (6/22-8/3)	7	205.00 EACH	\$ 1,435.00
			SUB-TOTAL	\$ 4,715.00
	Lake Front Park			
3	FRIDAY MORNING BEACH CLEANINGS (5/22-8/28)	8	125.00 EACH	\$ 1,000.00
			SUB-TOTAL	\$ 1,000.00
	Huron Pier Beach			
4	FRIDAY MORNING BEACH CLEANINGS (5/22-8/28)	8	125.00 EACH	\$ 1,000.00
			SUB-TOTAL	\$ 1,000.00
Notes:	Cleanings will completed with a Barber 600 HD Surf Rake. This machine has a cleaning width of 7 feet and an adjustable cleaning depth of approximately 6 inches. It has the capability of picking up broken glass, plastic, syringes, cigarette butts, pop-tops, straws, cans, tar balls, stone 3/8" to 6" in diameter, sea grass, sea weed, fish and small pieces of wood. Quote includes the cost of waste disposal. Bulldozing and excavation services available for larger debris at an additional cost.			
	TOTALS			\$ 6,715.00

The above prices are valid to customers with acceptable credit history, without past due balance, when accepted within 30 days of the above letting date. Items within subtotals can not be separated without approval. No contract exists until both parties acknowledge acceptance.

Accepted by: _____

Company: _____ Date: _____

Jones Sanitation, LLC

Chad Jones, Owner

"AN EQUAL OPPORTUNITY EMPLOYER"

RESOLUTION NO. 2020-17

Introduced by Christine Crawford

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF HURON, OHIO WITH COONER ENTERPRISES, LTD. DBA A-1 LAWN CARE FOR THE PROVISION OF ROUTINE CLEANING OF NICKEL PLATE BEACH, LAKE FRONT PARK BEACH AND HURON PIER BEACH FOR A PERIOD OF TWO YEARS IN AN AMOUNT NOT TO EXCEED THIRTEEN THOUSAND TWENTY AND 00/100 (\$13,020.00)

SECTION 1. That the City Manager be, and he hereby is, authorized and directed to enter into an agreement with Cooner Enterprises, LTD d.b.a. A-1 Lawn Care for the purpose of routine beach cleaning of Nickel Plate Beach, Lake Front Park Beach and Huron Pier Beach for a period of two years in an amount not to exceed Thirteen Thousand Twenty And 00/100 (\$13,020.00), which agreement shall be in substantially 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. That this Resolution shall go into effect and be in full force and effect from and after the earliest date allowed by law.

Sam Artino, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

AGREEMENT FOR SERVICES

THIS AGREEMENT is made between the **CITY OF HURON, OHIO** (hereinafter “City”) and **COONER ENTERPRISES, LTD. dba A-1 LAWN CARE** (hereinafter “Company”) for the purpose of routine beach cleaning on Nickel Plate Beach, Lake Front Beach and Huron Pier Beach.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Scope of Work. Company agrees to provide beach cleaning services for Nickel Plate Beach, Lake Front Park and Pier Beach. The full extent of the clearing will be clearly marked by a representative of Company and the Parks and Recreation Operations Manager prior to the commencement of work. It is understood and agreed that the City is not obligated to pay Company when Company is unable to safely clean Nickel Plate Beach and/or Lake Front Beach and/or Huron Pier Beach due to high water events. City shall determine when a high water event does not allow for beach cleaning and shall notify Company when it has made that determination.

Company shall at all times comply with the Ohio Revised Code, Huron Codified Ordinances and safety and health requirements of the Occupational Health and Safety Administration.

Company shall submit a completed Regional Income Tax Registration Form (Exhibit B) to the City at the time of execution of this Agreement.

2. Term. This Agreement shall be in effect for a period of two (2) years. The Agreement shall automatically renew for a period of twelve (12) months under the same terms unless either party serves written notice no later than sixty (60) days prior to expiration of the intent to negotiate the Agreement.

Services provided under this Agreement shall be conducted in accordance with the schedule attached as Exhibit A to this Agreement. Any additions or deletions shall be documented in writing and served on the opposing party to this Agreement. No payment shall be rendered for services not in accordance with Exhibit A or any mutually agreed upon addendum.

This Agreement shall be terminated at any time upon thirty (30) days written notice. Upon termination, compensation under this Agreement shall be only that which is owed for services provided. The City shall not be liable for payment for any services not received as of termination.

