

THE CITY OF HURON, OHIO
Proceedings of the Huron City Council
Regular Meeting Tuesday, July 25, 2023 at 6:30pm

Call to Order

The Mayor called the regular meeting of the Huron City Council 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 regular meeting of Council. The following members of Council answered present: **William Biddlecombe, Joe Dike, Sam Artino, Monty Tapp, Mark Claus, Joel Hagy and Matt Grieves.**

Staff in attendance: City Manager Matt Lasko, Law Director Todd Schrader, Parks and Recreation Operations Manager Doug Steinwart, Planning Director Erik Engle, Water Superintendent Jack Evans, Finance Director Cory Swaisgood and Clerk of Council Terri Welkener.

Approval of Minutes

Motion by Mr. Dike to approve the minutes of the regular Council meetings of May 23, 2023, as written.

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

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

There being more than a majority in favor of the motion, the minutes of the regular Council meetings of May 23, 2023 were adopted.

Motion by Mr. Dike to approve the minutes of the regular Council meetings of June 13, 2023, as written.

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

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

There being more than a majority in favor of the motion, the minutes of the regular Council meetings of June 13, 2023 were adopted.

Motion by Mr. Dike to approve the minutes of the regular Council meetings of June 27, 2023, as written.

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

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

There being more than a majority in favor of the motion, the minutes of the regular Council meetings of June 27, 2023 were adopted.

Oath of Office

Mr. Lasko stated that the Huron Police Department started a proactive recruiting process to advertise for employment for a new full-time police officer locally, state-wide, and nationally. Throughout that process, they received some outstanding applicants with high levels of experience, education and training credentials. This hiring process has identified Dylan W. Rohrbaugh as the top candidate. Officer Rohrbaugh is 28 years old, and is an Erie County resident. He has a total of 5 years of law enforcement experience, with 2 years as a Road Patrol Deputy with the Ottawa County Sheriff's Office, and 3 years as a Corrections Officer with the Huron County Sheriff's Office. Officer Rohrbaugh has a bachelor's degree in Criminal Justice from Tiffin University, and he also possesses several specialized training certifications, include Marine Patrol Officer Training. Once Rohrbaugh completes field training, he will be assigned to the midnight shift.

Mr. Rohrbaugh and City Manager Matt Lasko came to the front of Council Chambers, where Mr. Lasko administered the Oath of Office to Dylan Rohrbaugh as a full-time Patrol Officer for the Huron Police Department.

(Applause)

Several photos were taken with Chief Graham, the City Manager and various family members.

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.

None.

Old Business

Ordinance No. 2023-16 (third and final)

Motion by Mr. Dike that Ordinance No. 2023-15 (AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY A PROPOSED AMENDMENT OF THE CHARTER OF THE CITY OF HURON, OHIO TO ADOPT SECTION 12.10, PERIODIC CHARTER REVIEW; AND DECLARING AN EMERGENCY) be placed on its third and final 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: Dike, Grieves, Hagy, Biddlecombe, Artino, Claus, Tapp (7)
NAYS: None (0)

There being more than a majority in favor, Ordinance No. 2023-16 was placed upon its third and final reading. The Law Director read the Ordinance by its title only.

Motion by Mr. Dike to place Ordinance No. 2023-16 as an emergency measure.

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: Dike, Grieves, Hagy, Biddlecombe, Artino, Claus, Tapp (7)
NAYS: None (0)

There being five or more votes in favor, the motion passed and Ordinance No. 2023-16 was placed as an emergency measure.

Mr. Lasko explained that this is a follow-up to two work sessions they had last fall and this spring, and a follow-up to first and second readings. Generally, a measure of good governance is to do periodic charter reviews as external and internal factors change throughout the years. Unfortunately, the City has never undertaken a charter review. Based on the work sessions, before they could even look comprehensively at the Charter for potential amendments, the first step is to actually create a Charter Review Commission. Our current Charter does not currently describe how that would be created, membership, etc. What is before Council is the third and final reading on the creation of a Charter Review Commission. The Charter Review Commission will be comprised of 7 individuals. Each Councilmember would be able to appoint one member to that Commission. Those appointments need to occur no later than 6 months prior to the date of any then-proposed amendments to the Charter to the Erie County Board of Elections. Membership should hold no other office or appointment within the City, they must reside in the City, and must be registered to vote.

This Commission would merely be providing recommendations to Council. Council would still have to accept and approve with a super-majority (5/7) vote to move any of those items to the ballot for the constituency to vote on. The Commission would cease to exist after the November election upon which they were appointed to review the Charter, and members should not serve on consecutive Charter Review Commissions.

If approved this evening, they would move this language to the Board of Elections to be placed on this November's ballot for the electorate to vote on the potential creation of the Commission.

Mr. Dike asked if this is a first reading, or are we suspending the three-reading rule. Mr. Lasko said this is the third reading. Mr. Dike asked if there has been any outreach to the City as far as any concerns regarding this. Mr. Lasko answered that they have received no correspondence via phone or email with concerns. They will leave it up to the electorate, but they thought it was important and critical to at least get it on the ballot. He failed to mention is if this Commission is not approved, Council still retains the right to amend the Charter themselves with a 5/7 vote, but thinks it's good to have to the public, at-large, review the Charter every 5 years.

