

THE CITY OF HURON, OHIO
Proceedings of the Huron City Council
Regular Meeting Tuesday, December 13, 2022 at 6:30pm

Public Hearing

Public Hearing on an ordinance establishing a new Section 1126.18 (Solar Structures) under Chapter 1126 (Special Provisions) of the Planning and Zoning Code of the Codified Ordinances of the City of Huron.

Call to Order

The Mayor called the Public Hearing to order at 6:30pm. The Mayor called for a moment of silence. After the moment of silence, the Mayor led in saying the Pledge of Allegiance to the Flag.

Roll Call

The Mayor directed the Clerk to call the roll for the Public Hearing. The following members of Council answered present: **William Biddlecombe, Sam Artino, Mark Claus, Monty Tapp, Joe Dike, and Joel Hagy.** Council member absent: **Matt Grieves.**

Motion by Mr. Claus to excuse Mr. Grieves from the Public Hearing. The Mayor asked if there were any questions. There being none, the Mayor directed the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Biddlecombe, Artino, Claus, Tapp, Dike, Hagy (6)

NAYS: None (0)

There being more than a majority in favor of the motion, Mr. Grieve's absence was excused.

Swear in Witnesses

Law Director Todd Schrader swore in witnesses for the Public Hearing, including all members of Council, City Manager Matt Lasko, and Planning Director Erik Engle.

Witness Testimony

Mayor Tapp called on Mr. Engle regarding proposed Section 1126.18 relating to solar structures. Mr. Engle testified that staff is seeking approval on the proposed amendment to the Code relating to both ground-mounted and roof-mounted panels. The City's current code does not speak to that. In the past, staff has looked at these types of uses as "accessory structures" pursuant to existing code, in which case all setbacks and standard heights are held to those same standards, as you would develop any kind of shed or garage that's attached. As of recent, a permit was issued for a ground-mounted solar panel in the residential district, which sparked concern from a neighbor regarding the aesthetic appearance of the panel, leading to City Council asking for amendments regarding solar panels.

Mr. Engle said that he didn't want to get too much into the nitty-gritty, unless there are specific questions, but the proposed amendments include the following:

- Adding performance and design standards for the solar structures;
- Allowing for roof-mounted solar panels as an accessory use permitted by rights in all districts;
- Ground-mounted solar structures are to be a conditional use in the residential and commercial zones, which means that from a conditional use perspective, there are special criteria added to

that, and those criteria have be approved by either the Planning Commission or Board of Zoning Appeals;

- Ground-mounted solar panels are to be a principal and accessory use by right in all industrial areas.

The staff first went through discussions with the Planning Commission in previous meetings. They also reiterated a 30% remainder lot coverage in the rear yard, as well as limiting the height to 10 feet.

Mayor Tapp asked if there were any questions for Mr. Engle.

Mr. Dike asked what the height restriction is for a fence. Mr. Engle said that depends on where it is located, but in the R-1 district it is 4' for the front yard and 6' for the rear yard. Mr. Dike said if somebody is concerned about the look of it, this can still be raised another 4'. He asked if it deters the use of a solar panel by being less than 6'. Mr. Engle answered that based on the requirement that there be buffering and fencing required along with that, so they are trying ease the aesthetic aspect of it, but you are still going to see 4' it. The current height restriction is 15' for garages or sheds.

Mr. Claus explained that the Planning Commission talked about reducing it from 15' to 10' for the solar panels, and further, requires aesthetic screening. Mr. Engle said that is part of the criteria that would be considered by the Planning Commission to approve that particular use. Mayor Tapp said this will be looked at on a case-by-case basis. Mr. Engle explained that any conditional use triggers the process of going before the Planning Commission for approval before staff signs off on it.

Mayor Tapp asked if there were any further questions – there were none.

Motion

Motion by Mr. Claus to approve establishment of a new Section 1126.18 (Solar Structures) under Chapter 1126 (Special Provisions) of the Planning and Zoning Code of the Codified Ordinances of the City of Huron.

Prompted by Mayor Tapp, Mr. Schrader said this motion is absolutely at this time. The Mayor asked if there were any questions relating to the motion. There being none, the Mayor directed the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Claus, Tapp, Dike, Hagy, Biddlecombe, Artino (6)

NAYS: None (0)

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

Adjournment of Public Hearing

Motion by Mr. Biddlecombe to adjourn the Public Hearing.

The Mayor asked if there were any questions relating to the motion. There being none, the Mayor directed the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Biddlecomb, Artino, Claus, Tapp, Dike, Hagy (6)
NAYS: None (0)

There being more than a majority in favor of the motion, the motion passed and the Public Hearing was adjourned.

Call to Order of Regular Council Meeting

The Mayor called to order the regular meeting of Council at 6:36pm in Council Chambers.

Roll Call

The Mayor directed the clerk to call the roll for the regular meeting of Council. The following members of Council answered present: **William Biddlecombe, Sam Artino, Mark Claus, Monty Tapp, Joe Dike and Joel Hagy**. Council member absent: **Matt Grieves**.

Motion by Mr. Claus to excuse Mr. Grieves from tonight's regular Council meeting. The Mayor asked if there were any questions. There being none, the Mayor directed the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Claus, Tapp, Dike, Hagy, Biddlecombe, Artino (6)
NAYS: None (0)

There being more than a majority in favor of the motion, Mr. Grieve's absence was excused.

Staff in attendance: City Manager Matt Lasko, Law Director Todd Schrader, Service Director Stuart Hamilton, City Engineer Russ Critelli, OHM Engineer Larry Fridrich, Parks and Recreation Operations Manager Doug Steinwart, Planning Director Erik Engle, Water Superintendent Jason Gibboney, Finance Director Cory Swaisgood and Clerk of Council Terri Welkener.

Approval of Minutes

Motion by Mr. Dike that the minutes of the regular meetings of November 8, 2022 and November 22, 2022 be approved as written.