3. Cost. The total amount of the contract shall not exceed Thirteen Thousand Twenty Dollars (\$13,020.00) payable over a two-year period of time. Total contract cost as noted under this section is exclusive of any costs associated with a third-year renewal. Company agrees to submit to the City a detailed invoice of services provided. All invoices shall be paid by the City within thirty (30) days of receipt.

4. Insurance and Indemnification. Company shall hold the City harmless from any and all claims for damages, actions or causes of action arising from the services contracted for in this Agreement or claimed to have arisen from the services contracted for in this Agreement, such indemnification to include all costs of defense, including reasonable attorneys and expert witness fees. Company shall secure liability insurance, at least in the amount of One Million Dollars (\$1,000,000.00) Bodily Injury and Fifty Thousand Dollars (\$50,000.00) Property Damage, which policies shall name the City as an insured and shall provide a copy to the City Engineer. Such certificate of liability insurance shall be attached to this Agreement as Exhibit C.

IN WITNESS WHEREOF, all parties have set their hands to duplicate copies on this ____ day of _____, 2020.

CITY:

City of Huron

COMPANY:

Cooner Enterprises, Ltd.

Andrew D. White, City Manager

Owner

Approved as to Form:

Benjamin G. Chojnacki, Law Director

EXHIBIT A

Services shall be performed in accordance with the estimate provided on February 27, 2020.

EXHIBIT B

R.I.T.A. Form

EXHIBIT C

Certificate of Liability Insurance



TO: Mayor Artino and City Council
FROM: Andrew D. White, City Manager
RE: Resolution No. 2020-18
DATE: March 6, 2020

Subject Matter/Background

This resolution authorizes the renewal of an agreement with CompManagement Inc., as the city's third party administrator for the annual contract period beginning September 1, 2020 and re-enrolls the city in the Group Rating Program for policy year January 1, 2021 to December 31, 2021. The cost for this service is \$3,595.00, an increase of \$105 over last year.

As you may recall, the city was able to enroll back into the Group Rating program for 2018 after being in a Group Retrospective Rating Program due to claim history that affected the city's rating. Previous to the impacting claim, the city had been in the Group Rating Program for many years.

The City has again qualified for Group Rating for 2021. Group Rating is a bit more predictable as estimates are based on historical claim and payroll data. Administration is recommending renewal with CompManagement and re-enrollment in the group rating program for 2021.

The City, by participating in the Group Rating Plan, will recognize a 42% discount from the industry premium rate, or \$15,316.00.

Financial Review

Accommodation for the agreement with CompManagement and expense for the BWC premium has been included in the Municipal Budget. Staff will be pursuing additional discount programs with BWC moving forward with assistance from CompManagement.

Legal Review

The matter has been reviewed by Administration, follows normal legislative procedure, and is properly before you.

Recommendation

If the Council is in support of the request, a motion to adopt Resolution No. 2020-18 would be in order.

RESOLUTION NO. 2020-18

Introduced by Mark Claus

A RESOLUTION AUTHORIZING THE CITY MANAGER TO RE-ENROLL AND EXECUTE PAYMENT TO COMPMANAGEMENT, INC., OF DUBLIN, OHIO, FOR THIRD PARTY ADMINISTRATION SERVICES RELATING TO THE 2020-2021 WORKERS COMPENSATION GROUP RATING ENROLLMENT PROGRAM IN THE AMOUNT OF THREE THOUSAND FIVE HUNDRED NINETY-FIVE AND 00/100 DOLLARS (\$3,595.00)

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

SECTION 1. That the City Manager is authorized and directed to submit payment of the re-enrollment fee to CompManagement, Inc., of Dublin, Ohio, for third party administration services relating to the 2020-2021 Workers' Compensation Group Rating Enrollment program in an amount not to exceed Three Thousand Five Hundred Ninety-Five and 00/100 Dollars (\$3,595.00), which re-enrollment notification shall be in substantially 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 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 go into effect, and be in full force and effect, immediately upon its passage.