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, Grievess, Hagy, Biddlecombe, Artino, Claus, Tapp (7)

NAYS: None (0)

There being more than a majority in favor, Ordinance No. 2023-16 was adopted. The Ordinance as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

New Business

Ordinance No. 2023-19 (first reading)

Motion by Mr. Dike that Ordinance No. 2023-19 (AN ORDINANCE ESTABLISHING THE RATE TO BE PAID BY RESIDENTIAL PROPERTY OWNERS FOR THE PERIOD OF JANUARY 2024 THROUGH DECEMBER 2024 FOR RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL; AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE TO CERTIFY THE COSTS OF SAME TO THE ERIE COUNTY AUDITOR FOR PLACEMENT ON THE TAX DUPLICATE FOR COLLECTION WITH OTHER CITY TAXES IN 2024) 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: Dike, Grievess, Hagy, Biddlecombe, Artino, Claus, Tapp (7)

NAYS: None (0)

There being more than a majority in favor, Ordinance No. 2023-19 was placed upon its first reading. The Law Director read the Ordinance by its title only.

Mr. Swaisgood stated that Ordinance 2023-19 is before Council for the first of three readings. This ordinance will allow the City to certify to the County Auditor garbage rates to be charged to residents on property tax bills for the calendar year of 2024. On June 27, 2023, Council amended Codified Ordinance 931.04, which allowed the City to bill either quarterly or bill through the property tax assessment process. The amount to be assessed will be correspond with the current Republic contract for garbage, yard waste, recycling and bulk pickup to the Erie County Auditor. If this is passed through the three readings, this will apply to all City residential units per the Republic Services contract. As presented at a Council Work Session back in April, a Finance Committee meeting in May, and a Utilities Committee meeting in April, the assessment will simplify the garbage billing process by moving the quarterly billing to a special assessment sent to the County once a year. This will reduce the amount of administrative hours from City staff, thereby eliminating the administrative rate being applied to the garbage fee, as was done in the past. This will also simplify the rate priority on quarterly billings for water and stormwater, as garbage payments will be part of the property tax bill and attached to the property, rather than an individual name in the water billing system. They realize this may complicate current payment terms for rental units. If this is passed, the City will communicate changes to all residents on the quarterly water bills and on Facebook for the rest of the year. Garbage rates will still appear on water bills through the end of 2023. For seasonals, the property would still be charged the full rate on their property tax bill. However, the City will issue a refund to the property as currently dictated in the City's Codified Ordinances. All seasonals currently get refunds in accordance with the ordinance, and they will continue to do so even if this is on

the property tax bill. They anticipate the certification to be an annual process, so Council will see and be presented with the rate every single year, and need to approve it going forward. They anticipate that this will be an annual process, and will be consistent with Republic Services' contract. The City is currently charging \$71/quarter, which annualized would be \$284 through December 31st of 2023. This legislation, if approved on its third reading, will allow the City to remove the garbage billing from the quarterly bill beginning on January 1, 2024. The new rate charged to residents will be \$297 for 2024, which will be split up into two payments billed semi-annually on the property tax bill. This increase equates to \$1 more per month.

Mr. Dike asked the amount of administrative cost savings. Mr. Swaisgood answered \$30,000. Mr. Dike asked why we can't do this with water, is it because it fluctuates? Mr. Swaisgood answered that water fluctuates, and since they do have businesses, too, that complicates things more. In addition, the water readings is more of a monthly process. Although there is a rate that they charge, the usage varies. If the City tried to assess this annually, the City could be fronting the cost upfront, or actually charging more. Assessing the water rates would be too difficult, cash-flow-wise. Mr. Dike asked what happens when Republic comes back and says there's been an increase in gasoline, we are going to add on a fuel charge? Mr. Swaisgood answered that that is a process they go through annually. There is a fuel surcharge, but right now the contract reads that we do a reconciliation with Republic every June. During that process, they will do that reconciliation on the fuel surcharge, as well. With the new contract, they negotiated a lot higher rate, as well, so he thinks we are going to see a benefit in that. He believes they are up to \$4.50/gallon per month, while they were at \$2.50/gallon on the prior contract. That is why that fuel surcharge has such a huge impact on them. There will be an annual process where they do that reconciliation – it could actually save residents money if they see a huge credit. Mr. Dike asked if there have been any residents that have reached out – he believes there was someone that had some questions a few weeks ago. Have there been any others? Mr. Lasko answered that, specific to the assessment process, he knows there was the one person, who Mr. Swaisgood talked to after that meeting. His office has not received anything in terms of concerns about the special assessment process.

Mr. Artino said that he has had a few people with concerns, on if which is that they are still confused over what's going on. He is glad to see we are going to continue to educate people. The other thing is some of the people that have payments in escrow – they are concerned about how that is going to work. He suggested they talk to their bank. Mr. Swaisgood spoke to the person last week, who actually asked about that. Knowing with an escrow account you are paying monthly, as well, once the bank sees that amount has been added to your escrow, you are actually going down to paying a monthly fee which. He thought that residents would like to see more monthly bills, rather than quarterly.

Mr. Biddlecombe had a couple residents reach out, as well. Most of it relates to budgetary concerns and dealing with the escrow. The other question he has is, do we envision the water switching to monthly billing, as the County does with the sewer. Mr. Swaisgood answered that that is something they have talked about internally, and they still think that's possibility – even more so with the City going to this assessment process. Ultimately, they need to work with the County to do the billing with water and sewer all on one bill.

Mr. Artino, asked why the County is doing this for us. Mr. Swaisgood answered that the law requires them to do that if Council passes the ordinance. Mr. Artino asked why they are being so nice to us? They are required to was the answer. Mr. Swaisgood said he talked to them before he even brought this up – they

are allowed to do this, and he knows other cities that do this. If Council approves this ordinance, they have to put the assessment on the property tax bill.

Ordinance No. 2023-22 (first reading)

Motion by Mr. Claus that Ordinance No. 2023-22 (AN ORDINANCE AMENDING AND RESTATING CHAPTER 161 DIVISION OF PERSONNEL) 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: Claus, Tapp, Dike, Grieves, Hagy, Biddlecombe, Artino (7)

NAYS: None (0)

There being more than a majority in favor, Ordinance No. 2023-22 was placed upon its first reading. The Law Director read the Ordinance by its title only.

Mr. Swaisgood said that he would like to address both Ordinances 2023-22 and 2023-23. The administration is requesting Council's approval on amendments to various employment and personnel provisions in the Codified Ordinances, which are specific to Chapters 161 and Chapter 163. Ms. Andrea Rocco was hired as the City's HR Manager, and she has suggested many changes to the employment provisions in the Code, mostly to remove outdated and inconsistent content with current laws and the collective bargaining agreements. These changes also provide a consistency throughout the Codified Ordinances and the City's Employee Manual. Clarification was made on specific processes, employment practices and leave time accrual and payouts. The changes will also align certain policies and processes with current practices and the collective bargaining agreements, and align certain language with federal employment laws. Tonight will be the first of three readings on these amendments.

In Chapter 161 – Division of Personnel, a summary of some of the significant changes or amendments that are being requested include:

- Clean up language on classified positions with our fire and police full-time and part-time employee positions;
- Specific to Section 161.08, changes were made to the appointment and probation process where it conflicted with the bargaining units. The current language was amended to refer to bargaining unit agreements where applicable, instead.
- Additional disciplinary categories were added to Section 161.10, which was theft and violating City policy;
- The drug and alcohol policy was removed from Chapter 161, as this is also in bargaining agreements and the City's employee manual;
- In Section 161.11, the personnel appeals process was changed to only apply to non-bargaining unit employees, as the bargaining units have a separate negotiated appeals process with their agreements;
- Overall, no monetary employee salaries or employee rates were changed in Chapter 161.

In Chapter 163 – Employment Provisions, changes include:

- In Section 163.02, language was cleaned up on eligibility of sick leave accrual and carryovers from other political subdivisions. Currently, all new hires coming into the City with prior service, and this goes for bargaining and non-bargaining, from another Ohio political subdivision can only carry over up to 15 days of unused sick leave to the City of Huron. The amended language does allow for new hires to carry over all unused sick leave; however, this leave is restricted and will be tracked as a separate bank of leave. All other sick leave accrued as a City employee must be exhausted before you can use this leave. This new banked sick leave cannot be donated and will not be paid out upon retirement, so there will not be an additional liability to the City, especially upon retirement. As you retire from the City, you only get paid out for accrued sick leave during your time with the City. To any new employee going forward from the day this is approved (this will not be retroactively applied to anyone), they will be given a separate bank for any transferred sick leave. That sick leave cannot be touched, it cannot be donated and cannot be paid out. It really is just in place for the event you are hired and something happens to you within the first years, and only have a few weeks of sick leave and go on FMLA. It gives protection that you have leave time you can use from that transferred sick leave if you have surgery or some emergency happens. Bringing over 15 days would not be enough to cover them if something happens.
- Changes in Section 163.04 provide clarity on holiday hours as of December 31st of every year and upon separation. Employees cannot carry over any unused holiday hours after December 31st of each year. This is the practice the City currently goes through, but it is not clear in the codified ordinance. Holiday hours not used cannot be paid out upon separation or retirement, or carried out. That is all gone at the end of the year.
- The vacation leave section of the codified ordinances was outdated and lacked clarity. The amended language does not change the amount of vacation accrual for non-bargaining employees or carryover amounts. A table was added to the ordinance for clarity. The fire and police vacation accruals were removed from this section, since they mostly comply with bargaining unit agreements. If a bargaining unit agreement were to be inconsistent with the codified ordinance, obviously, the bargaining agreement would trump it, so there is really no point in having this section in the codified ordinances to begin with.
- Currently, all new hires must wait a year before they can accrue and use vacation. The amended language removes the one-year restriction, and also allows the City Manager discretion on prior years' service in calculation of vacation upon hire. This will help with recruiting qualified candidates from non-government employees, especially in this day and age, with how hard it is to find other government employees to come work for municipalities. Having this will allow the City Manager discretion if there are experienced individuals that did not come from a government employer.
- The personal leave accrual was increased to allow for 3 days of personal leave instead of 2 for non-bargaining employees. Currently, all non-bargaining employees are only given 2 at the beginning of the year. The bargaining units allow for 3 days of personal leave every year, so this is providing for consistency between bargaining and non-bargaining employees. The amended language does not allow for payout of any personal leave upon separation or retirement, which is currently not clear. Personal leave also cannot be carried over from year-to-year with this amended language, as well.
- The current codified ordinance related to maternity leave is outdated and inconsistent with current FMLA law, so you will notice that that section was stricken. Under FMLA, you must offer 12 weeks of maternity leave, and by rescinding this section, the City defaults to federal laws and the current Employee Manual and CBA. The reason for that is to also allow for flexibility if the City

does want to improve that policy – the current codified ordinances would restrict them even more. That was enacted back in 1977, and was never changed since then.

Those are the major areas he wanted to touch on. Again, this is the first of three readings.

Referring to Section 163.07 regarding Maternity Leave, Mr. Claus said that section wasn't actually repealed, it was just replaced with Personal Leave, which was confirmed by Mr. Swaisgood. That language on maternity leave was rescinded just because of the reason stated earlier. Personal leave was moved here (it was previously with holidays) to have its own section. Mr. Claus said in 163.11 – Emergency Leave, we are repealing the entire section – he is assuming that we are allowed to do this since we are kind of repealing the whole section instead of adding a number at the end. Mr. Swaisgood answered that that was the reason for that, yes.

Mr. Schrader added that prior to the meeting, they noticed several places where we have to make small innocuous changes, such as pronouns. We refer to the City Manager as "his." That works today, but may not work in the future. In the next iteration, for the second reading, it will include those kinds of corrections.

Ordinance No. 2023-23 (first reading)

Motion by Mr. Claus that Ordinance No. 2023-23 (AN ORDINANCE AMENDING AND RESTATING CHAPTER 163 EMPLOYMENT PROVISIONS) 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: Claus, Tapp, Dike, Grieves, Hagy, Biddlecombe, Artino (7)
NAYS: None (0)

There being more than a majority in favor, Ordinance No. 2023-23 was placed upon its first reading. The Law Director read the Ordinance by its title only.

Ordinance No. 2023-24

Motion by Mr. Hagy that the three-reading rule be suspended and Ordinance No. 2023-24 (AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,400,000 TO PAY COSTS OF A "PROJECT" AS DEFINED IN SECTION 165.01 OF THE OHIO REVISED CODE, FOR THE PURPOSE OF CREATING OR PRESERVING JOBS AND EMPLOYMENT OPPORTUNITIES AND IMPROVING THE ECONOMIC WELFARE OF THE CITY AND ITS RESIDENTS AND THE STATE OF OHIO; PROVIDING FOR THE PLEDGE FOR THAT PURPOSE OF CERTAIN NONTAX REVENUES; ESTABLISHING AN ACCOUNT OR FUND OF THE CITY; APPROVING RELATED DOCUMENTS; AND DECLARING AN EMERGENCY) 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, Grieves (7)
NAYS: None (0)

There being five or more votes in favor, the motion to suspend the three-reading rule passed and Ordinance No. 2023-24 was placed upon its first reading. The Law Director read the Ordinance by its title only.

Motion by Mr. Hagy to place Ordinance No. 2023-24 as an emergency measure.

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, Grieves (7)

NAYS: None (0)

There being five or more votes in favor of the motion, Ordinance No. 2023-24 was placed as an emergency measure.

Mr. Swaisgood will be addressing Ordinances 2023-24, 2023-25 and 2023-26, as they are all related. The following three ordinances give the administration the authority to issue long-term bonds in September of this year to pay off the \$3.025 Million note issued in December of 2022, which matures in September of 2023, and add \$1 Million for the City's contribution to the State's US6 Project. He respectfully requests approval of these three ordinances at tonight's meeting due to the timing of when the note matures in September. Please note that these are in "not to exceed" amounts, so we do not expect to take out the full \$4.5 Million. There is only about \$4.2 Million we expect to be needed.

The bond issuance ordinances are broken down as follows:

- \$2.285 Million is expected to be issued for a 30-year taxable revenue bond for the direct subsidy to the Sawmill Creek Resort for improvements per the Compensation and Annexation Agreements, at the rate of 5.5%. You will notice that this will be the higher rate of the three ordinances, and that is because this is a taxable bond, and not a non-taxable bond. Because of the \$2 Million that was given to Sawmill Creek was given to a private employer and private property, that has to be taxable in nature. That is the reason for the higher tax rate. The \$2 Million was already paid to the property owner in December of 2022, so this is just paying off that note that was issued in December;
- The second ordinance is a \$1 Million 20-year tax-exempt bond for greenspace, which would be connected to the Oster's property, at a rate of 4.7%. A portion of this amount is in escrow, and the rest will be paid in the December note.
- The other \$1 Million will be a 20-year tax-exempt bond, as well, for the US 6 improvements, at a rate of 4.7%, and this would be the City's \$1 Million contribution that will be paid directly to the State of Ohio. If this is issued in September, the expectation is that we would be moving that money over to the State right away, as he believes they would want the contribution in September or October.

The City expects the annual debt service to align with the Sawmill Creek TIF proceeds, which is approximately \$326,000/year. A 3-year call option (he thinks this is important) will also be negotiated in this case. If the City sells the Oster property or the market produces lower interest rates, that would give them the option to pay down the debt, if they have it, or call it in to a lower interest rate that's going

forward. The expectation is that interest rates will, hopefully, go down, so the 3-year call will give the City the option a lot sooner than normal. The 3 separate pieces of legislation are necessary, due to varying purposes. In early August, the City will be going through a rating review with Moody's in Chicago. If all things go well, Moody's could improve the City's credit rating. Currently, the rates that you see are at the City's current credit rating of AA3. In order to lower the interest rates, they would have to move up to AA2. The highest rating is AAA. If all goes well in Chicago for the Moody's rating review, they could potentially lower those interest rates. The last rating review the City went through was in 2019, and a lot has happened since 2019. That rating review will be done in early August, and they will receive their results before this debt is issued, so they will know if there are any changes that would be favorable to the City. The bond issuance will be accounted for in the Sawmill Creek Resort TIF Funds that were created last year. He anticipates that more details on the issuance and the rating review will be presented to the Finance Committee at a meeting currently scheduled for August 8th at 5:30pm.

Mr. Hagy said, assuming the last comment about Moody's, these rates are not locked. Mr. Swaisgood said the rates are not locked – they are a little more conservative. At our current rating, they could be even less, which is what they are hoping. The rates that Council sees here are more conservative at the rating review the City has right now. The expectation is that as we go through the rating review at Moody's that they improve their rating and then the rates will be even lower. Mr. Hagy asked what the risk is of them going up. Mr. Swaisgood answered that, in discussions today, it shouldn't happen. There are minimum requirements that they look at, anyway, before we even come in. In talking to Mike Sudsina, our debt advisor, he said that based on our floor, the City shouldn't see a decrease in that rating. He doesn't think Mr. Sudsina would offer to go with us to do the rating review if he thought it would go down. They are expecting it to go up.

Mr. Artino asked, when this is all said and done, where does the City sit as far as debt goes? Mr. Swaisgood answered that they will know once they get the transcript of proceedings, which will have that in there for us. It depends on the assessed value at this time of year. We still will have capacity, as planned. The \$2 Million that you see here for the tax-exempt bonds – those are GO debt, so that will apply and those won't be exempt. The \$2 Million in taxable revenue bonds will be exempt, because they are paid from TIF proceeds from Cedar Fair. He knows they are exempt – it just depends if the other two will be, but since they are GO debt backed, which is a lower interest rate, they probably won't be exempt. It's only \$2 Million of the \$11 Million, leaving \$9 Million of capacity left at the end of last year.

Mr. Biddlecombe asked if Lemmy's falls into one of those TIF districts. Mr. Lasko answered that they did the TIF on Sawmill Creek Resorts a little differently than a traditional boundary TIF, where you have a project and then a boundary to spend those funds. They did what is called a partial-TIF, which is TIF'ed to specific parcels (in this case, Sawmill Creek Resort), but instead of being restricted to a boundary, they just need to go to projects that can loosely benefit the TIF'ed project. It's a long-winded way of saying, for any funding to be used on Lemmy's, you would ultimately be able to tell that it was to the benefit of the Sawmill Creek Resort project. Again, it is a little bit different since it's not a boundary TIF, like most are.

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 Ordinance No. 2023-24. Members of Council voted as follows:

YEAS: Hagy, Biddlecombe, Artino, Claus, Tapp, Dike, Grieves (7)

NAYS: None (0)

There being more than a majority in favor of adoption, Ordinance No. 2023-24 was adopted. The Ordinance as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Ordinance No. 2023-25

Motion by Mr. Hagy that the three-reading rule be suspended and Ordinance No. 2023-25 (AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,050,000 TO PAY COSTS OF THE ACQUISITION OF LAND IN THE CITY TO BE IMPROVED AND USED FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY) 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, Grieves (7)

NAYS: None (0)

There being five or more votes in favor, the motion to suspend the three-reading rule passed and Ordinance No. 2023-25 was placed upon its first reading. The Law Director read the Ordinance by its title only.

Motion by Mr. Hagy to place Ordinance No. 2023-25 as an emergency measure.

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, Grieves (7)

NAYS: None (0)

There being five or more votes in favor of the motion, Ordinance No. 2023-25 was placed as an emergency measure.

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 Ordinance No. 2023-25. Members of Council voted as follows:

YEAS: Hagy, Biddlecombe, Artino, Claus, Tapp, Dike, Grieves (7)

NAYS: None (0)

There being more than a majority in favor of adoption, Ordinance No. 2023-25 was adopted. The Ordinance as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Ordinance No. 2023-26

Motion by Mr. Hagy that the three-reading rule be suspended and Ordinance No. 2023-26 (AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,050,000 TO PAY COSTS OF IMPROVING THE PORTION OF US-6 LOCATED IN THE CITY BY CONSTRUCTING, RECONSTRUCTING, RESURFACING, PAVING, GRADING, DRAINING AND MAKING OTHER IMPROVEMENTS AND, IN CONNECTION THEREWITH, CONSTRUCTING AND RECONSTRUCTING, AS NECESSARY, ONE OR MORE ROUNDABOUTS, CURBS, GUTTERS, SIDEWALKS, CONCRETE APRONS,

STORM SEWERS AND RELATED DRAINAGE FACILITIES, AND REPLACING OR ADDING LIGHTING AND TRAFFIC SIGNALS, TOGETHER WITH ALL NECESSARY RELATED IMPROVEMENTS AND APPURTENANCES THERETO, ALL AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL, AND DECLARING AN EMERGENCY) 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, Grieves (7)

NAYS: None (0)

There being five or more votes in favor, the motion to suspend the three-reading rule passed and Ordinance No. 2023-26 was placed upon its first reading. The Law Director read the Ordinance by its title only.

Motion by Mr. Hagy to place Ordinance No. 2023-26 as an emergency measure.

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, Grieves (7)

NAYS: None (0)

There being five or more votes in favor of the motion, Ordinance No. 2023-26 was placed as an emergency measure.

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 Ordinance No. 2023-26. Members of Council voted as follows:

YEAS: Hagy, Biddlecombe, Artino, Claus, Tapp, Dike, Grieves (7)

NAYS: None (0)

There being more than a majority in favor of adoption, Ordinance No. 2023-26 was adopted. The Ordinance as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution No. 55-2023

Motion by Mr. Grieves that the three-reading rule be suspended and Resolution No. 55-2023 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION (OPWC), SCIP AND LTIP PROGRAM YEAR 38, FY 2025 GRANT RELATING TO THE SOUTH MAIN STREET WATERMAIN REPLACEMENT PROJECT IN THE AMOUNT OF SIX HUNDRED THOUSAND AND 00/100 DOLLARS (\$600,000.00); AND FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AWARD IN AN AMOUNT NOT TO EXCEED SIX HUNDRED THOUSAND AND XX/100 DOLLARS (\$600,000.00), SHOULD THE APPLICATION BE SUCCESSFUL) 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: Grieves, Hagy, Biddlecombe, Artino, Claus, Tapp, Dike (7)
NAYS: None (0)

There being five or more votes in favor, the motion to suspend the three-reading rule passed and Resolution No. 55-2023 was placed upon its first reading. The Law Director read the Resolution by its title only.

Mr. Evans explained that this grant application is through the Ohio Public Works Commission, not to exceed \$600,000, and will be used to help fund the South Main Street Waterline Replacement Project. The majority of the amount listed is grant funds, and the remaining will be a low-interest loan. As a reminder, the project is for replacement of about 1.3 miles of watermain on South Main Street. It also includes 28 hydrants, 3,000 feet of service branches, and 7500 sq. yd. of asphalt. The application is due by September 9th.

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. 55-2023. Members of Council voted as follows:

YEAS: Grieves, Hagy, Biddlecombe, Artino, Claus, Tapp, Dike (7)
NAYS: None (0)

There being more than a majority in favor of adoption, Resolution No. 55-2023 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution No. 56-2023

Motion by Mr. Biddlecombe that the three-reading rule be suspended and Resolution No. 56-2023 (A RESOLUTION OF NECESSITY ACKNOWLEDGING INSPECTION OF PROPERTIES CITY-WIDE IN ANTICIPATION OF ENFORCEMENT OF SIDEWALK-RELATED ORDINANCES AND OHIO LAW RELATING TO SIDEWALKS) 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: Biddlecombe, Artino, Claus, Tapp, Dike, Grieves, Hagy (7)
NAYS: None (0)

There being five or more votes in favor, the motion to suspend the three-reading rule passed and Resolution No. 56-2023 was placed upon its first reading. The Law Director read the Resolution by its title only.

Mr. Engle stated that this resolution is the first step in the assessment process for all sidewalks throughout the City. Staff has determined that District 2 will be the focus area for both trees and sidewalks due to storms in that area, and that includes the Oklahoma neighborhood. District 2 encompasses the southwest quadrant of the City from Rye Beach (furthest west) all the way to Wheeler south of US 6 and Route 2.

Mr. Biddlecombe asked about the map for District 2 – the map isn't actually stating that there are sidewalks, it's just the areas – he knows for a fact that there are no sidewalks in Huron Heights. Mr. Engle answered that staff has already mapped out where there are and are not sidewalks – that is just the focus area.

Mr. Hagy asked if this will be the same District 2 for trees, which Mr. Engle confirmed was correct.

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. 56-2023. Members of Council voted as follows:

YEAS: Biddlecombe, Artino, Claus, Tapp, Dike, Grievies, Hagy (7)

NAYS: None (0)

There being more than a majority in favor of adoption, Resolution No. 56-2023 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Acting Council and will take effect immediately.

Resolution No. 57-2023

Motion by Mr. Biddlecombe that the three-reading rule be suspended and Resolution No. 57-2023 (A RESOLUTION OF NECESSITY ACKNOWLEDGING INSPECTION OF PROPERTIES CITY-WIDE IN ANTICIPATION OF ENFORCEMENT OF TREE-RELATED ORDINANCES AND OHIO LAW RELATING TO TREES) 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: Biddlecombe, Artino, Claus, Tapp, Dike, Grievies, Hagy (7)

NAYS: None (0)

There being five or more votes in favor, the motion to suspend the three-reading rule passed and Resolution No. 57-2023 was placed upon its first reading. The Law Director read the Resolution by its title only.

Mr. Engle answered Councilman Hagy's question – yes, in order to simplify the process, we will be combining the districts as to where both trees and sidewalks will be inspected. In this case, trees are a priority for that particular district, hence why they combined that with the sidewalk area.

Mayor Tapp asked if the City will be hiring an arborist to do this. Mr. Engle answered that the plan is to hire an arborist to go out along with the City staff in the Planning Department to help map, as well as to vet any questions they might have to facilitate the process. They will provide their professional opinion on which trees need to be removed. Asked by Mayor Tapp if there is a timeframe, Mr. Engle answered that it is as soon as possible. Some trees have already been marked in the Oklahoma neighborhood, so they have those on file right now, but as far as the rest of the district, he is hoping within the month they will have everything completed. Mayor Tapp said he has received some call as far as trees being marked. Mr. Engle explained that last year, they had marked the trees based on code enforcement. They were in talks about the assessment process, and had to put that on hold to make sure they got all of the legislation

up to par, and now they are moving into the actual assessment process, where folks are actually going to be able to opt in if they want to. There was a little bit of lapse in time on our end. They are revisiting that, so those will all be addressed. Mayor Tapp said the liability thing is what concerns him. People tell him the trees have been marked, and that's the last they hear about it. Is there a timeframe after they're marked that they need to be taken care of? Mr. Schrader answered said not necessarily. He just encountered this in another municipality. There is a Doctrine of Sovereign Immunity that is confronted, as well. Unless there is some clear present, imminent danger, he thinks the City will be in a good spot. Also, for the edification of the Council, the Ohio Revised Code is very specific on sidewalks in terms of what needs to be done and the procedure/process, and they made trees identical to it to simplify it for enforcement. This is the very beginning, and everything thing should now flow relatively smoothly. They are dependent on third-parties (arborist, inspections), but people are going to start seeing a lot more activity.

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. 57-2023. Members of Council voted as follows:

YEAS: Biddlecombe, Artino, Claus, Tapp, Dike, Grieves, Hagy (7)

NAYS: None (0)

There being more than a majority in favor of adoption, Resolution No. 57-2023 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Acting Council and will take effect immediately.

Motion

Motion by Mark Claus to refer the rezoning application of Jan Weske Bucholz to rezone three parcels (PPN's 43-00305.000 - 245 Atwood Place, 43-00306.000 - Cleveland Road West, and 43-00307.000 - 2029 Cleveland Road West), which are currently all zoned R-1A, to B-3 Business, to the Planning Commission for review and recommendation.

Mr. Dike ask what R-1A is. Mr. Lasko answered that it means single-family residential. Mr. Dike then asked what the "A" means. Mr. Erik says it is usually a letter system. Depending on how it's structured, you will have an R1, an R1-A, an R1-B, an R1-C. The letter designation is usually assigned according to lot size. R-1A is a smaller lot size. Mr. Dike asked if the Planning Commission does approve this, what does that allow them to do that they are not currently allowed to do. Mr. Engle answered that they have a non-conforming use at that point, so this will just be better in line with what they want to expand on, let alone the business as it is. We don't allow any kind of commercial use in R1-A, and that's what Lemmy's is zoned right now.

Mr. Shrader stated that his office is currently looking into the current code in terms of whether these rezoning requests need to come before Council for a referral, or whether folks can make an application directly to the Planning Commission, because Council is going to have input on it. They are looking at simplifying and making it a little more efficient.

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: Claus, Tapp, Dike, Grieves, Hagy, Biddlecombe, Artino (7)

NAYS: None (0)

There being more than a majority in favor, the motion passed, the matter was referred to the Planning Commission for review and recommendation.

City Manager's Discussion

The City Manager spoke on several topics:

Economic and Community Development Updates – We will be hosting Solomon Jackson with Norfolk Southern later on this week. He oversees Norfolk Southern's real estate division. This is a follow-up to a meeting we had in March or April of this year. We will be receiving an update regarding current and future activities at the Carmeuse site, which he will certainly pass along to Council and the community, as well as their thoughts and plans with the remainder of their holdings throughout the City.

Oster's Mobile Home Park – We still remain at 9 households that have been successfully relocated from the site. There are another 3 households that are not moving their trailers that have identified housing, but have not yet moved. There are another 7 individuals that will be moving their trailers, with the first one being prepped on Friday, and being moved on Monday. We are still working on about 7 or 8 households that still need to identify housing, but he thinks that is actually a pretty successful number, being 3 or 4 months in at this point, and again, a lot of thank-you's to all of the social service agencies and partners that are working to help relocate individuals and families to housing situations that make sense for their family. Progress continues, and we will stay hard at work over the next couple weeks and months.

Annual Meeting and Awards for ECEDC – As mentioned over the past two meetings, the annual meeting and awards for ECEDC, which is the Erie County Economic Development Corporation, will be held Tuesday, August 8th at Sawmill Creek Resort in their Willows Hall. Councilmembers should have invitations from a couple meetings ago. Arrival begins at 4:30pm, and the program begins at 5:00pm. I will note that is the evening of Finance Committee at 5:30pm, so he is not hopeful that many Council members or staff can attend, but again, if you sneak there for a few minutes, it is certainly worthwhile. The keynote speaker will be Eric Wobser, who was recently announced as the incoming CEO of the Greater Sandusky Partnership, who is merging organizations with ECEDC.

Trivan Investments – City staff did meet with representatives, about a week and a half ago, of Trivan Investments, who are a major land acquisition firm for major national homebuilders. We also met with Bo Knez, who is the owner of Knez Homes, currently the largest townhouse builder in the City of Cleveland. They are looking at major residential investments in Huron and/or Huron Township. We explored several potential sites that are good candidates and made a lot of connections to private property owners in both the City and the Township, in hopes of increasing the supply of all types of housing at all price points over the next couple of years. Hopefully, we will have some good leads from that meeting.

Infrastructure and Streets – We have lucked out from phenomenal weather over the last couple of months, and we expect the Sawmill Parkway Reconstruction Project to be completed, for the most part, in early August. I anticipate some punch list items that will be needed throughout the month, but kudos to the contractor/subcontractor and our team. If you haven't driven the Parkway, I certainly encourage

you to. They have just done a tremendous job and fast. Look forward to that being done in the next couple weeks.

Shawnee School Zone - We are working internally and with our partners at Huron Schools related to decommissioning the Shawnee school zone. We are working with the Ohio Department of Transportation – I believe we got some guidance from them today as to what's required to decommission not just the formal school zone, but what we are allowed to do with the flashing beacons and school zone signs. I do believe we can actually move those flashing beacons to the Cleveland Road East sidewalk project, where we are showing the new intersection being installed, and then we can ultimately reuse the school zone signs elsewhere, as they are City property. We will work with the public to decommission that over the next couple weeks through Stu's office in partnership with Larry at OHM.

Tennis Courts – The contractor continues to work on that project. Contractors have completed saw-cutting and installation of underdrains, and commenced face repairs. This will be in advance of installing the coating that will take up to at least a month to cure. We are still anticipating a mid-September completion, although that is highly contingent on weather. We will keep folks apprised of any potential changes in that schedule as we move forward.

Finance Department – There was a link in the Manager's Report to the June monthly financial report that Mr. Swaisgood provided. He wanted to hit some highlights of that. At the end of June, income tax revenue was up 14%, which equates to roughly \$275,000 in comparison to June of 2022. That increase is mostly due to Ardagh; however, we have again started receiving income taxes from Sawmill Creek Resort and increases from Mucci Farms. The General Fund balance at the end of June was \$1.9 Million, or 32% of annual expenditures. Major revenue sources are showing positive growth in 2023 compared to 2022. Most notably, our interest earnings for this year at the end of June are up 277% from last year, which is certainly a major benefit to our budget. Thank you to Mr. Swaisgood for his stewardship and making sure we are investing those funds appropriately.

Upcoming Meetings – Utilities Committee on August 2nd at 5:00pm in the main conference room; Finance Committee meeting on August 8th at 5:30pm in Council chambers, which is followed by the City Council meeting on the same day, August 8th at 6:30pm in the Council chambers; the Board of Zoning Appeals on August 14th at 5:30pm in Council chambers; Planning Commission meeting on August 16th at 5:00pm in Council Chambers, and the second City Council meeting on August 22nd at 6:30pm in Council chambers.

Mayor's Discussion

Mayor Tapp said:

I don't have a whole lot. For those people in the audience and those watching at home, as you can tell by our agenda, the City and staff have been very busy. I would like to thank them for all of the hard work they do and continue to do, and I would like to thank the Council for their support and the hard work they do. Lastly, I would like to send my condolences to the family of Mary K. Schlessman. She was one of the Township Trustees – actually, the first female Trustee, and she was on the Township Zoning Board for 25 years. She passed away last week. She was very respected professionally, and she will truly be missed, so I would like to give our condolences and our thoughts to the family of Mary K. Schlessman. That is all I have.

For the Good of the Order

William Biddlecombe – I would like to offer my condolences to the Schlessman family. I would like to thank staff for their hard work. Welcome back, Terri, and Happy Birthday, Mr. Swaisgood. I would like to also congratulate Office Rohrbaugh. Some takeaways from the last School Board meeting: the purchaser of Shawnee will not be announced until the deal closes in September. The new track is almost finished. It looks great if you haven't been over there. They are just waiting on some final drainage fixes, and a new gate to be installed, then it will reopen. The August meeting will be moved to Tuesday, August 22nd instead of Monday the 21st. It will still be at 6:00pm, and this will be the first meeting at the new Board location at the High School.

Some Boat Basin events coming up: Movies by the River on July 26th is Peter Rabbitt III – The Runaway; August 2nd is Clifford; Boppin' on the Basin: on July 29th we have the K-96 Summer Jam with Roadhouse Band and Campfire Ready; August 5th is Attraction, and Arts at the Amphitheater on July 30th is the Erie County OSU Alumni Band, and on August 6th is the Carol Crane Youth Theater, and tomorrow night, July 26th at 7:00pm is the Tiger Pride Run. That will be at the practice field next to the stadium since the track isn't open yet. Please come out and support all of these local events, programs and our student athletes, and Go Tigers!

Joe Dike – Congratulations to Officer Dylan Rohrbaugh. Thank you, Chief for doing that. I also would like to give my condolences to the Schlessman family, as well.

Mr. Artino – I would like to say congratulations to Officer Rohrbaugh, and condolences to the Schlessman family, as well. I would like to agree with Mr. Claus on the relocation of families at Oster's. Just so everybody knows, the City is not abandoning anybody. The City has been working very hard – our staff, other volunteers, other agencies. They are working hard to treat everyone with dignity and respect. Thank you.

Mark Claus – Thank you, Mr. Mayor. First of all, I would like to welcome back Terri to our Council meeting, even though not in person, but second-best. Our roll call is actually in order now, so we're not confused. We were really confused when Terri was gone. My condolences to the Schlessman family, as well, and congratulations to Office Rohrbaugh. I would also... once again, the whole Oster project and relocation has been ongoing for a while. I just want to reiterate how much hard Mr. Lasko, in particular, has been doing. He has been really involved in this process, and things are moving along. The social service agencies have been very involved. Community members, some personally, have gotten very involved and helped out very well. The community has really come together to help the people at the mobile home park with their relocation. I really think that it's moving along pretty well – not fast, as good as could be expected at this point. There has been... everyone, every story, if you have a chance to find out the stories of the people that have been moved to better situations, better housing, and everybody that I have heard from or about, has been ecstatic about their new conditions. I just want to say kudos to Matt and his staff, and the agencies that have been helping. That's all I have.

Mr. Hagy – Just two quick things. As the Mayor said, condolences to the Schlessman family. Thank you to her for her almost three decades of service to the Township. Congratulations to Officer Rohrbaugh, and thanks to the Chief for doing this live, this is really cool and I appreciate that.

Mr. Grieves – Condolences to the Schlessman family. Congrats to Mr. Rohrbaugh for being sworn in tonight.

Executive Session(s)

None.

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, Grieves, Hagy (7)

NAYS: None (0)

There being a majority in favor of the motion, the regular Council meeting of July 25, 2023 was adjourned at 7:44pm.

Adopted: _____

22 AUG 2023



Terri S. Welkener, Clerk of Council