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

YEAS: Dike, Hagy, Biddlecombe, Artino, Claus, Tapp (6)
NAYS: None (7)

There being more than a majority in favor, the motion passed and the minutes were approved.

Audience Comments

The Mayor directed members of the audience having comments to approach the podium, state their name and address Council, and advised that they would have 3 minutes to make their comments.

John Helmkamp of 407 Sail Away Drive, Huron, OH

Dr. Helmkamp has concerns about the AirBNB statutes that are currently in progress. He lives in a very nice neighborhood, and they really enjoy the City, but he doesn't enjoy having a disruptive business 40' from his bedroom. He doesn't think anybody would. His concern is that his neighbors have a disruptive business in the middle of a residential area, not in the middle of a commercial zone or in the boat basin – right in the residential district. People want to party, and he doesn't blame them for partying. When he is on vacation, he wants to party, too, but he does it at a hotel or in the middle of a ski area that would have a bunch of AirBNB's all grouped together, but not in the middle of a residential district. They have beers cracking at noon, f-bombs flying, and it while it may get done at 10pm most of the time (that is very magnanimous for doing that one), but it gets old, and it gets old really fast. Nothing makes you want to move more than having that disruption. His neighbor has 4 different transient properties, and does not live in the area (he lives in Texas). While he may use some of the properties occasionally, he doesn't think they would like an AirBNB right next to them, and he doesn't think Council would like an AirBNB right next to them. Does it do anything for this property value? He would say no. He doesn't know what the impetus was with this, he sent an email to the Mayor, but the people that do have them are not getting income taxed, because they don't live here. He doesn't think any of Council would like it. His proposal would be to have them all in one area, like the places right next to the Old Fish House or the boat basin - then it's in a commercial area. People would know what they are getting into. Down in Florida, there are a lot of AirBNB's, but a lot of them are either in those areas, or they do them in monthly intervals, which cuts out a lot of the partying because people aren't going to party every single time they are there. At monthly intervals, he can see that as being okay. Thank you.

Mayor Tapp asked Mr. Schrader if he wanted to say anything. Mr. Schrader thanked Dr. Helmkamp for his comments and said that he doesn't know if staff is privy to any complaints in that area (whether any calls have been placed to the authorities). They went through quite an exhaustive and extensive process when the transient rental ordinance was adopted and included nearly a nationwide search to try to find the best method. Given that Huron is a destination city, after public hearing and a lot of work, this Council determined that they would limit the transient rentals to 5% of the housing stock. He said that there are cases where cities have outlawed transient rentals, but this Council chose to take what he believes is a moderate approach in terms in percentage of households that are permitted to have AirBNB's, and he thinks that the City is currently at its limit. Mr. Erik confirmed this, and said that there are 6 on the waiting list. He doesn't know if staff or the authorities are privy to any complaints, but it would certainly be helpful to know as those things are happening. The authorities should be called for any disturbances, and he should continue to communicate with the administration in terms of complained that he is having.

From the audience, Dr. Helmkamp said that he hasn't complained because they usually stop at 10pm. Mayor Tapp said that he sent Dr. Hemlkamp a couple sections of the transient rental ordinance, and he they did discuss that there is an issue. The City can't know there is a problem unless a person calls to let us know. The statute includes a three strikes clause. It can't be because you don't like the people who have a place next to you, and he has transient rentals next to his own home. He has not had any problems, but if he did, he would call. He's not saying that he won't in the future, but if there is a legitimate complaint, they have regulations set up where they can lose their permit as long as it is a legitimate

complaint. The police department will come out and document the legitimate complaints. This was not something they did in a month or two – it was nearly 2 years that they worked on this conducting research and doing their due diligence. There are a lot of nice neighborhoods, most of which have transient rentals. They have set the limit on the number of rentals, not the number of days, other than over 30 days is not a transient rental. He offered to get him the entire ordinance (the Clerk said that she would provide that to him). Mr. Claus added that a couple of things to look for in terms of potential violations would be too many vehicles, or too many people. You can see online how many people are allowed in the residence, so if he thinks there are too many, that's a violation. He knows that it's a big house, but he doesn't know what they are approved for. That's somewhere they would have some teeth.

Regarding the calls for service, Mr. Schrader said a lot of time was spent on that in terms of making sure that if there was a problem in any neighborhood, that it gets addressed. He suggested that when Dr. Helmkamp reviews the packet sent by the Clerk, look for the Calls for Service section, and if he has any questions, please give him a call to talk about it.

Mr. Artino said that if he remembers correctly, some communities tried to stop transient rentals, and they were taken to court and lost – that you can't tell a homeowner what to do with their residence. He thinks that was one of the big reasons they did to create the regulations. Mr. Schrader said there is plenty of case law where some municipalities have placed transient rentals in pockets, and pockets only, some have outlawed them completely, and the law is all over the place as it evolves. This is new in our country, and the stuff that's happening on the west coast might not be what's happening here. They took a moderate approach versus an outlaw or complete silence didn't seem to serve this community's best interests. They were cautious and careful in terms of how they handled it after a bunch of research and analysis, as well as having conversations with Council and the general public. The 5% cap is, actually, pretty conservative compared to other municipalities.

Mayor Tapp added that when this came about, some of the homeowners' associations in other neighborhoods set some things up on their own to determine how to handle this situation. You can only do so much once something's grandfathered in, but that is another option. This was an almost 2-year process, and they did the most in-depth research in the area, as they have had other cities contact the City to look at our regulations to update theirs. He suggested that the homeowner get the packet from the Clerk, and if he has any questions, that's when you call the City so that our legal team can do whatever they can to help you.

Old Business

Ordinance No. 2022-59

Motion by Mr. Claus that Ordinance No. 2022-59 (AN ORDINANCE REPEALING TITLE 11 (URBAN RENEWAL) WITHIN THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF HURON) be placed upon its third and final reading.