Sam Artino, Mayor

ATTESTED: _____
Clerk of Council

ADOPTED: _____


compmanagement

a sedgwick company

P. O. BOX 89456, CLEVELAND OH 44101-6456

 To view the CompManagement service agreement referenced in this Exhibit, visit <https://viaone.compmgt.com/Rating/2021PEgroupcontract.pdf> password: group2021


RENEWAL INVOICE

Bill To:

 ANDY WHITE
 CITY OF HURON
 417 MAIN ST
 HURON, OH 44839

BY: Invoice Date: February 26, 2020

 Invoice #: 1237514
 Policy #: 32205102
 Group #: 6308
 Rating Year: 2021
 Due Date: Upon Receipt

GROUP RATING

The enrollment fee covers:

- Services for the annual contract period beginning **September 1, 2020**
- Policy Year: Group Rating enrollment for **January 1, 2021 to December 31, 2021**

Annual Fee:
\$ 3,595

2021 Projected Group TM% / Effective Discount: -53% / -42% 2021 Estimated Savings: \$15,316

Please sign and return invoice with remittance to:

Make Check Payable to:

CompManagement
PO Box 89456
Cleveland, OH 44101-6456

OR

OR

 Pay online at www.compmgt.com

Credit card account number:	
Amount to be charged: \$ 3,595	Expiration date:
Print name as it appears on card:	
Signature:	
By signing above you authorize CompManagement (a Sedgwick company) to charge your credit card in the amount as shown above, and agree to pay the amount shown above according to your credit card agreement.	

By returning this invoice or by remittance of the service fee, Client acknowledges and accepts all terms and conditions of the workers' compensation service agreement. Said agreement is hereby incorporated by reference herein (see link above).

This invoice is for CompManagement's workers' compensation third party administration services pursuant to a service agreement between your company and CompManagement. Client acknowledges that payment of this invoice does not constitute or guarantee enrollment in any workers' compensation discount/alternative rating program.

Andrew D. White

X

Printed Name

Signature

City Manager

Title

Date

andy.white@huronohio.us

Email Address

419 433 5000

Phone number

If your organization has merged with or acquired another company in the last year, or plans to up through the policy year noted above, initial here and contact our office immediately to review your options.

 Questions? Contact Lacey Cain at (800) 825-6755 ext. 65424 or Lacey.Cain@sedgwick.com

 Ohio Rural Water Association group #6308 2021
 Ohio Rural Water Association / 32205102



TO: Mayor Artino and City Council
FROM: Andrew D. White, City Manager
RE: Resolution No. 2020-19
DATE: March 6, 2020

Subject Matter/Background

Resolution No. 2020-19 will award the bid and authorize an agreement with Smith Paving & Excavating, Inc. for labor and materials and construction of US Route 6 Paving Project No. ERI-6-17.49. The City received a total of three bids (Base Bid + Bid Alternate #1) on the project:

Smith Paving & Excavating Inc.	\$2,598,617.70
Perk Company	\$2,839,711.55
Tri Mor Corp.	\$3,079,426.55

OHM Advisors has reviewed the bids and provided a recommendation to award the bid to Smith Paving & Excavating Inc. in an amount not to exceed \$2,598,617.70. A copy of the OHM Advisors' recommendation letter is attached hereto as Exhibit "A".

The bid award must be approved by Council no later than March 20, 2020; therefore, the Administrative requests waiver of the three-reading rule for this Resolution.

Financial Review

Expenses associated with the US Route 6 Paving Project are included in the 2020 Budget.

Legal Review

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

Recommendation

If Council is in support of the requests, a motion waive the three-reading rule and to adopt Resolution No. 2020-19 would be in order.



ARCHITECTS. ENGINEERS. PLANNERS.

March 3, 2020

Mr. Andrew D. White
City Manager
City of Huron
417 Main Street
Huron, OH 44839

ERI-6-17.49
ODOT PID No. 100421
City of Huron

Request for Council Legislation & Recommendation to Award Contract

Dear Mr. White:

We hereby request that Council legislation be prepared to authorize the award of the above referenced project as follows:

- Engineer's Estimate:
 - ✓ The Engineer's Official Estimate of Probable Cost for the Base Bid is \$2,607,126.00.
 - ✓ The Engineer's Official Estimate of Probable Cost for Bid Alternate #01 is \$155,855.00.
- The Engineer (OHM Advisors) has reviewed all bids and hereby provides the following list of Bidders and bid prices:

Bidder	Base Bid	Bid Alternate #01
1. Smith Paving & Excavating Inc.	\$ 2,400,994.00	\$ 197,623.70
2. *Perk Company	\$ 2,692,287.05	\$ 147,424.50
3. **Tri Mor Corp.	\$ 2,833,548.55	\$ 195,878.00

Review Notes:

*Perk Company had the following mathematical errors:

Ref No. 1	Bid Item Total \$28,554.75	Actual Total \$28,897.75
Ref No. 762	Bid Item Total \$ 2,385.00	Actual Total \$ 2,430.00
Base Bid Total	\$2,691,899.05	Actual Total \$2,692,287.05

** Tri Mor Corp did not provide a copy of the DBE/EDGE Plan with their bid package



Summary of Award Options

Upon review of references, equipment, materials, suppliers, subcontractors, and all documents submitted as required by the bid instructions, the Engineer offers the recommended award options of the contract to the following lowest and best bidder:

- Base Bid Only \$ 2,400,994.00 Smith Paving & Excavating
- Base Bid + Bid Alternate #01 \$ 2,598,617.70 Smith Paving & Excavating

Should you have any questions or require additional documentation, please let me know.

Sincerely,
OHM Advisors

Chad M. Lewis, PE
Project Manager

RESOLUTION NO. 2020-19

Introduced by Christine Crawford

A RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD THE BID AND ENTER INTO AN AGREEMENT WITH SMITH PAVING AND EXCAVATING, INC., FOR LABOR AND MATERIALS AND CONSTRUCTION SERVICES RELATED TO THE US ROUTE 6 PAVING PROJECT NO. ERI-6-17.49 IN AN AMOUNT NOT TO EXCEED TWO MILLION FIVE HUNDRED NINETY-EIGHT THOUSAND SIX HUNDRED SEVENTEEN AND 70/100 DOLLARS (\$2,598,617.70)

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

SECTION 1. That the City having advertised for bids in connection with the US Route 6 Paving Project (ERI-6-17.49), this Council finds Smith Paving and Excavating, Inc., to be the lowest and best bidder for such work and waives any irregularities and/or formalities in the bid proposal. Therefore, the City Manager shall be, and he hereby is, authorized and directed to award the bid and enter into an agreement with the said Smith Paving and Excavating, Inc., for undertaking the work called for in the US Route 6 Paving Project (ERI-6-17.49) bid package, in an amount not to exceed Two Million Five Hundred Ninety-Eight Thousand Six Hundred Seventeen and 70/100 (\$2,598,617.70) which agreement shall be substantially in the form of the US Route 6 Paving Project Contract on file in the office of the Clerk of Council.

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.

Sam Artino, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Artino and City Council
FROM: Andrew D. White, City Manager
RE: Resolution No. 2020-20
DATE: March 6, 2020

Subject Matter/Background

Resolution 2020-20 acknowledges the request from Angie Edwards of Huron 5K Series for the placement of signage on the walk bridge over US-6 promoting their “We Run This Town” race series. The banners would be no larger than 4’ x 8’ and would be placed 1 on the east side of the walk bridge and 1 on the west side of the walk bridge for the following dates:

April 2 through May 2, 2020
June 11 through July 11, 2020
August 19, through September 19, 2020
September 30, through October 31, 2020
November 1 through November 26, 2020

This is the third year for this event. Many different areas of the City will be showcased with 5 different race courses. Last year close to 1,200 people participate in the races, and more are expected this year.

The proposed date of the event has been cleared by the Parks & Recreation Operations Manager with regard to any city event conflict and Chief Lippert remains involved with the organizers again this year with regard to safety services.

This request follows standard procedure and is being recommended by Administration for approval.

Financial Review

N/A

Legal Review

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

Recommendation

If the Council is in support of the request, a motion to adopt Resolution No. 2020-20 is in order.

RESOLUTION NO. 2020-20

Introduced by Christine Crawford

A RESOLUTION AUTHORIZING THE CITY MANAGER, ON BEHALF OF THE CITY OF HURON, OHIO, TO SUPPORT THE REQUEST OF HURON 5K SERIES, FOR THE PLACEMENT OF BANNERS ON THE WALK BRIDGE OF US-6 HEADING EAST AND WEST ADVERTISING THEIR 5K RACE SERIES.

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

SECTION 1: The City Manager is authorized on behalf of the City of Huron, Ohio to support the request of the Huron 5K Series for the placement of advertising banners on the walk bridge of US-6 heading east and west for the following date ranges: April 2 through May 2, 2020, June 11 through July 11, 2020, August 19 through September 19, 2020, September 30 through October 31, 2020, and November 1 through November 26, 2020, relating to the “We Run This Town” race series, as set forth on the letter attached hereto as Exhibit “A”.