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

YEAS: Claus, Tapp, Dike, Hagy, Biddlecombe, Artino (6)
NAYS: None (0)

There being more than a majority in favor of adoption, Ordinance No. 2022-59 was placed on its third and final reading.

Mr. Engle explained that upon their audit of the code, they came across this chapter. Urban Renewal was the predecessor of the Community Development Block Grants, and took place between 1940-1970, and for better or for worse, it has obliterated some communities. It is complete obsolete at this point – there are no funding streams for Urban Renewal at this point. This ordinance will repeal that chapter.

Mr. Claus thought that the students in the audience might be interested in an explanation of the 3-reading rule. This ordinance is on its third and final reading, and a lot of what they will hear later are ordinances and resolutions where they place them on a first reading and waive the 3-reading rules. He is sure the Law Director can do a better job of explaining that. Mr. Schrader said he would be happy to explain. Generally, what the students are watching is our democracy in action. They are making law tonight. You see this broad scale at the federal level, you see it at the State House, and then the municipalities have the same right and privilege. They are making law today that's going to bind their citizens and also bind the City, in some regards, in terms of the City's activity. Generally speaking, when legislation is introduced, it is governed by our Charter. The Charter is like the City's own little constitution in terms of how the City is permitted to conduct business, and not only permit it, but also provide limitations on how the City can conduct business. Our Charter says that when they introduce new legislation, it generally must go through the 3-reading process. This 3-reading rule exists because (1) they want the public's participation, (2) they want the public to hear these things in successive meetings, and (3) it gives the public an opportunity to understand what they are doing. The ordinance Council just talked about it was on its third reading to repeal a portion of the code that is no longer applicable – they don't use it. They have had 2 prior readings, and the reason for that is they want to allow the public to comment and take their time so that they understand what they are doing and offer commentary in the event they have something to add. The 3-reading rule is a general rule. The 3-reading rule can be circumvented, and he doesn't mean that in a negative way like they are doing something wrong, as there are instances where they don't have time to wait for the three readings to take effect. If they meet on the 2nd and 4th Tuesdays of the month, that means they are into a month to 6 weeks' period of time, depending how the calendar goes, that they would have to wait for the legislation to be adopted. Sometimes, it's urgent and they need to continue to run the City - things relating to morals, health, safety, welfare, safety forces, etc. Sometimes, things need to be done quickly. This is not private industry where everything right away – they still have to take their time – but sometimes there are things that need to be done on an emergent basis, such as repairs, streets that need repair, they need to repair vehicles or fire trucks, they need to get parts, they need to buy a piece of property (they don't want to wait until the market beats them to it), so sometimes they will suspend the 3 readings, and then, by vote of Council (Council decides everything) they can pass things without going the full 3 readings and adding an emergency component, as necessary. To summarize, what you are watching here tonight, is democracy. This is our City government making rules that will govern their conduct, the City's conduct, and our relationships with others that are doing business with the City.

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

YEAS: Claus, Tapp, Dike, Hagy, Biddlecombe, Artino (6)
NAYS: None (0)

There being more than a majority in favor of adoption, Ordinance No. 2022-59 was adopted. The Ordinance as adopted was signed by the Mayor and Clerk of Council and will take effect in accordance with Section 3.03 of the Huron Charter.

New Business

Resolution No. 111-2022

Motion by Mr. Hagy that the three-reading rule be suspended and Resolution No. 111-2022 (A RESOLUTION RATIFYING THE CITY MANAGER'S ACCEPTANCE OF THE PROPOSAL AND PAYMENT OF THE ANNUAL PREMIUM TO THE PUBLIC ENTITIES POOL OF OHIO ("PEP") FOR THE POLICY PERIOD DECEMBER 1, 2022 THROUGH NOVEMBER 30, 2023 IN AN AMOUNT NOT TO EXCEED NINETY-EIGHT THOUSAND FOUR HUNDRED TWENTY-THREE AND 00/100 DOLLARS (\$98,423.000) be placed on its first reading.

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

YEAS: Hagy, Biddlecombe, Artino, Claus, Tapp, Dike (6)
NAYS: None (0)

There being five or more votes in favor. The motion to suspend the three-reading rule passed and Resolution 111-2022 was placed upon its first reading. The Law Director read the Resolution by its title only.

Mr. Swaisgood stated that the City's property and casualty insurance provider has been the Public Entities Pool of Ohio ("PEP") for the last 10 years. Resolution 111-2022 requests Council's authorization to approve renewal of the policy and it ratifies payment of the premium for the policy period beginning December 1, 2022 and ending November 30, 2023 in the amount of \$98,423.00. This is an 18% increase (\$15,000) increase from last year's premium. They did not receive this quote until the day before the last Council meeting, as they did attempt to discuss the increase with PEP. PEP has been a great partner for the City, and has been the best and lowest option for the City over the years. A year ago, the City requested quotes from other providers, but only one quote came back at a premium of \$140,000 for this policy year, while PEP's quote was approximately \$83,000 a year ago. The City will consider requesting quotes again in 2023 and Mr. Thomas Welsh, on behalf of PEP, is in attendance virtually to explain the reasons for the City's 18% increase.

Mr. Welsh thanked Council for the opportunity to serve the City through PEP and to join the Council meeting tonight to address any questions they have and give a little bit of an overview of the program itself, and some of the market pressures that PEP is experiencing (like any other insurance carrier is right now). Huron has been a member of PEP since 2012. It was a very good move at that point for the City to

switch to PEP with fundamental improvements including an increase in coverage, an increase in services, and most importantly, the financial stability of PEP, itself, which correlates to the financial stability of the City. It has been a good relationship, with the City having on average, about 4 claims per year. Some were much larger than others. When the City has had claims, claims have been handled fairly quickly and efficiently, and he doesn't think there's any issues, which is a benefit. When you look at the overall coverage, the City has a \$10 Million per occurrence limit across all lines of liability coverage. Everything is built into one package. The general liability, the public officials' liability, law enforcement, cyber coverage, and all of the property coverages. The City doesn't have separate policies other than one package policy. From a cost perspective, the rates that PEP has had to pass on to its members have increased over the years, just with the pressure of the market and things changing. Right now, he would say the market is experiencing on the property, anywhere between a 20% and 25% increase to public entities. Law enforcement is a hot topic, of course, and is also requiring an increased rate. Cyber is the other big one cost increase to the pool, and then that has to be passed on to the members. Auto physical damage has increase in rate, too, as all of the vehicles are costing more. The City's cost was driven this year not only by the market, but also some changes in exposure. The City's expenditures went up, which drives liability cost. Vehicles were also added and the total insured value, with a 4% inflation for reconstruction, and there was a property rate increase across the pool, as well. The City's individual property rates are at minimum cap rates across the board, even with some of the claims experience they have had. He thinks the City certainly received a very favorable rates when compared some other PEP members. The City's increase was 17.5% this year, but that is lower than the typical market increases they are seeing. He hopes that this addresses some of the questions, and he said he would be happy to address anything on Council's mind.

Mr. Hagy asked if the City had an 18% increase in claims last year. Mr. Welsh answered that the certainly did not. The City did not have significant claims experience last year. That did not drive the rate. The largest claim was back in 2019, and it's pretty much driving the cost ratio. He doesn't see that it's affecting their rate now, because that was 4 years ago, but that's driving their overall ratio from a claims perspective. He clarified that the large claim is affecting the large claim, but he doesn't believe the underwriters are ding the City from a rate perspective because they haven't shown frequent claims. The loss ratio is not ideal, but it really stems from just the one situation. Mayor Tapp asked when the claim will drop off. Mr. Welsh said he doesn't think it's actually hurting the City, as the rates are very favorable. After 5 years, it is not really part of their consideration. Mr. Biddlecombe said what he thinks they are looking for is how long it will take that one claim to drop off so that it no longer affects the loss ratio. Mr. Welsh answered that is typically 5 years. It does not have anything to do with the 18% increase. The 18% increase is due to the increase in expenditures (over \$2 million), the total insured value increased approximately \$1 million, and the property rates increase pool-wide. Most of it is coming from the auto physical damage lines where the pool is covering property that it is costing more to insure.

Mayor Tapp said that they do appreciate the service PEP provides, and staff does go out to bid, but an 18% increase at one time sounds like a lot. Is this something the City will be looking at next year, as well? Mr. Welsh answered that he doesn't believe it will be as significant, because he thinks the liability lines are flattening, and the cyber is something that is now charged to all members (not charged in the past). The law enforcement is also showing signs of that flattening, so he only expects next year to have a 5% property rate increase in addition to any inflationary increases. Exposure increases due to value may drive pricing. The Mayor thanked Mr. Welsh for his time, and he Mr. Welsh expressed his appreciation for the City's membership with PEP.

The Mayor asked if there were any further questions on the motion. There being none, the Mayor directed the Clerk to call the roll on final adoption of Resolution No. 111-2022. Members of Council voted as follows:

YEAS: Hagy, Biddlecombe, Artino, Claus, Tapp, Dike (6)
NAYS: None (0)

There being more than a majority in favor of adoption, Resolution No. 111-2022 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution No. 106-2022

Motion by Mr. Hagy that the three-reading rule be suspended and Resolution No. 106-2022 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD THE BID AND AUTHORIZE THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF WATER TREATMENT CHEMICALS TO BONDED CHEMICALS INC. IN AN AMOUNT NOT TO EXCEED NINETY-SIX THOUSAND FIVE HUNDRED TWENTY AND 00/100 DOLLARS (\$96,520.00)) be placed on its first reading.

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

YEAS: Hagy, Biddlecombe, Artino, Claus, Tapp, Dike (6)
NAYS: None (0)

There being five or more votes in favor. The motion to suspend the three-reading rule passed and Resolution 106-2022 was placed upon its first reading. The Law Director read the Resolution by its title only.

Mr. Gibboney said that he would be addressing Resolutions 106-2022 through 109-2022 as a package deal. Following the same procedure they have had for roughly the past decade, they bid out in collaboration with the City of Sandusky, Erie County and the City of Vermilion. Pooling their volumes together gets them a better market pull from a bidding perspective. Before Council are four resolutions regarding the awarded of chemical bids for next year. The first one (Resolution 106-2022) is for Bonded Chemicals for the purchase of 14 tons of chlorine gas, which is their disinfectant. It is also for 6,000 gallons of Fluoride, which is dental health, and 8 tons of powder-activated carbon, which is for taste and odor removals.

Resolution 107-2022 is for Applied Specialties for 12,000 gallons of aluminum fluorohydrate, which is their primary coagulant to get any turbidity out of the source (lake) water.

Resolution 108-2022 is for Shannon Chemical for 4,000 gallons of sodium permanganate, which is the oxidizer that deters zebra mussels and helps take care of the algal issues within the raw water.

Resolution 109-2022 is for Univar for 12,000 gallons of caustic soda (sodium hydroxide) for pH control and stabilization.

They anticipate a worst-case scenario, so one additional load of every chemical is budgeted. They obviously don't know what their demand will be down to the penny, nor do they know the lake quality will be through the year, so they initially anticipate one extra load of each chemical to be conservative. This was the first year out of all of the years, and this includes everyone in the collaboration, that there were increases across the board. There are increases on every chemical bid, and the overall blended average increase was 51%, which is substantial. In addition, last year there several force majeure events where supply chain issue costs were passed along. This year, it seems as though all suppliers are now recalibrating themselves due to that.

Mayor Tapp said that he has watched this over the past several years and the prices keep increasing exponentially. Do they ever think about storing chemicals for next year at this year's pricing? Mr. Gibboney said that they are very limited on volume. They are limited the the smaller tanks upstairs – they are limited by structure. In the future, that is something they can definitely look at. They have also had discussions that once the market calms back down, about the possibility of doing multi-year contracts to lock in good prices (2-3 years). In response to a question from Mr. Hagy, Mr. Gibboney said this will cover the ir annual need for chemicals.

The Mayor asked if there were any further questions on the motion. There being none, the Mayor directed the Clerk to call the roll on final adoption of Resolution No. 106-2022. Members of Council voted as follows:

YEAS: Hagy, Biddlecombe, Artino, Claus, Tapp, Dike (6)
NAYS: None (0)

There being more than a majority in favor of adoption, Resolution No. 106-2022 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution No. 107-2022

Motion by Mr. Hagy that the three-reading rule be suspended and Resolution No. 107-2022 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD THE BID AND AUTHORIZE THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF WATER TREATMENT CHEMICALS TO APPLIED SPECIALTIES IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTEEN THOUSAND NINE HUNDRED TWENTY AND 00/100 DOLLARS (\$115,920.00)) be placed on its first reading.

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

YEAS: Hagy, Biddlecombe, Artino, Claus, Tapp, Dike (6)
NAYS: None (0)

There being five or more votes in favor. The motion to suspend the three-reading rule passed and Resolution 107-2022 was placed upon its first reading. The Law Director read the Resolution by its title only.

The Mayor asked if there were any further questions on the motion. There being none, the Mayor directed the Clerk to call the roll on final adoption of Resolution No. 107-2022. Members of Council voted as follows:

YEAS: Hagy, Biddlecombe, Artino, Claus, Tapp, Dike (6)
NAYS: None (0)

There being more than a majority in favor of adoption, Resolution No. 107-2022 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution No. 108-2022

Motion by Mr. Hagy that the three-reading rule be suspended and Resolution No. 108-2022 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD THE BID AND AUTHORIZE THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF WATER TREATMENT CHEMICALS TO SHANNON CHEMICAL INC. IN AN AMOUNT NOT TO EXCEED FIFTY-NINE THOUSAND FOUR HUNDRED EIGHTY AND 00/100 DOLLARS (\$59,480.00)) be placed on its first reading.

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

YEAS: Hagy, Biddlecombe, Artino, Claus, Tapp, Dike (6)
NAYS: None (0)

There being five or more votes in favor. The motion to suspend the three-reading rule passed and Resolution 108-2022 was placed upon its first reading. The Law Director read the Resolution by its title only.

The Mayor asked if there were any further questions on the motion. There being none, the Mayor directed the Clerk to call the roll on final adoption of Resolution No. 108-2022. Members of Council voted as follows:

YEAS: Hagy, Biddlecombe, Artino, Claus, Tapp, Dike (6)
NAYS: None (0)

There being more than a majority in favor of adoption, Resolution No. 108-2022 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution No. 109-2022

Motion by Mr. Hagy that the three-reading rule be suspended and Resolution No. 109-2022 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD THE BID AND AUTHORIZE THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF WATER TREATMENT CHEMICALS TO UNIVAR USA INC. IN AN AMOUNT NOT TO EXCEED TWENTY-ONE THOUSAND TWO HUNDRED FORTY AND 00/100 DOLLARS (\$21,240.00)) be placed on its first reading.

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

YEAS: Hagy, Biddlecombe, Artino, Claus, Tapp, Dike (6)
NAYS: None (0)

There being five or more votes in favor. The motion to suspend the three-reading rule passed and Resolution 109-2022 was placed upon its first reading. The Law Director read the Resolution by its title only.

The Mayor asked if there were any further questions on the motion. There being none, the Mayor directed the Clerk to call the roll on final adoption of Resolution No. 109-2022. Members of Council voted as follows:

YEAS: Hagy, Biddlecombe, Artino, Claus, Tapp, Dike (6)
NAYS: None (0)

There being more than a majority in favor of adoption, Resolution No. 109-2022 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution No. 110-2022

Motion by Mr. Artino that the three-reading rule be suspended and Resolution No. 110-2022 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE AN ANNUAL PREMIUM PAYMENT TO THE BUREAU OF WORKERS COMPENSATION FOR THE POLICY PERIOD JANUARY 1, 2023 THROUGH JANUARY 1, 2024 IN AN AMOUNT NOT TO EXCEED FIFTY-ONE THOUSAND NINETY-TWO AND 00/100 DOLLARS \$51,092.00)) be placed on its first reading.

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

YEAS: Artino, Claus, Tapp, Dike, Hagy, Biddlecombe (6)
NAYS: None (0)

There being five or more votes in favor. The motion to suspend the three-reading rule passed and Resolution 110-2022 was placed upon its first reading. The Law Director read the Resolution by its title only.

Mr. Swaisgood stated that Resolution No. 110-2022 requests Council's authorization to pay the entire Bureau of Workers Compensation premium for the City for the policy period beginning January 1, 2023, and ending January 1, 2024 in the amount of \$51,092. This is an annual premium the City is required to pay. A year ago, the City paid approximately \$50,0000, and this invoice presents only a 2% increase from year-to-year. The City has the option to make monthly payments, but the one-time payment will result in a 2% premium refund of approximately \$1,000.

The Mayor asked if there were any further questions on the motion. There being none, the Mayor directed the Clerk to call the roll on final adoption of Resolution No. 110-2022. Members of Council voted as follows:

YEAS: Artino, Claus, Tapp, Dike, Hagy, Biddlecombe (6)
NAYS: None (0)

There being more than a majority in favor of adoption, Resolution No. 110-2022 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution No. 113-2022

Motion by Mr. Hagy that the three-reading rule be suspended and Resolution No. 113-2022 (A RESOLUTION AMENDING RESOLUTION 39-2021, ADOPTED JUNE 22, 2021, AUTHORIZING THE CITY MANAGER TO ACCEPT CHANGE ORDER NOS. 1 THROUGH 8 FROM SIMONSON CONSTRUCTION SERVICES, INC. FOR LABOR AND MATERIALS RELATED TO THE HURON WATER TREATMENT PLANT IMPROVEMENT PROJECT, INCREASING THE PROJECT COST IN THE AMOUNT OF FORTY-THREE THOUSAND THREE HUNDRED THIRTY-ONE AND 70/100 DOLLARS (\$43,331.70)) be placed on its first reading.

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

YEAS: Hagy, Biddlecombe, Artino, Claus, Tapp, Dike (6)
NAYS: None (0)

There being five or more votes in favor. The motion to suspend the three-reading rule passed and Resolution 113-2022 was placed upon its first reading. The Law Director read the Resolution by its title only.

Mr. Gibboney explained that these 8 requests are the first and only time they have had to come before Council for this project, which has been completed and is ready to go through the close-out process. At this point in time, they are finalizing some of the manuals and things like that, but all of the construction has been completed. Throughout the project, and toward the final stages as they were pouring concrete, they did have some issues that were different than what the blueprints had shown. They have parts of the plant that were constructed in 1957, as well as 1992. There were two different timeframes with structural differences that were uncovered. As such, they have the eight requests. Request 1 was for additional saw cutting, as well as some different elevation changes for plugs. Request 2 was price escalation that occurred toward the latter half of the project. Request 3 is a matching curb to make it aesthetically pleasing around the exterior so that anyone from any face of the building would see that it matches. Request 4 was structural, and that's moving the girts of the building that was based on the differentiation in the 1957 and 1992 structures they were building on top of. Request 5 is CDF fill – they encountered several different pockets of void beneath the sedimentation basins. Request 6 was additional

asphalt thickness where the garbage trucks, as well heavy equipment, typically travels over the asphalt. Requests 7 and 8 were minor credits due to enclosures that were downgraded and less concrete material than anticipated. Overall, this was a \$3 Million project, and the total change orders come in at 1.7% of the project, so it is overall a very small percentage. They have adequate funds set aside in contingency, so this can be put in with the 30-year 0% improvement loan this was originally funded through.

Mr. Artino asked when you take a look at the increases for chemicals and all of the work getting done, the 5% water rate increase seems pretty conservative. Mr. Hagy asked if this is the end of the the change orders, or if there might be more hiding out there. Mr. Gibboney answered that there should not be any further change orders – they have checked with both the engineer and the contractor. Mayor Tapp said that he appreciates his oversight on all of this, he is doing a great job.

The Mayor asked if there were any further questions on the motion. There being none, the Mayor directed the Clerk to call the roll on final adoption of Resolution No. 113-2022. Members of Council voted as follows:

YEAS: Hagy, Biddlecombe, Artino, Claus, Tapp, Dike (6)
NAYS: None (0)

There being more than a majority in favor of adoption, Resolution No. 113-2022 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Ordinance No. 2022-60

Motion by Mr. Biddlecombe that Ordinance No. 2022-60 (AN ORDINANCE ESTABLISHING A NEW SECTION 1126.18 (SOLAR STRUCTURES) UNDER CHAPTER 1126 (SPECIAL PROVISIONS) OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF HURON placed on its first reading.

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

YEAS: Biddlecombe, Artino, Claus, Tapp, Dike, Hagy (6)
NAYS: None (0)

There being a majority in favor of the motion, Ordinance No. 2022-60 was placed on its first reading. The Law Director read the Resolution by its title only.

Mr. Engle stated that this legislation establishes ground mounted solar panels as conditional uses for residential and commercial districts, as well as permitting roof mounted panels for all districts.

Mr. Dike said one of the driving factors and why we are at that position currently is that individuals had concerns about the visibility of solar panels. Based off fence restrictions versus the 10 feet, he doesn't think they are solving anything. He knows they have something in place, but one of the things is visibility, so keep at that parameters, he thinks it is going to cause more issues down the road when somebody doesn't like the aesthetics of the panels. That is his only concern with this.

Motion

Motion by Mr. Dike setting a public hearing on the Petition of Steven Muniak and Kelly Everman requesting a change of street name from West Drive to Sail Away Drive for Tuesday, January 24, 2023 at 6:30pm, which hearing will be held in Council Chambers.

Mr. Schrader said they did research regarding the petition received, and their process and procedure follows the Ohio Revised Code to the letter. This is one homeowner on one street, nonetheless, the Ohio Revised Code is very clear on the process and City is following that procedure established by State law.

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

YEAS: Dike, Hagy, Biddlecombe, Artino, Claus, Tapp (6)
NAYS: None (0)

There being a majority in favor of the motion, a public hearing was set for January 24, 2023 at 6:30pm on the Petition of Steven Muniak and Kelly Everman requesting a change of street name from West Drive to Sail Away Drive.

City Manager's Discussion

The City Manager spoke on several topics:

- **ConAgra Redevelopment** – there is a Planning Commission meeting set for tomorrow related to the ConAgra Redevelopment Project. The development team will be here tomorrow to present their conceptual site plan. It is a little bit atypical to review a conceptual site plan, but they thought it was critically important to at least start the discussion given the size and importance of the project. Obviously, it is really to just present the project initially. There is a lot of work that still needs to be done from a Planning Commission process – landscaping plans, lighting plans, preliminary plan review, final site plan review – but they are excited to get the process started tomorrow. If anyone is interested, he will denote the time later in his remarks.
- **Sawmill Creek Resort** – They are putting the finishing touches on the \$2 million bond issuance for Cedar Fair. He wanted to acknowledge Mr. Swaisgood and his teams, with the help of Sudsina & Associates and Squire as bond counsel guiding them through the process. That will be completed by the end of the month, which they are contractually obligated to do.
- **Warren Slag Property** – They are fully in the midst of completing their due diligence. Surveyors with OHM Advisors have started their survey work as of last week. They did receive results back from their Phase I Environmental Site Assessment, which is being completed by Mannik & Smith Group. That came back clean with no recommendation for a Phase II, so they have waived any issues from an environmental standpoint. He and SSEG have reviewed the title work, and they don't have any concerns with what has shown up on the title report, either, and will be signing off on that. They are now just waiting on the survey work in hopes of closing on the property in February of 2023.

- **ECEDC Meeting** – They recently met with representatives of ECEDC and Erie Regional Planning in regard to development of a Comprehensive Economic Development Strategy (CEDS). CEDS is now a requirement for anyone soliciting EDA funding. Not that they are a guaranteed funder for any of the infrastructure work at the Warren Slag site, but to be eligible we have to have a CEDS plan in place. They are working to partner with Erie County and Huron County for completion of the plan. It is about \$52,000 to complete the plan. Erie County is seeking a \$26,000 from the EDA to pay for ½ of the costs, but he wanted to acknowledge that Erie County Regional Planning and the Greater Sandusky Partnership have matched the 50% request with \$13,000 a piece out of their own pockets to get that plan in place. Thank you to Greater Sandusky Partnership and Erie Regional Planning.
- **Sawmill Parkway** – Work has been halted for the winter. A base was installed on the cul-de-sac at the eastern terminus of the roadway, and a temporary surface was installed to enable use over the winter months. Potholing was carried out to verify waterline depth, and the good news is that all but one of the storm crossings do not require any water main work. This has enabled crews to complete 7 of the 16 storm crossings prior to closing. Over the winter months, planning will continue until the weather breaks, hopefully sometime in early spring.
- **Parks & Recreation** – Crews at the 624 Berlin Road property have completed interior demolition of the barn structure. Most of the trees have been removed, but there is still some stump grinding to do. Crews will be there sometime this week, hopefully, to demolish the single-family structure and get that wrapped up before the holidays. Crews will have to return in the spring to do final grading and seeding of that property. They were excited that they were able to partner with the Fire Department. They were able to do some training last week in the single-family structure before its eventual demolition. He was glad they could find some additional uses prior to transitioning that property.
- **HJRD** – Staff will be present at the next School Board meeting on December 20th, right before the holidays. The Board will be considering the school district's continue participation in the Huron Joint Recreation District for the 2023 calendar year. They will hopefully have more to update after that meeting.
- **Parks & Recreation** – Several individuals have approached the City about the possibility of having a dedicated city-wide Christmas tree beginning in 2023. We have spoken internally about this a little bit, and think there is a possibility for them to look to do something in 2023 based on those request, with more details to come as we enter next year.
- **Police Chief Search** – The police chief advisory search committee has completed two evenings of interviews thus far on December 1st and 6th, respectively. To date, 7 candidates have been interviewed, and they are receiving applications through December 15th. If there are additional interviews that are desired by that committee, those will be completed on December 19th in hopes of starting final interviews right after the first of the year.
- **Brandon Brown** – Brandon Brown at the Filtration Plant has passed his Water Supply Class 2 examination, further advancing his education in the field. Brandon is a true asset to our team and he knows Jason Gibboney feels the same. They are very excited to see him progress to that OEPA licensure level. Congratulations, Mr. Brown.
- **Last Council Meetings** – Looking forward to the last Council meeting of the year, they have several important contract that they will be seeking Council consideration on. First, they anticipate presenting a one-year contract to continue their partnership with OHM Advisors as their

municipal engineer. They are proposing to continue their relationship with Mrs. Andrea Rocco as it relates to both our prosecutorial requirements and our human resources needs.

- Upcoming Meetings – Planning Commission on 12/14 at 5:00pm in Council Chambers; last City Council meeting on 12/27 at 6:30pm in Council Chambers.
- Administrative Offices Closed – We will be observing Christmas Eve and New Years Eve, respectively, on Friday, December 23 and Friday, December 30. On those days, the City will be closed at noon. Also, we will be observing Christmas Day and New Years Day, respectively, on Monday, December 26 and Monday, January 2. On those days, the City will be closed for the entire day.

Mr. Dike asked when Mr. Lasko anticipates a shovel being in the ground at the ConAgra site. Mr. Lasko said he has learned his lesson with throwing dates out there. He would be reluctant to throw out a date. There's a pretty significant public process with Planning Commission, and they are dealing with a 10+ acre site with a lot of nuances, not to mention, just from a public infrastructure standpoint, they've got to deal with the Army Corps related to the revetment work. They have spoken to the development team as recently as last week. If it were up to them, they would be out of ground in the spring of next year. But again, he doesn't want it to feel like there's pressure on the community or the Planning Commission to rush anything through. They want to be thoughtful about it and really do this right. Both parties are chiming at the bit, but again, they want to balance expediency with thoughtfulness moving forward. Mr. Dike said he is glad said they need to do something with the site, and the need to do that.

Regarding the School Board's consideration of not contributing to the HJRD. What is the amount of their contribution right now? Mr. Lasko answered that their 2022 contribution was roughly \$49,400, and for 2023, their contribution would be reduced by about \$50-\$100, or 10% of the district's budget. Mr. Hagy asked if this would affect 2023, or are we done in 2023. Mr. Lasko answered that this is specific for 2023. Mr. Hagy asked if they have an outrage charged for use of the facilities. Do you know what the cost is to use the tennis courts for tennis and things like that? Mr. Lasko said that he would have to defer to Mr. Steinwart, but they truly view this as a Joint Rec District. One of the things they are trying to stay away from is trying to nail down everyone's "to the penny" benefit. They believe there is a mutual benefit between the Township/City/School District. Mr. Hagy said where he is headed is just from a cost-benefit standpoint, is do they spend \$50,000 to save \$70,000 – he doesn't know if they know that answer, and he would think that they would want to know that answer before they make a decision.

Mr. Hagy asked Mr. Gibboney if they have set a location for the alternate intake. Mr. Gibboney answered that he believes the boat basin parcel would be almost entirely underground. At the north site, if there was any expansion needed at all down the road, they would be out of real estate.

Mr. Claus asked if the CEDS study is a one-time deal, or must that be redone every 5/10 years? Mr. Lasko said there is no set amount of time that you must update it, it's just something that's preferred to be regularly updated. Typically, it is every 10-15 years. Again, it is now written down in black and white, but based on changing economic circumstances locally and environmentally, that's the preferred time to update the study. Mr. Claus said the CEDS doesn't exist right now, at all. Mr. Lasko agreed, and believe that unfortunately, across the 88 counties in Ohio, there are only 4 or 5 that doesn't have a CEDS in place, with Huron County and Erie County being 2 of them.

Mr. Dike said there was a house taken down over on Wall Street – were there any specific reasons behind that? Mr. Lasko said that property has been a property that has been cited for code compliance issues because of its degraded condition. Two things he wants to make clear: (1) the property was not owned by the City, nor were they directly involved the resulting demolition of the property, and (2) when the property owner was cited for the conditions of the property, he had every ability to rehabilitate the property versus demolition. He wanted to make it clear that the City did not provide demolition as the only option. The property owner chose to demolish that property based on the citation and, evidently, not wanting to spend the money to reinvest and rehabilitate the property.

Mr. Hagy left the meeting at 7:37pm.

Mayor's Discussion

Mayor Tapp said that he really appreciates all of the feedback they get on everything. There are avenues you can take if there's are issues and problems, and Council wants you to do that. Relating to Dr. Helmkamp, he asked him to review the documents to know his options and what he can do.

From the audience, Dr. Helmkamp said Council limited transient rentals to 5% - does that mean that only 5% of the people it will affect badly? So if it wouldn't affect 5% badly, why not go for 100%, right? Because, let's face it, I think you're making a deal with the devil. There are multiple things involved, and if there weren't multiple things involved, you wouldn't need a lawyer, right? There are just so many different things, and one would be they are running a commercial business in a residential area. Mr. Schrader said he is very sensitive to what Dr. Helmkamp is saying. This Council and this City has determined that they are appropriate in 5% of the rooftops. Not everyone is having your experience, but he is here to empathize with him and said that to the ones have his experience, they are not favorable. Whatever he can do to notify the City's safety forces – call the City when those things are happening – the more information and the detail, the better.

Mayor Tapp said that he was part of Winter Fest with Mr. Dike on a fire truck. He heard all good comments, and he hopes that they continue this event.

Mayor Tapp recognized students in the audience from the high school government class and said he appreciates them coming. He likes to see this and asked them to come more often and hopes they get extra credit for this. He welcomed any questions from the students, and said the City staff is excellent. He says this every meetings – they depend on the staff a whole lot. They have good people that work for them and with them, and they will see that. If staff doesn't have an immediate answer for you, they will find out for you, one way or another.

Congratulations to Brandon Brown – he's sure getting that certification wasn't easy.

The fish cleaning station is shaping up and looking good.

For the Good of the Order

William Biddlecombe - He thanked Mrs. Merckens' students for being there and asked them to please come back. Tell your friends. The door is always open. He would like to thank the staff again for their continued hard work all year. He also wanted to congratulate Brandon Brown for passing his Water Supply Class 2 examination, and thanks to Doug in Parks & Recreation for Winter Fest. It was excellent again this year. The kids really enjoyed seeing Blinky in the River Fest float, and he would like to thank again Blue Chinley, who was Blinky this year (student volunteer). Again, he would also like to wish staff, Council, visitors and citizens of Huron a very Merry Christmas. Home games coming up – Boys Basketball on 12/15 and 12/21; Girls Basketball on 12/17 and 12/27. Please come out and support all of our student athletes, and Go Tigers!

Sam Artino - Merry Christmas to everyone. For the young folks in the audience, thank you for coming out. He loves seeing people getting involved with city government. Encourage your friends to get involved. Run for Council; otherwise, you will end up with a bunch of old guys like him. Get involved! Thanks and Merry Christmas.

Mark Claus – Thank you to the high school students for attending, and it is really great to see you come out and get involved. If you have any questions, just shoot us emails and that would be more than welcome. He had another question he didn't ask during the City Manager's discussion – he had several questions from residents about fiberoptics installation. Obviously, at this time of year when there's yard destructions and holes and lawn tear-up, he is assuming that they will have to come back in the spring for those repairs, and he wanted to make sure he is repeating clearly to residents that have asked him – those contractors are required to repair yards back to its prior condition. If someone has a specific complaint or issue, they should reach out to Mr. Hamilton (extension 1104). Mayor Tapp asked Mr. Hamilton, for the benefit of the students, to introduce himself because he wanted everyone to know they have someone with a great accent. He congratulated Doug and his team, Parks and Recreation, for a great Winter Fest, as well as the Chambers and everyone else involved in that. He looks forward to next year with the addition of the tree lighting. That will be a hallmark moment for the City. He wishes everyone a Merry Christmas, including administration staff, other Council members, citizens and everyone listening at home. Thank you, and since they have a meeting on the 27th, they will wish Happy New Year at that meeting.

Joe Dike - Thank you to everyone for participating. He would like to say best of luck to the School District at their upcoming meeting. He read in the newspaper that they are going to be making a big decision regarding school facilities. It is a probably a tough decision, but he wanted to wish them the best of luck in that.

Adjournment

Motion by Mr. Biddlecombe to adjourn the regular meeting of Council.

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

YEAS: Biddlecombe, Artino, Claus, Tapp, Dike (5)
NAYS: None (0)

There being a majority in favor of the motion, the regular Council meeting of December 13, 2022 was adjourned at 7:45pm.

Adopted: 14 FEB 2023


Terri S. Welkener, Clerk of Council