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.

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

Sam Artino, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



March 2, 2020

Dear Mr. White and Huron City Council Members,

On behalf of the Huron 5k Series of races, I am asking the city of Huron to grant us permission to hang the following banners to promote our upcoming race series:

1 Banner on the walk bridge of US 6 heading east

1 Banner on the walk bridge of US 6 heading west

These banners would be no larger 4' x 8' in size.

We would like to hang the banners up approximately one month prior to each race and would remove them at the conclusion of each event. These dates would be:

April 2 through May 2

June 11 through July 11

August 19 through September 19

September 30 through October 31

November 1 through November 26

We are proud to be showcasing many different areas of our town with these 5 different race courses. Last year close to 1,200 people participated in our 2nd annual "We Run This Town" race series races. We are already anticipating increased numbers of participants.

We are hopeful that the city will approve this request and we look forward to another successful race series. Thank you for your consideration in this manner.

Sincerely,

Angie Edwards

Angie Edwards
Abcdefedwards@gmail.com
419-366-1563



TO: Mayor Artino and City Council
FROM: Andrew D. White, City Manager
RE: Resolution No. 2020-21
DATE: March 6, 2020

Subject Matter/Background

Resolution 2020-21 authorizes the City Manager to enter into an agreement with Shepherd's Shoreline Construction regarding the east retention pond at Beachwood Cove.

The storm water system within the Beachwood Cove Development was built to incorporate two detention ponds with direct outlets to Lake Erie. The City's stormwater infrastructure is connected into the east pond and is designed to outflow to the lake utilizing the pond. Decades of sediment accretion have diminished the system's effectiveness, resulting in multiple high-water events throughout the year. The problem has been exacerbated in recent years with higher than average lake levels combined with significant storm activity. The Association requested assistance from both the City and County to assess the situation. Two alternatives were explored. The first, which was ultimately decided against, was for the installation of a motorized pump that would be direct piped to the lake. The second, and preferred option, includes excavating the channel to allow for free flow of water out to the lake and installation of a direct overflow outlet. This is the preferred option as it will maintain water levels within the pond even as the channel becomes obstructed and there is little maintenance involved.

The total cost for the public portion of the project is \$48,685.20. Erie County will reimburse the City for its 50% share of the public portion of the project (\$24,342.60). Additional work performed for the benefit of the Association will be the responsibility of the Association.

Financial Review

The Beachwood Cove project is listed on the City's capital improvement plan and included in the 2020 budget. The project will be paid out of the Community Infrastructure Fee Fund (655). The City will invoice the County for their share of the project once the project is completed.

Legal Review

This agreement has been reviewed by legal counsel and its terms are acceptable. A separate cost-sharing agreement with Erie County may be drafted.

Recommendation

If the Council is in support of the request, a motion to adopt Resolution No. 2020-21 is in order.

RESOLUTION NO. 2020-21

Introduced by Mark Claus

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SHEPHERD'S SHORELINE CONSTRUCTION AND ALL OTHER NECESSARY PARTIES, INCLUDING ERIE COUNTY, TO INSTALL AN OVERFLOW DRAIN AND OUTLETS AT THE EAST RETENTION POND AT BEACHWOOD COVE IN AN AMOUNT NOT TO EXCEED THE AMOUNT OF FORTY-EIGHT THOUSAND SIX HUNDRED EIGHTY-FIVE AND 20/100 DOLLARS (\$48,685.20).

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

SECTION 1: That the City Manager be, and he hereby is, authorized and directed to enter into an Agreement with Shepherd's Shoreline Construction for construction services to install an overflow drain and outlets at the east retention pond at Beachwood Cove in an amount not to exceed Forty-Eight Thousand Six Hundred Eighty-Five and 20/100 Dollars (\$48,685.20), which Agreement shall be in substantially the form of Exhibit "A" attached hereto and made a part hereof, and any other cost sharing agreements with Erie County or any other public agencies.

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 immediately upon its adoption.

Sam Artino, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

Shepherd's Shoreline Construction

730 E. Washington Street
Sandusky, Ohio 44870

Telephone: 419 -625-2530
Fax: 419-627-0067

February 19, 2020

City of Huron
Andy White, City Council
417 Main Street
Huron, Ohio 44839

"East Pond" Beachwood Cove

Shepherd's Shoreline is pleased to quote your East pond improvements located in Beachwood.

Scope of work:

- Mobilize LS 98 crawler crane, New Holland skid steer, CAT 325 excavator, 2nd crane to assemble, crawler crane boom.
\$ 5,500.00
- Two days @ \$2,750.00 per:
- Drive four piling 4 WF 49 per foot, 30 foot piles to rock or whichever comes first.
- Materials 10 WF 49 Beams.
 - a) \$2,285.00 per x 4 \$ 9,140.00
 - b) 4 x 6 x 5/8 angle 40' \$ 1,200.00
- Labor to drive.
 - a) \$3,000.00 per x 4 \$12,000.00
 - b) Build cage 4 x 6 x 5/8 \$ 2,750.00
- 12" pipe schedule 40 64 lbs.
- 4 pcs 41= 164 L.F.
- 2,624 lbs. per foot *each* \$12,595.20
- Demobilization:
- Two days @ \$2,750.00 per: \$ 5,500.00

Total Due from City of Huron: \$48,685.20

February 20, 2020

To be paid in the following manner: 50% down three days prior to job start, balance due upon completion, net three days.

This bid does not include any permits if needed, local, state or federal. Price does not include any utilities. This bid does not cover lawn or ground repair.

All material is guaranteed to be as specified. All work to be done in a workmanlike manner according to standard business practices. Any deviations from the above specifications involving extra costs will be discussed and agreed upon by both parties and shall be executed upon verbal and/or written orders and shall become an additional charge over the quoted price. Any unforeseen, buried obstacles, situations, obstructions, or underground utilities, etc., will be billed in addition and accordingly to our labor and equipment rates. Again, on agreement between both parties. This proposal may be withdrawn if not accepted within 30 days. This contract supersedes any prior/previous contracts.

You will notice that you have 2 signed contracts in your bid package. Please sign and return one copy and keep the other for your records. This contract supersedes all previous contracts, wether written or verbal.

If you have any questions please feel free to call.

Sincerely,

Robert G. Shepherd
Shepherd's Shoreline Construction

Robert G. Shepherd
C.E.O.

A handwritten signature in blue ink that reads "Robert G. Shepherd". Below the signature is a circular stamp containing the number "572".

Date 2-19-2020

Accepted proposal

City of Huron/Andy White _____ Date _____

BY: _____

TEMP NO: _____

RESOLUTION NO. 2020-22

**A RESOLUTION AUTHORIZING THE MAYOR TO CONTRACT WITH THE LAW FIRM OF
SEELEY SAVIDGE EBERT & GOURASH, CO., LPA (SSEG) FOR LEGAL SERVICES AND
DECLARING EMERGENCY.**

WHEREAS, the City of Huron, Ohio wishes to engage the law firm of SSEG for legal services for the review and investigation relating to a certain Real Estate acquisition including any and all communications, e-mails, telephone conferences, title work, finances, Resolutions and Ordinances in connection thereto, and any other matters as may be assigned by the City of Huron.

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

Section No. 1: That SSEG shall perform all services necessary to perform a review and investigation concerning the acquisition of Erie County Permanent Parcel Number 42-01077.000, any and all adjacent lands comprising the "Showboat" property, and any and all lands directly or indirectly relating thereto;

Section No. 2: That the law firm of SSEG shall perform said services, for legal fees which shall not exceed \$10,000.00 (Ten Thousand Dollars & 00/100) without prior approval and shall be at a rate of One Hundred Seventy Five Dollars (\$175.00) per hour. (Exclusive of costs for ancillary services that may be needed or required to finalize SSEG's review, which costs and expenses shall be approved in advance by the City of Huron);

Section No. 3: That should any fees for legal services exceed \$10,000 (Ten Thousand Dollars & 00/100), such services shall only be provided with prior authorization and approval by the City of Huron;

Section No. 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code;

Section No. 5: That this Resolution is hereby declared to be an emergency measure, the emergency being the necessity of undertaking the necessary legal analysis and review in a timely manner to uphold the laws and regulations of the City, thus for the health, safety, and welfare of the public. Therefore, this Resolution shall go into immediate force and effect from and after its passage and approval by the Mayor.

PASSED: _____

Mayor

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor