

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

CITY COUNCIL — REGULAR COUNCIL MEETING

Tuesday, March 26, 2024 @ 6:30 PM
City Council Chambers
417 Main Street
Huron, Ohio 44839

LIVESTREAM MEETING INFORMATION

This regular meeting of Council will be conducted in person in Council Chambers at Huron City Hall and live streamed on the City of Huron's YouTube channel. The public is free to observe and hear the discussions and deliberations of all members of City Council via the following link: https://www.youtube.com/channel/UCpRAV-AnmlA6lfukQzKakQq

- I. Call To Order Moment of Silence followed by the Pledge of Allegiance to the Flag
- II. Roll Call of City Council
- **III.** Oath of Office City Manager Matt Lasko will administer the Oath of Office to new full-time patrol officer Zachary Blair.
- IV. Approval of Minutes
- **V.** Audience Comments Citizens may address their concerns to City Council. Please state your name and address for the recorded journal. (3-minute time limit)
- VI. Old Business
 - VI.a Ordinance No. 2023-51 (TABLED) (submitted by Erik Engle)
 An ordinance establishing a new Section 505.18 (Chickens) under Chapter 505 (Animals and Fowl) of the City of Huron Codified Ordinances.
 - VI.b Ordinance No. 2023-52 (TABLED) (submitted by Erik Engle)
 An ordinance establishing a new Section 505.19 (Bees) under Chapter 505 (Animals and Fowl) of the City of Huron Codified Ordinances.
 - VI.c Ordinance No. 2023-55 (TABLED) (submitted by Erik Engle)
 An ordinance repealing, amending and restating Section 1123.01(c) (Accessory Uses) under Chapter 1123 (Residence Districts) of the City of Huron Codified Ordinances.
 - VI.d Resolution No. 2023-56 (TABLED) (submitted by Erik Engle)
 An ordinance establishing a new Subparagraph (7) under Section 1125.02(a) (Neighborhood Business District) of Chapter 1125 (Non-Residence Districts) of the City of Huron Codified Ordinances.
 - VI.e Ordinance No. 2023-57 **(TABLED)** (submitted by Erik Engle)
 An ordinance amending Section 1123.04 (R-3 Multi-Family Residence District) of Chapter 1123 (Residence Districts) of the Huron Codified Ordinances to establish a new Section 1123.04(f).

VII. New Business

VII.a Resolution No. 25-2024 (submitted by Matt Lasko)

A resolution accepting the recommendations of the Erie County Tax Incentive Review Council relating to Enterprise Zone Agreements and Community Reinvestment Area Agreements.

VII.b Resolution No. 27-2024 (submitted by Matt Lasko)

A resolution ratifying a one-year Lease Agreement with Showboat LLC, dba Old Fish House, effective January 1, 2024, for the lease of a portion of Erie County, Ohio Permanent Parcel No. 42-01077.000, comprising approximately 1,701 square feet, immediately adjacent to Lessee's property located at 30 Main Street, Huron, Ohio, for the annual rental amount of \$2,058.00.

VII.c Resolution No. 28-2024 (*submitted by Doug Steinwart*)

A resolution of cooperation with the Erie MetroParks relating to the 2024 Local Park Capital Improvement Grant Program.

VII.d Resolution No. 29-2024 (submitted by Doug Steinwart)

A resolution authorizing an application to the Erie MetroParks 2024 Local Park Capital Improvement Grant Program for replacement of tent covering the stage at the Huron Boat Basin Amphitheater in an amount not to exceed \$10,000.

VII.e Resolution No. 30-2024 (submitted by Chief Graham)

A resolution authorizing application(s) to the Ohio Means Jobs - Incumbent Worker Training Grant Program to support skill development of existing employees in an amount not to exceed \$50,000, and authorizing acceptance of those grant funds, should the application(s) be successful.

VII.f Resolution No. 31-2024 (submitted by Jack Evans)

A resolution authorizing an appropriations request to U.S. Senator Sherrod Brown's FY25 Congressionally Directed Spending (CDS) relating to the Huron River Raw Water Intake and Sludge Lagoon Sewer Project in the amount of \$1,500,000.

VII.g Resolution No. 32-2024 (submitted by Doug Steinwart)

A resolution ratifying an appropriations request to U.S. Senator Sherrod Brown's FY25 Congressionally Directed Spending (CDS) relating to the Huron Municipal Boat Basin Renovation Project in the amount of \$1,750,000.

VII.h Resolution No. 33-2024 (submitted by Jack Evans)

A resolution ratifying appropriations request to U.S. Congresswoman Marcy Kaptur - FY25 Interior, Environment Community Project relating to the Huron River Raw Water Alternate Intake and Sludge Lagoon Project in the amount of \$1,500,000.

VII.i Resolution No. 34-2024 (*submitted by Matt Lasko*)

A resolution authorizing an agreement with Barnes Nursery for site debris cleanup and removal, site remediation and seeding, and tree removal at former site of the Oster's Mobile Home Park in the amount of \$52,650.

VII.j Resolution No. 35-2024 (submitted by Cory Swaisgood)

A resolution authorizing a Memorandum of Understanding with the International Association of Firefighters, Local 4168 modifying its current Collective Bargaining Agreement, specifically, modifying how the FLSA (daily) compensable hour deductions for sleep hours shall be recorded and what hours shall be included in the 212-hour work period total in Section 15.1.

VII.k Ordinance No. 2024-7 (first reading) (submitted by Fire Captain Doug Nash)

An ordinance repealing, amending and restating Paragraph (a) of Section 143.01 (Creation and Composition) of Chapter 143 (Fire Division) of the Huron Codified Ordinances.

VII.I Ordinance No. 2024-8 (first reading) (submitted by Erik Engle)

An ordinance repealing and amending and restating Paragraph (a) under Section 311.02 (Parades and Assemblages) of Chapter 311 (Street Obstructions and Special Uses).

VII.m Ordinance No. 2024-9 (first reading) (submitted by Erik Engle)

An ordinance repealing and amending and restating Chapter 711 (Peddlers) of the Huron Codified Ordinances.

VII.n Ordinance No. 2024-10 (first reading) (submitted by Erik Engle)

An ordinance repealing Chapter 721 (Taxicabs) of the Huron Codified Ordinances.

- VII.o Ordinance No. 2024-11 (first reading) (submitted by Erik Engle)

 An ordinance repealing and amending and restating Chapter 741 (Home Sales) of the Huron Codified Ordinances.
- VII.p Ordinance No. 2024-12 (first reading) (submitted by Erik Engle)

 An ordinance repealing and amending and restating Chapter 731 (Temporary Stores) of the Huron Codified Ordinances.
- VII.q Ordinance No. 2024-13 (first reading) (submitted by Erik Engle)
 An ordinance repealing and amending and restating Chapter 1323 (Contractors) of the Huron Codified Ordinances.
- VIII. City Manager's Discussion
- IX. Mayor's Discussion
- X. For the Good of the Order
- XI. Executive Session(s)
- XII. Adjournment



FROM: Erik Engle

RE: Ordinance No. 2023-51 **(TABLED)** (submitted by Erik Engle)

DATE: March 26, 2024

Subject Matter/Background

This ordinance establishes rules and regulations for the keeping of chickens (hens) in single and two-family residential zoning districts. This ordinance further establishes language for a permitting process, penalties, revocation, and appeals.

Performance standards include the following:

- 1. Allowed by right as an accessory use in the R1/R1-A Residential Single-Family or R2 Residential Single- and Two-Family District.
- 2. Only allowing up to 6 hens for personal use.
- 3. Coops or accessory structures housing hens shall be kept at least five (5) feet from the side and rear property lines. All such structures shall be located no less than six (6) feet behind the rearmost wall of the principal structure on the lot. No coops or accessory structures shall be located in the front or side yards.
- 4. The base surface of a coop and run must not exceed 80 square feet and six feet in height and shall be exempt from the lot coverage restrictions contained in the Zoning Code.
- 5. The coop and outdoor enclosure must be kept clean, dry and sanitary; free from debris and offensive odors; and devoid of rodents and vermin. It shall be so located that adequate drainage is obtained, normal drying occurs and standing water is not present.
- 6. There shall be no citywide cap on the number of permits issued. However, the Planning and Zoning Department reserves the right to cap the number of permits pursuant to a recommendation made from either Planning Commission and/or City Council.

AMENDMENTS ADDED SINCE FIRST READING:

New section (b) to allow legal nonconforming use was added, as follows:

(b) <u>Nonconforming Enclosures</u>. The keeping of chickens that was lawfully in existence at the time of the effective date of this ordinance, or amendment thereto, that does not conform to the provisions herein, shall be deemed as legal nonconforming and may remain on a lot of record including the location, size and setbacks of the enclosure, and the numbers of hens; upon any one or more of the events outlined in subsection (1) below, an enclosure shall be deemed fully nonconforming and shall conform to the requirements of this Section 505.18. No legal nonconforming enclosures shall be enlarged, extended, structurally altered, reconstructed, or moved in any manner, except to bring it into full compliance with these regulations. These regulations shall not prohibit the number of chickens kept without the structural modification of its size, location or configuration.

- 1. An enclosure and run shall lose its legal nonconforming status if any of the following occurs:
- i. such chicken enclosure is damaged to an amount exceeding 50% of the replacement value as determined by at least two construction specialists requested to provide a quote by the City;
 - ii. the structure of the chicken enclosure is altered in any form;
 - iii. the chicken enclosure and run is relocated;
 - iv. the principal use of the property is voluntarily discontinued for a period of at least six (6) months;
- v. the property in question is sold and/or transferred and recorded legal and/or equitable title transfers to a new owner; or
- vi. the nonconforming enclosures are determined by the Planning and Zoning Department to be unsafe or in violation of this code and are declared a nuisance.
- 2. Any chicken enclosure that loses its legal nonconforming status must be brought into compliance with the provisions of this chapter and any other City laws and ordinances by an application for, and issuance of, a chicken keeping permit or by complete removal.
- 3. Failure to bring a chicken enclosure into compliance after loss of a legal nonconformity status shall cause the enclosure to be considered illegal. Any violations and/or penalties incurred shall be in accordance with Chapter 1139.01.
 - 4. Minor repairs and maintenance of legal nonconforming chicken enclosures shall be permitted.

Financial Review

There is no financial impact.

Legal Review

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

Recommendation

This ordinance is currently tabled.

Ordinance No. 2023-51 Add Section 505.18 Chickens (3).docx Ordinance No. 2023-51 Exh A (5).docx

ORDINANCE NO. 2023-51 Introduced by Mark Claus

AN ORDINANCE AMENDING CHAPTER 505 (ANIMALS AND FOWL) OF THE CODIFIED ORDINANCE OF HURON, OHIO TO ESTABLISH A NEW SECTIONS 505.18 (CHICKENS).

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

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

<u>SECTION 1</u>. That Chapter 505 (Animals and Fowl) is hereby amended to add new Section 505.18 (Chickens), as attached hereto and made a part hereof as Exhibit "A", shall be, and hereby is, adopted and thereafter shall be in full force and effect.

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

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

	Monty Tapp, Mayor	
ATTEST:		
Clerk of Council		
ADOPTED:		

Section 505.18 - Chickens

- (a) Notwithstanding any of the foregoing sections, female chickens ("hens," for the purpose of this section), may be kept in the City only in accordance with the following regulations:
 - 1. <u>Zoning districts</u>. Hens may be kept only in an R1/R1-A Residential Single-Family or R2 Residential Single- and Two-Family District.
 - 2. <u>Application and permit</u>. Before the keeping of hens may occur, a permit shall have first been obtained from the Planning and Zoning Department. The permit application must be accompanied by a set fee paid to the City. New permit applications shall include the following information:
 - i. the name, phone number, home address and email address of the applicant;
 - ii. the size and location of the subject property;
 - iii. a proposal containing the number of hens the applicant seeks to keep on the property;
 - iv. a description of any coop or outdoor enclosure providing precise dimensions and the precise location of these enclosures in relation to property lines and adjacent properties, with specifications and drawings;
 - v. the permission of the property owner for the applicant to keep hens, if the applicant is not the owner; and
 - vi. the applicant's permission for Planning and Zoning Department Official to enter the lot to determine whether the permit should be granted and the use maintained.
 - 3. <u>Inspection</u>. Within 30 days of the Planning Director or their designee receiving the initial application, he or she shall cause the lot to be inspected. The person(s) inspecting the premises shall determine if the lot dimensions in the application are accurate; determine the feasibility of the applicant meeting the remaining criteria in this section; and note whether any extraordinary circumstances exist, such as outstanding property citations or unsanitary property conditions, or such as the applicant's proximity to other approved or proposed coops such that a neighborhood may be adversely impacted, that would militate against the granting of the application. For new permit applications, an inspection of the coop and any fencing shall be conducted within 30 days' notice from the applicant that the coop has been installed. A determination shall be made, within 30 days of the inspection, whether the permit should be issued.
 - 4. <u>Personal use, limitations</u>. Hens may be kept only for personal use by persons residing in the principal structure on the lot on which the hens are kept. No hens may be kept on a lot containing more than three dwelling units. Residents of no more than one dwelling unit within a structure may keep hens on that lot. No more than six (6) hens shall be allowed on any lot.
 - Setbacks. Coops or accessory structures housing hens shall be kept at least five (5) feet from the side and rear property lines. All such structures shall be located no less than six (6) feet behind the rearmost wall of the principal structure on the lot. No coops or accessory structures shall be located in the front or side yards.
 - 6. <u>Enclosure</u>. The base surface of a coop and run must not exceed 80 square feet and six feet in height and shall be exempt from the lot coverage restrictions contained in the Zoning Code. Hens shall not be allowed out of these enclosures unless the rear yard of the

property is fenced along the rear and side lot lines, and a resident of the property on which the hens are kept is directly monitoring them within the fenced area of the back yard such that the resident is able to immediately return the hens to the cage or coop if necessary. The manufacturer's specifications for the coop, or otherwise adequate drawings including dimensions, shall be submitted for approval together with the application for the permit. Hens shall be kept in a covered, predator-proof coop that is well-ventilated and designed to be accessed for cleaning. The enclosure shall be of uniform and sturdy design and constructed of quality materials. Fencing, if used, shall be securely fastened to posts of reasonable strength firmly set into the ground and shall be stretched tightly between support posts. The enclosure shall be maintained in good repair at all times so as to protect the aesthetics of the neighborhood and to not present a blighted or untidy appearance to the property or to neighbors. Hens shall have access to an outdoor enclosure or run that is adequately fenced to contain the hens on the property, to prevent them from running at large, and to prevent access by predators. The combined area of the coop and run shall allow at least three (3) square feet per hen, and shall otherwise be constructed to provide humane conditions and to ensure the health and well-being of the animals occupying it are not endangered by the manner of keeping or confinement.

- 7. <u>Sanitation, slaughtering</u>. The coop and outdoor enclosure must be kept clean, dry and sanitary; free from debris and offensive odors; and devoid of rodents and vermin. It shall be so located that adequate drainage is obtained, normal drying occurs and standing water is not present. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste. All feed must be stored in a rodent-proof container. No hens shall be slaughtered except in accordance with, and only if permitted by, O.R.C. Chapter 918.
- 8. <u>Number and transferability</u>. There shall be no citywide cap on the number of permits issued. However, the Planning and Zoning Department reserves the right to cap the number of permits pursuant to a recommendation made from either Planning Commission and/or City Council.
- 9. <u>Permit revocation</u>. The Planning Director may revoke a permit at any time if the permit holder materially fails to adhere to the provisions of this section.
- 10. <u>Appeal</u>. Any denial of a permit application or revocation of a permit may be appealed to the Board of Zoning Appeals pursuant to Chapter 1139 of the Codified Ordinances.
- (b) Nonconforming Enclosures. The keeping of chickens that was lawfully in existence at the time of the effective date of this ordinance, or amendment thereto, that does not conform to the provisions herein, shall be deemed as legal nonconforming and may remain on a lot of record including the location, size and setbacks of the enclosure, and the numbers of hens; upon any one or more of the events outlined in subsection (1) below, an enclosure shall be deemed fully nonconforming and shall conform to the requirements of this Section 505.18. No legal nonconforming enclosures shall be enlarged, extended, structurally altered, reconstructed, or moved in any manner, except to bring it into full compliance with these regulations. These regulations shall not prohibit the number of chickens kept without the structural modification of its size, location or configuration.

- 1. An enclosure and run shall lose its legal nonconforming status if any of the following occurs:
 - i. such chicken enclosure is damaged to an amount exceeding 50% of the replacement value as determined by at least two construction specialists requested to provide a quote by the City;
 - ii. the structure of the chicken enclosure is altered in any form;
 - iii. the chicken enclosure and run is relocated;
 - iv. the principal use of the property is voluntarily discontinued for a period of at least six (6) months;
 - v. the property in question is sold and/or transferred and recorded legal and/or equitable title transfers to a new owner; or
 - vi. the nonconforming enclosures are determined by the Planning and Zoning Department to be unsafe or in violation of this code and are declared a nuisance.
- 2. Any chicken enclosure that loses its legal nonconforming status must be brought into compliance with the provisions of this chapter and any other City laws and ordinances by an application for, and issuance of, a chicken keeping permit or by complete removal.
- 3. Failure to bring a chicken enclosure into compliance after loss of a legal nonconformity status shall cause the enclosure to be considered illegal. Any violations and/or penalties incurred shall be in accordance with Chapter 1139.01.
- 4. Minor repairs and maintenance of legal nonconforming chicken enclosures shall be permitted.
- (c) No exemption granted pursuant to this section shall be construed, nor is it intended by the City as a guaranty or warranty of any kind, whether express or implied to any person, including without limitation the general public, persons residing or passing near the applicant's premises, or the applicant, either in general or individually, as to the danger, or lack thereof, or degree of risk to health or safety of any animal, specifically or generally, or any premises where any animal is maintained or kept pursuant to such exemption.
- (d) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be as deemed committed for each day during or on which a violation occurs or continues.



FROM: Erik Engle

RE: Ordinance No. 2023-52 (TABLED) (submitted by Erik Engle)

DATE: March 26, 2024

Subject Matter/Background

This ordinance establishes rules and regulations for the keeping of bees in all zoning districts, except for the R-3 multi-family residential district. This ordinance further establishes language for a permitting process, penalties, revocation, and appeals.

Performance standards include the following:

- 1. 1 per 2500 sf; No more than one beehive shall be kept for each 2,500 square feet tract, and no beehive shall be kept on a tract less than 2,500 square feet in area.
- 2. No beehive shall be kept closer than five feet to any lot line and ten feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a front yard or side street yard. The front of any beehive shall face away from the property line of the residential property closest to the beehive.
- 3. Regardless of tract size, so long as all lots within a radius of at least 200 feet from any hive, measured from any point on the hives, remain undeveloped, there shall be no limit to the number of colonies. No grandfathering rights shall accrue under this section.
- 4. No hives are permitted on any tract where the setback requirements cannot be satisfied regardless of tract size.
- 5. The beekeeper may be exempt from the setback to adjacent lot lines by obtaining written permission from all the adjacent lot owner(s). The setback to public sidewalks and roadways may not be waived.
- 6. Each beekeeper shall maintain his or her beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism, and occupancy by swarms.

CHANGES MADE SINCE FIRST READING:

Paragraph (b) has been added, as follows:

(b) <u>Nonconforming Hives</u>. The keeping of bees that was lawfully in existence at the time of the effective date of this ordinance, or amendment thereto, that does not conform to the provisions herein, shall be deemed as legal nonconforming and may remain on a lot of record including the location, size and setbacks of the enclosure, and the numbers of hives; upon any one or more of the events outlined in subsection (1) below, a hive shall be deemed fully nonconforming and shall conform to the requirements of this Section 505.19. No legal nonconforming hives shall be enlarged, extended, structurally altered, reconstructed, or moved in any manner, except to bring it into full compliance with these regulations. These regulations shall not prohibit the number of bees kept without the structural modification of its size, location or configuration.

- (1) A hive shall lose its legal nonconforming status if any of the following occurs:
- i. Such hive is damaged to an amount exceeding 50% of the replacement value as determined by at least two construction specialists requested to provide a quote by the City;
 - ii. The structure of the hive is altered in any form;
 - iii. The hives are relocated;
 - iv. The principal use of the property is voluntarily discontinued for a period of at least six (6) months;
- v. The property in question is sold and/or transferred and recorded legal and/or equipment title transfers to a new owner; or
- vi. The nonconforming hives are determined by the Planning and Zoning Department to be unsafe or in violation of this code and are declared a nuisance.
- (2) Any hive that loses its legal nonconforming status must be brought into compliance with the provisions of this chapter and any other City laws and ordinances by an application for, and issuance of, a bee keeping permit or by complete removal.
- (3) Failure to bring a beehive into compliance after loss of a legal nonconformity status shall cause the enclosure to be considered illegal. Any violations and/or penalties incurred shall be in accordance with Chapter 1139.01.
- (4) Minor repairs and maintenance of legal nonconforming beehives shall be permitted.

Financial Review

There is no financial impact.

Legal Review

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

Recommendation

This ordinance is currently tabled.

Ordinance No. 2023-52 Add Section 505.19 Bees (3).docx

Ordinance No. 2023-52 Exh A (5).docx

ORDINANCE NO. 2023-52 Introduced by Mark Claus

AN ORDINANCE AMENDING CHAPTER 505 (ANIMALS AND FOWL) OF THE CODIFIED ORDINANCE OF HURON, OHIO TO ESTABLISH A NEW SECTIONS 505.19 (BEES).

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

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

SECTION 1. That Chapter 505 (Animals and Fowl) is hereby amended to add new Section 505.19 (Bees), as attached hereto and made a part hereof as Exhibit "A", shall be, and hereby is, adopted and thereafter shall be in full force and effect.

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

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

	Monty Tapp, Mayor	
ATTEST:Clerk of Council	_	
ADOPTED:	_	

Section 505.19 - Bees

- (a) Notwithstanding any of the foregoing, bees, and associated hives, may be kept in the City only in accordance with the following regulations:
 - (1) <u>Definitions</u>. As used in this section, the following words and terms shall have the meanings ascribed in this section.
 - A. "Apiary" means any place where one or more colonies or nucleus colony of bees are kept.
 - B. "Bees" means any stage of any species of the genus Apis.
 - C. "Beekeeper" means a person who owns or has charge of one or more colonies of bees.
 - D. "Beehive" means any modern frame hive, box hive, box, or any other natural or artificial receptacle, or any part thereof, that may be used as a domicile for bees.
 - E. "Colony" means the beehive and its equipment, including bees, combs and brood.
 - F. "Beekeeping equipment" means anything used, in the operation of an apiary, such as hive bodies supers, frames, top and bottom boards, hive tools, smoker, gloves, veil, protective clothing, and extracting equipment.
 - G. "Tract" means a contiguous parcel or land under common ownership.
 - H. "Nuc" or "nucleus colony" means a small hive smaller than the usual hive box designed for a particular purpose.
 - I. "Undeveloped property" means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human use occupancy and the grounds maintained in association therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.
 - (2) Zoning districts. Bees may be kept in all zoning districts.
 - (3) <u>Application and permit</u>. Before the keeping of bees may occur, a permit shall first be obtained from the Planning and Zoning Department. Applications shall be filed with the Planning and Zoning Department. The permit application shall be accompanied by a fee paid to the City. Permit applications shall include the following information:
 - A. The name, phone number, home address and email address of the applicant;
 - B. The size and location of the subject property;
 - C. A proposal containing the number of hives the applicant seeks to keep on the property; and
 - D. The permission of the property owner for the applicant to keep bees, if the beekeeper is not the owner.

- All applications shall contain a waiver, signed by the applicant, providing permission for any Planning and Zoning Official to enter the property for the purpose of determining the beekeeper's compliance with this section. Permits shall not be transferable.
- (4) <u>Inspection</u>. Within 30 days of the Planning Director or their designee receiving the initial application, they shall cause the lot to be inspected. The person(s) inspecting the premises shall determine if the applicant is in compliance with this code. The person(s) inspecting the premises shall not manipulate any hives during the inspection.

(5) Regulations.

- A. Beekeeper must file the application pursuant to section (a)(3) of this section.
- B. Beekeeper must abide by O.R.C. Chapter 909, Apiaries.
- C. Beekeeper may not opt out of the annual inspection by the county or state bee inspector as part of the Ohio Department of Agriculture's inspection program.
- D. Each beekeeper shall ensure that a convenient source of water is available to the colony at all times bees remain active outside of the hive. The water source shall be closer to the hives than any neighboring source. The water source may be natural such as a pond, stream, or artificial source. The water source shall be on the beekeeper's property.
- E. Each beekeeper shall ensure that no wax, comb, or other material that might encourage robbing by other bees are left upon the grounds of the apiary tract. Such materials once removed from the site shall be handled and stored in sealed containers or placed within a building or other insect-proof container.
- F. For each beehive permitted to be maintained under this section, there may also be maintained one nuc upon the same apiary tract.
- G. No more than one beehive shall be kept for each 2,500 square feet tract, and no beehive shall be kept on a tract less than 2,500 square feet in area. If an applicant has a greater number of beehives than permitted by this section and possessed those beehives prior to the enactment of this section, then the Planning and Zoning Department may grant the application.
- H. No beehive shall be kept closer than five feet to any lot line and ten feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a front yard or side street yard. The front of any beehive shall face away from the property line of the residential property closest to the beehive.
- Regardless of tract size, so long as all lots within a radius of at least 200 feet from any hive, measured from any point on the hives, remain undeveloped, there shall be no limit to the number of colonies. No grandfathering rights shall accrue under this section.
- J. No hives are permitted on any tract where the setback requirements cannot be satisfied regardless of tract size.

- K. The beekeeper may be exempt from the setback to adjacent lot lines by obtaining written permission from all the adjacent lot owner(s). The setback to public sidewalks and roadways may not be waived.
- L. Each beekeeper shall maintain their beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism, and occupancy by swarms. It shall not be a defense to this section that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.
- (6) <u>Permit revocation</u>. The Planning and Zoning Department may revoke a permit at any time if the holder materially fails to adhere to the provisions of this section.
- (7) <u>Appeal</u>. Any denial of a permit application or permit revocation may be appealed to the Board of Building Standards pursuant to Section 1139 of the Codified Ordinances.
- (b) Nonconforming Hives. The keeping of bees that was lawfully in existence at the time of the effective date of this ordinance, or amendment thereto, that does not conform to the provisions herein, shall be deemed as legal nonconforming and may remain on a lot of record including the location, size and setbacks of the enclosure, and the numbers of hives; upon any one or more of the events outlined in subsection (1) below, a hive shall be deemed fully nonconforming and shall conform to the requirements of this Section 505.19. No legal nonconforming hives shall be enlarged, extended, structurally altered, reconstructed, or moved in any manner, except to bring it into full compliance with these regulations. These regulations shall not prohibit the number of bees kept without the structural modification of its size, location or configuration.
 - (1) A hive shall lose its legal nonconforming status if any of the following occurs:
 - A. Such hive is damaged to an amount exceeding 50% of the replacement value as determined by at least two construction specialists requested to provide a quote by the City;
 - B. The structure of the hive is altered in any form;
 - C. The hives are relocated:
 - D. The principal use of the property is voluntarily discontinued for a period of at least six (6) months;
 - E. The property in question is sold and/or transferred and recorded legal and/or equipment title transfers to a new owner; or
 - F. The nonconforming hives are determined by the Planning and Zoning Department to be unsafe or in violation of this code and are declared a nuisance.
 - (2) Any hive that loses its legal nonconforming status must be brought into compliance with the provisions of this chapter and any other City laws and ordinances by an application for, and issuance of, a bee keeping permit or by complete removal.

- (3) Failure to bring a beehive into compliance after loss of a legal nonconformity status shall cause the enclosure to be considered illegal. Any violations and/or penalties incurred shall be in accordance with Chapter 1139.01.
- (4) Minor repairs and maintenance of legal nonconforming beehives shall be permitted.

No exemption granted pursuant to this section shall be construed, nor is it intended by the City as a guaranty or warranty of any kind, whether express or implied to any person, including without limitation the general public, persons residing or passing near the applicant's premises, or the applicant, either in general or individually, as to the danger, or lack thereof, or degree of risk to health or safety of any animal, specifically or generally, or any premises where any animal is maintained or kept pursuant to such exemption.

(c) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be as deemed committed for each day during or on which a violation occurs or continues.



FROM: Erik Engle

RE: Ordinance No. 2023-55 **(TABLED)** (submitted by Erik Engle)

DATE: March 26, 2024

Subject Matter/Background

This ordinance establishes the keeping of bees and chickens as uses by right in the single-family and two-family residential districts. It further establishes cross-references to Section 505.18 Chickens and 505.19 Bees for permitting regulations. A redline copy of the changes proposed is attached hereto as Exhibit 1.

Financial Review

There is no financial impact.

Legal Review

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

Recommendation

This ordinance is currently tabled.

Ordinance No. 2023-55 Amend Section 1123.01(c) Chickens and Bees (1).docx

ORDINANCE NO. 2023-55 Introduced by Mark Claus

AN ORDINANCE REPEALING AND AMENDING AND RESTATING SECTION 1123.01(c) (ACCESSORY USES) UNDER CHAPTER 1123 (RESIDENCE DISTRICTS) OF THE HURON CODIFIED ORDINANCES.

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

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

<u>SECTION 1</u>. That Section 1123.01(c) (Accessory Uses) under Chapter 1123 (Residence Districts) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows:

- "(c) <u>Accessory Uses.</u> Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted or conditionally permitted uses may be established, erected or constructed, provided that such accessory uses do not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity, or any billboard, sign or poster other than hereinafter authorized, and not including the boarding of animals or the keeping of fowl or farm animals except in a building at least 100 feet distant from every lot line. Accessory uses may include the following:
 - (1) Gardening, the raising of fruits or vegetables, including an incidental roadside stand offering for sale produce grown on the premises, the keeping of domestic or farm animals exclusively for the use of residents of the premises and not for commercial purposes, provided that any heating plant and any structures in which farm animals are kept are located at least 100 feet from every lot line.
 - (2) Home occupations, which by definition shall be limited to occupations remunerative in nature carried on in a dwelling solely by persons residing on the premises, such activity not involving the conduct of a retail business or manufacturing business. In connection with such home occupation, there shall be no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; no commodity shall be sold upon the premises; no parking space or spaces shall be provided or designated to accommodate the home occupation use; no bulk delivery or sending of goods shall be permitted to service the home occupation use, all materials being delivered and sent are required to be so transported within the confines of a normal passenger automobile; not more than twenty-five percent (25%) of the total actual floor area of only one story shall be utilized for such home occupation; there shall be no exterior storage of equipment or materials used in connection with such home occupation; no mechanical or electrical equipment shall be used except such as is permissible for purely domestic or household purposes; no objectionable odor, noise, radio interference or other nuisance shall be created; and no accessory building shall be used for such home occupation. A professional person may use his residence for infrequent consultation,

- emergency treatment or performance of religious rites, but not for the general practice of his profession.
- (3) Garages, carports or other parking spaces for the exclusive use of residents of the premises.
- (4) Swimming pools, exclusively for the use of residents and their guests provided that such pool or premises or part thereof whereon such pool is located shall be completely enclosed by a protective fence, wall or other enclosure, not less than four feet in height.
- (5) Real estate, small announcement and professional signs subject to the provisions of Chapter <u>1126</u>, and such other applicable provisions of the Zoning Code.
- (6) Moorages for private pleasure watercraft for the exclusive use of the residents of the premises. Moorage for no more than five pleasure watercraft per dwelling unit is permitted. Rental of moorage or pleasure watercraft in a residential zone is strictly prohibited, as is use by other than blood relatives of the residents of the premises for periods totaling more than ten days in any one calendar year. (Moorage of occupied houseboats, or other lived-in watercraft, is not permitted where the moorage is not a part of a residential site containing a residence with full cooking and sanitary facilities.) Moorage of occupied houseboats or other lived-in watercraft, is not permitted where the occupants of the craft, plus the occupants of the on-shore residence or residences, result in occupation of the site by a number of families in excess of that permitted in that residential zone and the occupants are not blood relatives, for periods in excess of ten days and/or totaling more than twenty days of houseboat unit use in any one calendar year.

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

shall be, and hereby is, repealed in its entirety.

<u>SECTION 2</u>. That new revised and restated Section 1123.01 (Accessory Uses) under Chapter 1123 (Residence Districts) of the Codified Ordinances of the City of Huron, Ohio:

- "(c) <u>Accessory Uses.</u> Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted or conditionally permitted uses may be established, erected or constructed, provided that such accessory uses do not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity, or any billboard, sign or poster other than hereinafter authorized, and not including the boarding of animals or the keeping of fowl or farm animals except in a building at least 100 feet distant from every lot line; exempt are chickens and bees subject to Chapter 505.18 and Chapter 505.19. Accessory uses may include the following:
 - (1) Gardening, the raising of fruits or vegetables, including an incidental roadside stand offering for sale produce grown on the premises, the keeping of domestic or farm animals exclusively for the use of residents of the premises and not for commercial purposes, provided that any heating plant and any structures in which farm animals are kept are located at least 100 feet from every lot line.

- (2) Home occupations, which by definition shall be limited to occupations remunerative in nature carried on in a dwelling solely by persons residing on the premises, such activity not involving the conduct of a retail business or manufacturing business. In connection with such home occupation, there shall be no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; no commodity shall be sold upon the premises; no parking space or spaces shall be provided or designated to accommodate the home occupation use; no bulk delivery or sending of goods shall be permitted to service the home occupation use, all materials being delivered and sent are required to be so transported within the confines of a normal passenger automobile; not more than twenty-five percent (25%) of the total actual floor area of only one story shall be utilized for such home occupation; there shall be no exterior storage of equipment or materials used in connection with such home occupation; no mechanical or electrical equipment shall be used except such as is permissible for purely domestic or household purposes; no objectionable odor, noise, radio interference or other nuisance shall be created; and no accessory building shall be used for such home occupation. A professional person may use his residence for infrequent consultation, emergency treatment or performance of religious rites, but not for the general practice of his profession.
- (3) Garages, carports or other parking spaces for the exclusive use of residents of the premises.
- (4) Swimming pools, exclusively for the use of residents and their guests provided that such pool or premises or part thereof whereon such pool is located shall be completely enclosed by a protective fence, wall or other enclosure, not less than four feet in height.
- (5) Real estate, small announcement and professional signs subject to the provisions of Chapter 1126, and such other applicable provisions of the Zoning Code.
- (6) Moorages for private pleasure watercraft for the exclusive use of the residents of the premises. Moorage for no more than five pleasure watercraft per dwelling unit is permitted. Rental of moorage or pleasure watercraft in a residential zone is strictly prohibited, as is use by other than blood relatives of the residents of the premises for periods totaling more than ten days in any one calendar year. (Moorage of occupied houseboats, or other lived-in watercraft, is not permitted where the moorage is not a part of a residential site containing a residence with full cooking and sanitary facilities.) Moorage of occupied houseboats or other lived-in watercraft, is not permitted where the occupants of the craft, plus the occupants of the on-shore residence or residences, result in occupation of the site by a number of families in excess of that permitted in that residential zone and the occupants are not blood relatives, for periods in excess of ten days and/or totaling more than twenty days of houseboat unit use in any one calendar year.
- (7) Keeping of female chickens (hens) subject to meeting the requirements set forth in Chapter 505.18
- (8) Keeping of bees subject to meeting the requirements set forth in Chapter 505.19."

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

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

Ordinance shall take effect thirty (30) days	following its adoption.	
ATTEST:Clerk of Council	Monty Tapp, Mayor	
ADOPTED:		

 $\underline{\text{SECTION 4}}.$ In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this



FROM: Erik Engle

RE: Resolution No. 2023-56 (TABLED) (submitted by Erik Engle)

DATE: March 26, 2024

Subject Matter/Background

This ordinance establishes language for the keeping of bees as a use by right in the B-1 Neighborhood Business zone. All other non-residential zones refer back to the B-1 zoning district, thus establishing beekeeping as use by right in all other business and industrial zones.

Financial Review

There is no financial impact.

Legal Review

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

Recommendation

This ordinance is currently tabled.

Ordinance No. 2023-56 Add New Section 1125.01(a)(7) (1).docx

ORDINANCE NO. 2023-56 Introduced by Mark Claus

AN ORDINANCE AMENDING CHAPTER 1125.01 (B-1 NEIGHBORHOOD BUSINESS DISTRICT) UNDER CHAPTER 1125 (NONRESIDENCE DISTRICTS) OF THE CODIFIED ORDINANCE OF HURON, OHIO TO ESTABLISH A NEW SECTION 1125.01(a)(7).

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

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

<u>SECTION 1</u>. That Section 1125.01 (B-1 Neighborhood Business District) under Chapter 1125 (Nonresidence Districts) is hereby amended to add new Section 1125.01(a)(7), as follows:

"(a)(7) Keeping of bees subject to meeting the requirements set forth in Chapter 505.19."

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

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

<u>SECTION 4</u>. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and it is imperative this Ordinance be effective immediately, WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its adoption.

	Monty Tapp, Mayor	
ATTEST:	_	
Clerk of Council		
ADOPTED:	_	



FROM: Erik Engle

RE: Ordinance No. 2023-57 **(TABLED)** (submitted by Erik Engle)

DATE: March 26, 2024

Subject Matter/Background

This ordinance prohibits the keeping of chickens and bees as uses in the R-3 multi-family residential zone. There have been no changes made to this legislation since its first reading.

Financial Review

There is no financial impact.

Legal Review

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

Recommendation

This ordinance is currently tabled.

Ordinance No. 2023-57 Add New Section 1123.04(f) Chickens and Bees (2).docx

ORDINANCE NO. 2023-57 Introduced by Mark Claus

AN ORDINANCE AMENDING SECTION 1123.04 (R-3 MULTI-FAMILY RESIDENCE DISTRICT) OF CHAPTER 1123 (RESIDENCE DISTRICTS) OF THE CODIFIED ORDINANCE OF HURON, OHIO TO ESTABLISH A NEW SECTION 1123.04(f).

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

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

<u>SECTION 1</u>. That Section 1123.04 (R-3 Multi-Family Residence District) of Chapter 1123 (Residence Districts) is hereby amended to add a new Section 1123.04(f), as follows:

- "(f) <u>Prohibited Uses</u>. Notwithstanding any of the foregoing section and chapter, the following uses are strictly prohibited in the R-3 zoning district:
 - (1) Keeping of chickens;
 - (2) Keeping of bees."

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

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

<u>SECTION 4</u>. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and it is imperative this Ordinance be effective immediately, WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its adoption.

	Monty Tapp, Mayor	_
ATTEST:		
Clerk of Council		
ADOPTED:		



FROM: Matthew Lasko

RE: Resolution No. 25-2024 (submitted by Matt Lasko)

DATE: March 26, 2024

Subject Matter/Background

This resolution authorizes the recommendations of the Tax Incentive Review Council (TIRC) relating to the City' enterprise zone agreements, tax increment financing agreements and community reinvestment area agreements. This annual legislation is required by O.R.C. Section 5709.85(C)(1) with the TIRC required by law to mak recommendations to the City Council concerning the disposition of agreements in effect for the prior year.

Minutes from the TIRC meeting are attached to Exhibit A of the legislation. The TIRC recommended termination of the n2y/DJ Clark, LLC, effective December 31, 2023, due to the company moving from the premises, and the premises was subsequently sold to another owner. The TIRC recommended continuation of all other tax incentives.

Financial Review

The only change recommended by the TIRC was termination of the n2y/DJ Clark, LLC CRA, effective December 31, 2024.

Legal Review

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

Recommendation

If Council is in agreement, a motion to adopt Resolution No. 25-2024 is in order.

Resolution No. 25-2024 TIRC (1).docx

Resolution No. 25-2024 Exh A TIRC Acceptance 2024.pdf

RESOLUTION NO. 25-2024 Introduced by Joel Hagy

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE ERIE COUNTY TAX INCENTIVE REVIEW COUNCIL RELATING TO ENTERPRISE ZONE AGREEMENTS AND COMMUNITY REINVESTMENT AREA AGREEMENTS.

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

<u>SECTION 1:</u> That this Council hereby accepts the report and recommendations of the Erie County Tax Incentive Review Council as set forth in Exhibit "A" attached hereto and made a part hereof by reference.

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

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

ATTEST:		Monty Tapp, Mayor	
	Clerk of Council		
ADOPTED:			

RICHARD H. JEFFREY

ERIECOUNTY AUDITOR

247 Columbus Avenue, Suite 210, Sanduskv, Ohio 44870-2635 (419) 627-7746 ecao.@eriecounty.oh.gov

March 20, 2024

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

Re: Recommendations of the Tax Incentive Review Council to Huron City Council.

The City of Huron's Tax Incentive Review Council (TIRC) met on March 6, 2024 to review the city's Tax Increment Financing Agreement, Community Reinvestment Area and Enterprise Zone abatements that are currently in effect.

This annual review is required by Ohio Revised Code Section 5709.85 (C)(1) with the TIRC required by law to make recommendations to City Council concerning the disposition of agreements in effect for the prior year. Reviews conducted in 2024 judge performance for the prior year and therefore recommendations regarding these agreements apply to the calendar year ending December 31, 2023.

Under Section 5709.85(E)(F) of the Ohio Revised Code, City Council must hold a meeting within sixty days of receipt of the TIRC's recommendations and may vote to accept, reject or modify all or any portion of these recommendations.

After City Council acts and approves appropriate legislation regarding the TIRC recommendations, the City's recommendations and legislation must be forwarded to the Erie County Commissioners for their consideration and appropriate legislation.

Draft minutes of the TIRC meeting are attached for your review. The following projects with active tax incentives within the City of Huron were recommended to be **continued**:

- 1. HURON PODIATRY/ANGTIN, LLC CRA (DR. LESNAK)
- 2. HUMANETICS INNOVATIVE SOLUTIONS, INC (DENTON) CRA
- 3. YELLOW DOG LTD. (DBA STRIDE MOBILITY) CRA

- 4. BRECKENRIDGE/CENTRAL OHIO PAPER AND PACKAGING, INC. CRA
- 5. SOUTH SHORE MARINE/THREE SEASONS PARTNERS, LLC CRA (Boat Storage)
- 6. SOUTH SHORE MARINE/THREE SEASONS PARTNERS, LLC CRA (Showroom)
- 7. SOUTH SHORE MARINE/THREE SEASONS PARTNERS, LLC CRA (Heated Storage)
- 8. CLDH PROPERTIES, LTD/LABEL AIDE, INC. CRA
- 9. ARDAGH METAL BEVERAGE USA INC CRA
- 10. SUNSPORT PROPERTIES, LLC DBA BUCKEYE SPORTS CENTER EZ
- 11. RYE BEACH TIF
- 12. SAWMILL TIF
- 13. CONAGRA TIF

The following project was recommended to be **terminated**:

1. n2y (NEWS TO YOU / DJ CLARK, LLC) CRA

Please feel free to contact the undersigned with any questions regarding these recommendations.

Sincerely,

Richard Jeffrey

Erie County Auditor

Chairman of the Tax Incentive Review Council

Attachment: Draft Minutes of the 3/6/2024 TIRC meeting

CC: Matt Lasko, Huron City Manager

Tim King, Erie County Enterprise Zone Manager

CITY OF HURON, OHIO TAX INCENTIVE REVIEW COUNCIL MINUTES OF THE MARCH 6, 2024 MEETING

The Tax Incentive Review Council for the City of Huron, Ohio met on Wednesday, March 6, 2024 in the 3rd floor Commission Chambers, 247 Columbus Avenue, Sandusky Ohio. The following Council members were in attendance:

- Rick Jeffrey, Auditor, Erie County (Chair)
- Gary Lickfelt, Assistant Prosecutor, Erie County
- Hank Solowiej, Administrator, Erie County
- Matt Lasko, City Manager, City of Huron
- Tim King, Director, Erie County Regional Planning
- Mike Limberios, Treasurer, Huron City School District

Also in attendance were:

- James Tatman, Superintendent, Huron City School District
- Sharon Johnson, member of the General Public
- John Rogers & Mark Wroblewski, Erie County Auditor's Office
- Zach Rospert, Erie County Regional Planning

Chairman R. Jeffrey called the meeting to order at 2:05 P.M. with the following items reported on or discussed:

1. MINUTES OF THE MARCH 16, 2023 MEETING:

The minutes of the March 16, 2023 meeting were reviewed. On a motion by T. King, and second by H. Solowiej, the minutes were unanimously approved as presented.

2. APPOINTMENT OF A VICE-CHAIRMAN:

R. Jeffrey requested the appointment of a Vice-Chairman. H. Solowiej made a motion to appoint G. Lickfelt as Vice-Chairman. T. King seconded the motion, which was unanimously approved.

COMMUNITY REINVESTMENT AREAS

3. ANGTIN, LLC/HURON PODIATRY (In CRA #1):

Z. Rospert informed the Council that this 15-year, 100% abatement, with a 25% gift back to the Huron Local Schools will run from 2015 - 2029. The agreement called to create two new jobs in the first 36 months. As of 12/31/2023 they created five jobs.

M. Lasko made a motion to continue the abatement. T. King seconded the motion, which was unanimously approved.

4. HUMANETICS INNOVATIVE SOLUTIONS, INC (DENTON) (In CRA #1):

- Z. Rospert informed the Council that this is an active 15-year, 100% abatement with a 25% gift back to Huron Local Schools which will run from 2010 2024. Z. Rospert noted that the 114 jobs held on 12/31/23 exceeded the goal of 80.
- G. Lickfelt made the motion to continue the abatement. M. Lasko seconded the motion, which was unanimously approved.

5. YELLOW DOG LTD. (DBA STRIDE MOBILITY) (IN CRA 1)

- Z. Rospert informed the Council this is the first year of the tax exemption, which will run from 2022-2036. The terms call for a 75% abatement in years 1-5, 50% in years 6-10, and 25% in years 11-15. The company committed to create five jobs, and on 12/31/23 they created nine.
- G. Lickfelt made the motion to continue the Yellow Dog LTD abatement. M. Lasko seconded the motion, which was unanimously approved.

6. NEWS TO YOU/N2Y, LLC/DJ CLARK LLC (IN CRA 1)

Z. Rospert informed the Council that this 15 year, 100% abatement with 25% gift back to the schools began in 2015, and is scheduled to run through 2029. Z. Rospert indicated N2Y moved out of the building, with M. Lasko further explaining that the property sold in 2023. The new owners requested the abatement be assigned to them following purchase, however, they did not commit to any job creation. As such, Huron City Council did not agree to the reassignment of the abatement.

M. Lasko made a motion to terminate the DJ Clark/N2Y abatement, effective 12/31/2023. H. Solowiej seconded the motion, which was unanimously approved.

7. BRECKENRIDGE/CENTRAL OHIO PAPER AND PACKAGING, INC. (IN CRA 1)

- Z. Rospert informed the Council that this 15 year, 100% abatement with 25% gift back to the schools runs from 2015 until 2029. As of 12/31/23 they had 23 employees, which is short of their goal of 28. Since the abatement began in 2015, job numbers have ranged from 22-24.5 employees.
- M. Lasko indicated this has been a tough industry and made a motion to continue the Breckenridge/Central Ohio Paper and Packaging abatement. G. Lickfelt seconded the motion, which was unanimously approved.
- 8. SOUTH SHORE MARINE/THREE SEASONS PARTNERS, LLC-BOAT STORAGE (CRA 1) Z. Rospert informed the Council that this 15 year, 100% with 25% gift back will run from 2016 until 2030. The agreement called for the creation of five jobs. As of 12/31/23 they have created 17 new jobs.
- G. Lickfelt made a motion to continue the South Shore Marine/Three Seasons Partners, LLC Boat Storage abatement. H. Solowiej seconded the motion, which was unanimously approved.
- 9. SOUTH SHORE MARINE/THREE SEASONS PARTNERS, LLC SHOWROOM (CRA 1) Z. Rospert informed the Council that this 15 year, 100% with 25% gift back to the schools runs from 2018-2032. The agreement called for the creation of 3 jobs within the first 3 years. As of 12/31/23 they have created 12 jobs.
- M. Lasko made a motion to continue the South Shore Marine/Three Seasons Partners, LLC Showroom abatement. T. King seconded the motion, which was unanimously approved.

10. SOUTH SHORE MARINE/THREE SEASONS PARTNERS, LLC – HEATED STORAGE (CRA 1)

Z. Rospert informed the Council that this 15 year, 100% abatement was approved in 2022 for a 24,000 square foot heated storage facility. The agreement has compensation agreements with Huron City School District and EHOVE Joint Vocational School District to pay such school districts the amount they would have received from real property taxes, but for the abatement. This is the first year of the abatement, with an appraised value of \$874,380 and will run from 2023-2037. They committed to create four jobs within the first two years, after this first year, they have created two of those jobs.

M. Lasko made a motion to continue the South Shore Marine/Three Seasons Partners, LLC Heated Storage abatement. T. King seconded the motion, which was unanimously approved.

11. CLDH PROPERTIES, LTD/LABEL AIDE, INC (CRA 1)

- Z. Rospert informed the Council that this 15 year, 100% with 50% gift back to the schools will run from 2017-2031. The company committed to create 8 jobs. With 47 employees on 12/31/2023, they have exceeded their job creation goal.
- G. Lickfelt made a motion to continue the CLDH Properties, LTD/Label Aide, Inc. abatement. H. Solowiej seconded the motion, which was unanimously approved.

12. ARDAGH METAL BEVERAGE USA INC. (IN CRA 1)

- Z. Rospert informed the council that this 15 year, 100% abatement where both Huron City School and EHOVE will be made whole in connection with the exemption granted, was approved in 2022. This is the first year of the abatement, with an appraised value of \$25,185,290 and will run from 2023-2037. They committed to create 211 jobs, and on 12/31/2023 they created 252.
- T. King made a motion to continue the Ardagh Metal Beverage USA Inc abatement. M. Limberios seconded the motion, which was unanimously approved.

13. SUNSPORT PROPERTIES, LLC DBA BUCKEYE SPORTS CENTER (ENTERPRISE ZONE)

Z. Rospert informed the Council that this 15 year, 100% abatement was approved in 2022 for a 32,000 square foot marine sales, service and storage facility. The agreement has compensation agreements with Huron City School District and EHOVE Joint Vocational School District to pay such school districts the amount they would have received from real property taxes, but for the abatement. This is the first year of the abatement, with an appraised value of \$2,781,560 and will run from 2023-2037. They committed to create 11 Full-Time jobs and 3 Part-Time jobs within the first three years, and on 12/31/2023 they created 12 Full-Time jobs.

M. Lasko made a motion to continue the Sunsport Properites, LLC abatement. G. Lickfelt seconded the motion, which was unanimously approved.

TAX INCREMENT FINANCING AREAS

14. Rye Beach TIF

M. Lasko indicated the Rye Beach TIF originally approved in 2012 was not sent to the state at that time. It was sent and approved in late 2021. This is a Non-School TIF. The TIF saw \$30,995.59 of revenue and \$9,686.30 of expenses (for storm water improvements) in 2023, leaving the fund balance at \$49,990.91. The City will see an increase in revenue as the abatements expire in the corporate park. M. Lasko further explained that, since this is a parcel TIF, each new development will contribute to the TIF for 30 years.

15. Sawmill TIF

M. Lasko indicated the Sawmill TIF was approved in 2022, with revenue expected to begin this year. Compensation agreements of 25% of the Service Payment will be due to Huron City Schools & 1.5% of the Service Payment will be due to EHOVE. The service payment is set at \$450,000 per year, received through tax dollars and the remainder as a direct payment from Cedar Fair.

16. ConAgra TIF

M. Lasko indicated the ConAgra TIF's was approved in 2022. The 30-year period will commence when \$50,000 of improvement value is added. Compensation agreements of 25% of the Service Payment will be due to Huron City Schools & 1.5% of the Service Payment will be due to EHOVE. The deal with the previous developer did not come to fruition, and the City is currently down to the final 3 proposals from developers with a hopeful start of construction in 2025.

M. Lasko made a motion to continue the Rye Beach TIF, Sawmill TIF and ConAgra TIF. T. King seconded the motion, which was unanimously approved.

17. CRA REPORTING

R. Jeffrey indicated the state is no longer requiring the local governments to submit the abatement information to them. Erie County will continue to collect the jobs information to assist with the monitoring process. Information from Enterprise Zones are still being reported to the State.

18. ADJOURNMENT:

With no further business to conduct, R. Jeffrey declared the meted adjourned at 2:25 P.M.

zjr 03/07/24



FROM: Matthew Lasko

RE: Resolution No. 27-2024 (*submitted by Matt Lasko*)

DATE: March 26, 2024

Subject Matter/Background

This is a continuation of an existing lease. This lease is a two-year lease with Showboat LLC (Old Fish House) in the amount of \$2,058 per year. A redlined copy of changes made to the Lease is attached hereto as Exhibit 1.

Financial Review

The lease amount of \$2,058 will be deposited in the Parks and Recreation Fund and will offset the cost of the maintaining the property.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 27-2024 is in order.

Resolution No. 27-2024 Exh 1 REDLINE.pdf

Resolution No. 27-2024 Old Fish House Lease \$2,058 (3).docx

Resolution No. 27-2024 Exhibit A The Old Fish House Lease \$2,058 per Year (1).docx

LEASE AGREEMENT

This Lease Agreement is made between and among the City of Huron, Ohio, a municipal corporation of Erie County, Ohio, hereinafter called "City," and Showboat LLC dba Old Fish House, by and through its authorized representative, James J. Dike, hereinafter collectively called "Lessees," for the purpose of leasing to Lessees approximately 1,701 square feet of Erie County, Ohio Permanent Parcel No. 42-01077.000 immediately adjacent to Lessee's property located at 30 Main Street, Huron, OH 44839.

WHEREAS, the purpose of the Lease Agreement is to allow Lessees to utilize City property located at 30 Main Street in the operation of a restaurant/tavern business known as "Old Fish House," such facility being adjacent to the grounds of property owned by the City of Huron and formerly known as the "Showboat Property," and Lessees wish to lease a portion of those grounds for outside service in connection with such business; and

WHEREAS, the parties have met and have agreed that it would be mutually beneficial to enter into this Lease Agreement.

NOW, THEREFORE, the parties agree as follows:

- 1. The City hereby leases unto Lessees approximately 1,701 square feet of the grounds located on Permanent Parcel No. 42-01077.000 depicted in Exhibit "A" attached hereto and made a part hereof.
- 2. The term of this Lease Agreement shall be one (1) year commencing on January 1, 20234 and terminating on December 31, 20234. Upon mutual agreement of both Lessor and Lessee, Lessees may be afforded two (2) successive one-year Lease renewal terms at the expiration of this Agreement, which renewals shall be void in the event that Lessees breach any article stated herein during the stated term or any renewal of this Agreement. The Lease Payment for any renewal term shall be the same as initial term, as set forth in Paragraph 3.
- 3. The Lease Payment shall be Two Thousand Fifty-Eight and 00/100 Dollars (\$2,058.00) for the one-year lease term, payable in one lump sum payment on or before June 1, 20234, or on June 1 of any successive one-year renewal term.
- 4. Lessees shall defend, indemnify, and hold the City harmless against any and all liability for personal injury, property damage or loss of life or property resulting from, or in any way connected with, the condition or use of the premises, including but not limited to, all acts or claims arising or claimed to arise in connection with Lessees' operation of its restaurant/tavern business.

As further security for this indemnification, Lessees shall obtain and keep in full force and effect during the term of this Lease, general liability insurance, with limits of at least Two Million Dollars (\$2,000,000.00) for personal injury or death and Two Hundred Fifty Thousand Dollars (\$250,000.00) for property damage. The

City shall be listed as an additional insured by endorsement and shall be given at least thirty (30) days written notification of an intent to cancel. Lessees shall provide the City Manager with a Certificate from the insurance company attesting to the existence of such insurance, its term and proof of payment of the premium. The delivery of such Certificate and the maintenance of such policy or policies in good standing shall be a specific condition of this Lease, and if, at any time, such Certificate and the insurance it represents shall lapse, Lessees' right to occupy the leased property shall immediately cease and Lessees shall vacate the same.

The provisions of this paragraph 4 shall survive the Term of this Lease Agreement.

- 5. Lessees, all employees, agents, contractors, and any other persons subject to their direction and control shall strictly comply with all Ohio Department of Liquor Control, federal, state, and local laws, orders, instructions, requirements, guidance, and any other safeguards, including those related to any and all communicable diseases, including COVID-19. Lessees agree to be solely responsible for ensuring that the activities covered by this Agreement will be operated, run, managed, and conducted in a manner consistent with all applicable all federal, state, and local laws, orders, instructions, requirements, guidance, and any other safeguards, including those related to COVID-19, and will coordinate with the Erie County Department of Health to ensure the same. Lessees understand its business will expose it and its employees, agents, contractors and other persons subject to its control to a risk of injury and illness (ex: communicable diseases such as MRSA, influenza, and COVID-19), including the potential for permanent paralysis and death, and while particular rules, equipment, and personal discipline may reduce these risks, the risks of serious injury and illness do exist, and KNOWINGLY AND FREELY ASSUME ALL SUCH RISKS, both known and unknown, EVEN IF ARISING FROM THE NEGLIGENCE OF THE CITY, and assumes full responsibility for any such risk which may occur at the Event. LESSEES INDEMNIFY, RELEASE, AND FURTHER DEFEND AND, HARMLESS THE CITY, AND ITS OFFICIALS, AGENTS, AND/OR EMPLOYEES ("RELEASEES"), WITH RESPECT TO ANY AND ALL CLAIMS, DEMANDS, LAWSUITS, ACTIONS, ETC. OF ANY TYPE FOR ANY ALLEGED INJURY, ILLNESS, DISABILITY, DEATH, OR LOSS OR DAMAGE TO PERSON OR PROPERTY, WHETHER ARISING FROM THE NEGLIGENCE OF THE CITY OR OTHERWISE, TO THE FULLEST EXTENT PERMITTED BY LAW.
- 6. Lessees shall keep all areas of the leased property and the improvements installed thereon in good repair and in a clean and sanitary condition, free and clear of all hazards and debris. Lessees shall take all steps to keep vermin, stray animals and pests away from and off the leased premises. Lessees shall take all steps necessary to abide by all local sound amplification ordinance restrictions.
- 7. Either party, during the term of this lease, or any extension or renewal thereof, may terminate this lease by notice, in writing, to the other party delivered sixty (60) days

prior to the date of termination, in which case, the rent shall be prorated to the date of termination provided however that, save and excepting Lessees breach of this Lease Agreement or Lessees violation of law (for example only and not intended to be an exhaustive list, Lessees citation by Ohio Division of Liquor Control, Lessees exceeding the maximum occupancy, etc.), the City shall not be entitled to utilize this Section 7 to terminate this Lease Agreement with an effective termination date between May 1, 20234 and September 1, 20243, or between May 1 and September 1 of any successive renewal term.

- 8. Lessees shall be required to submit to the City of Huron Planning Commission site plan renderings for any structural improvements proposed for the Property. The City Council retains final discretion in the approval of structural improvements to the land which is subject to the Lease Agreement.
- 9. Promptly upon termination of this Lease Agreement regardless of reason, the improvements maintained by Lessees shall be removed by Lessees and the property restored, as nearly as possible, to its condition existing prior to those improvements.

IN WITNESS WHEREOF, the parties have executed duplicates hereof this ______ day of _____, 20234.

LESSOR:

THE CITY OF HURON, OHIO

By: ______
Matthew Lasko, City Manager

LESSEES:
SHOWBOAT LLC, dba OLD FISH HOUSE

By: ______
James J. Dike

Title: ______

APPROVED AS TO LEGAL FORM:

Todd Schrader, Law Director

EXHIBIT A

RESOLUTION NO. 27-2024 Introduced by Sam Artino

A RESOLUTION RATIFYING THE CITY MANAGER'S EXECUTION OF A ONE (1)-YEAR LEASE AGREEMENT WITH SHOWBOAT LLC, DBA OLD FISH HOUSE EFFECTIVE JANUARY 1, 2024, FOR A PORTION OF ERIE COUNTY, OHIO PERMANENT PARCEL NO. 42-01077.000 COMPRISING APPROXIMATELY 1,701 SQUARE FEET IMMEDIATELY ADJACENT TO LESSEE'S PROPERTY LOCATED AT 30 MAIN STREET, HURON, OHIO, FOR THE ANNUAL RENTAL AMOUNT OF TWO THOUSAND FIFTY-EIGHT AND XX/100 DOLLARS (\$2,058.00)

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

SECTION 1: That the City Manager's execution of a Lease Agreement with Showboat LLC, dba Old Fish House, effective January 1, 2024, for the lease of a portion of Erie County, Ohio Permanent Parcel No. 42-01077.000, comprising approximately 1,701 square feet, immediately adjacent to Lessee's property located at 30 Main Street, Huron, Ohio, for the annual rental amount of Two Thousand Fifty-Eight and XX/100 Dollars (\$2,058.00) is hereby ratified. The Lease Agreement is substantially in the form of Exhibit "A" attached hereto and made a part hereof.

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

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

		Monty Tapp, Mayor	
ATTEST:	Clerk of Council		
ADOPTED:			

LEASE AGREEMENT

This Lease Agreement is made between and among the City of Huron, Ohio, a municipal corporation of Erie County, Ohio, hereinafter called "City," and Showboat LLC dba Old Fish House, by and through its authorized representative, James J. Dike, hereinafter collectively called "Lessees," for the purpose of leasing to Lessees approximately 1,701 square feet of Erie County, Ohio Permanent Parcel No. 42-01077.000 immediately adjacent to Lessee's property located at 30 Main Street, Huron, OH 44839.

WHEREAS, the purpose of the Lease Agreement is to allow Lessees to utilize City property located at 30 Main Street in the operation of a restaurant/tavern business known as "Old Fish House," such facility being adjacent to the grounds of property owned by the City of Huron and formerly known as the "Showboat Property," and Lessees wish to lease a portion of those grounds for outside service in connection with such business; and

WHEREAS, the parties have met and have agreed that it would be mutually beneficial to enter into this Lease Agreement.

NOW, THEREFORE, the parties agree as follows:

- 1. The City hereby leases unto Lessees approximately 1,701 square feet of the grounds located on Permanent Parcel No. 42-01077.000 depicted in Exhibit "A" attached hereto and made a part hereof.
- 2. The term of this Lease Agreement shall be one (1) year commencing on January 1, 2024 and terminating on December 31, 2024. Upon mutual agreement of both Lessor and Lessee, Lessees may be afforded two (2) successive one-year Lease renewal terms at the expiration of this Agreement, which renewals shall be void in the event that Lessees breach any article stated herein during the stated term or any renewal of this Agreement. The Lease Payment for any renewal term shall be the same as initial term, as set forth in Paragraph 3.
- 3. The Lease Payment shall be Two Thousand Fifty-Eight and 00/100 Dollars (\$2,058.00) for the one-year lease term, payable in one lump sum payment on or before June1, 2024, or on June 1 of any successive one-year renewal term.
- 4. Lessees shall defend, indemnify, and hold the City harmless against any and all liability for personal injury, property damage or loss of life or property resulting from, or in any way connected with, the condition or use of the premises, including but not limited to, all acts or claims arising or claimed to arise in connection with Lessees' operation of its restaurant/tavern business.

As further security for this indemnification, Lessees shall obtain and keep in full force and effect during the term of this Lease, general liability insurance, with limits of at least Two Million Dollars (\$2,000,000.00) for personal injury or death and Two Hundred Fifty Thousand Dollars (\$250,000.00) for property damage. The

City shall be listed as an additional insured by endorsement and shall be given at least thirty (30) days written notification of an intent to cancel. Lessees shall provide the City Manager with a Certificate from the insurance company attesting to the existence of such insurance, its term and proof of payment of the premium. The delivery of such Certificate and the maintenance of such policy or policies in good standing shall be a specific condition of this Lease, and if, at any time, such Certificate and the insurance it represents shall lapse, Lessees' right to occupy the leased property shall immediately cease and Lessees shall vacate the same.

The provisions of this paragraph 4 shall survive the Term of this Lease Agreement.

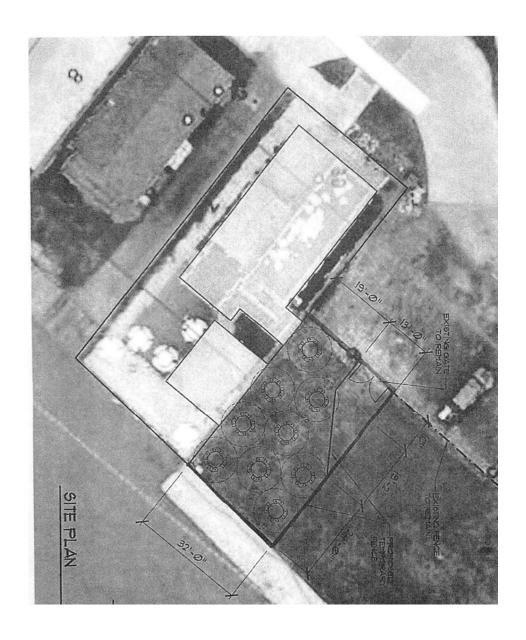
- 5. Lessees, all employees, agents, contractors, and any other persons subject to their direction and control shall strictly comply with all Ohio Department of Liquor Control, federal, state, and local laws, orders, instructions, requirements, guidance, and any other safeguards, including those related to any and all communicable diseases, including COVID-19. Lessees agree to be solely responsible for ensuring that the activities covered by this Agreement will be operated, run, managed, and conducted in a manner consistent with all applicable all federal, state, and local laws, orders, instructions, requirements, guidance, and any other safeguards, including those related to COVID-19, and will coordinate with the Erie County Department of Health to ensure the same. Lessees understand its business will expose it and its employees, agents, contractors and other persons subject to its control to a risk of injury and illness (ex: communicable diseases such as MRSA, influenza, and COVID-19), including the potential for permanent paralysis and death, and while particular rules, equipment, and personal discipline may reduce these risks, the risks of serious injury and illness do exist, and KNOWINGLY AND FREELY ASSUME ALL SUCH RISKS, both known and unknown, EVEN IF ARISING FROM THE NEGLIGENCE OF THE CITY, and assumes full responsibility for any such risk which may occur at the Event. LESSEES FURTHER DEFEND AND INDEMNIFY, RELEASE, AND HOLD HARMLESS THE CITY, AND ITS OFFICIALS, AGENTS, AND/OR EMPLOYEES ("RELEASEES"), WITH RESPECT TO ANY AND ALL CLAIMS, DEMANDS, LAWSUITS, ACTIONS, ETC. OF ANY TYPE FOR ANY ALLEGED INJURY, ILLNESS, DISABILITY, DEATH, OR LOSS OR DAMAGE TO PERSON OR PROPERTY, WHETHER ARISING FROM THE NEGLIGENCE OF THE CITY OR OTHERWISE, TO THE FULLEST EXTENT PERMITTED BY LAW.
- 6. Lessees shall keep all areas of the leased property and the improvements installed thereon in good repair and in a clean and sanitary condition, free and clear of all hazards and debris. Lessees shall take all steps to keep vermin, stray animals and pests away from and off the leased premises. Lessees shall take all steps necessary to abide by all local sound amplification ordinance restrictions.
- 7. Either party, during the term of this lease, or any extension or renewal thereof, may terminate this lease by notice, in writing, to the other party delivered sixty (60) days

prior to the date of termination, in which case, the rent shall be prorated to the date of termination provided however that, save and excepting Lessees breach of this Lease Agreement or Lessees violation of law (for example only and not intended to be an exhaustive list, Lessees citation by Ohio Division of Liquor Control, Lessees exceeding the maximum occupancy, etc.), the City shall not be entitled to utilize this Section 7 to terminate this Lease Agreement with an effective termination date between May 1, 2024 and September 1, 2024, or between May 1 and September 1 of any successive renewal term.

- 8. Lessees shall be required to submit to the City of Huron Planning Commission site plan renderings for any structural improvements proposed for the Property. The City Council retains final discretion in the approval of structural improvements to the land which is subject to the Lease Agreement.
- 9. Promptly upon termination of this Lease Agreement regardless of reason, the improvements maintained by Lessees shall be removed by Lessees and the property restored, as nearly as possible, to its condition existing prior to those improvements.

	IN WITNESS WHEREOF , the parties have executed duplicates hereof this, 2024.	day of
LESS	OR:	
THE C	CITY OF HURON, OHIO	
By:	Matthew Lasko, City Manager	
LESSI	EES:	
	WBOAT LLC, OLD FISH HOUSE	
By:		
	James J. Dike	
	Title	

EXHIBIT A





TO: Mayor Tapp and City Council

FROM: Doug Steinwart

RE: Resolution No. 28-2024 (*submitted by Doug Steinwart*)

DATE: March 26, 2024

Subject Matter/Background

This summary relates to both Resolution No. 28-2024 and Resolution No. 29-2024:

Resolution No. 28-2024

In order to be eligible to participate in the Erie MetroParks 2024 Local Park Capital Improvement Grant Program City Council must adopt a "Resolution of Cooperation" with their organization. This resolution must be signed by three members of Council, one of whom must be the Mayor.

Resolution No. 29-2024

This resolution requests authorization of Council to submit Application(s) to the Erie MetroParks 2024 Local Parl Capital Improvement Grant Program in a total amount not to exceed \$10,000 (maximum annual grant award) Funding for this Local Capital Improvement Grant Program has been provided by the Erie MetroParks Board c Park Commissioners as a component to the Park District's property tax levy. These are reimbursement grants that will be distributed after the project is completed.

The Parks & Recreation Department would use funds awarded on this initial application for the replacement of the canvas that covers the stage at the Huron Boat Basin Amphitheater in the current application amount of \$1,959.99. Municipalities are allowed to make application for up to two (2) projects totaling \$10,000; therefore, if this grant is awarded, an additional \$8,040 would be available for a second project. Parks and Recreation would consider a second application for a beach access mat at Nickel Plate Beach. The 50' X 5' section would make accessing the beach safer and easier for beach users, with a cost of \$2,145.25.

Financial Review

These resolutions allow the City to apply to the Erie Metroparks 2024 Local Park Capital Improvement Grant. If awarded, the grant award will be reimbursed from the Erie Metroparks following payment of the project cost. There is no local match; therefore, the City is not expected to use any City funds to pay for the project.

Legal Review

The matter has been reviewed, follows normal administrative procedure an

Recommendation

If Council is in agreement with the request, motions adopting Resolution Nos. 28-2024 and 29-2024 are in order.

Resolution No. 28-2024 Erie Metroparks Local Park Cap Imp Grant Res of Cooperation (1).doc

ERIE METROPARKS 2024 LOCAL PARK CAPITAL IMPROVEMENT GRANT PROGRAM RESOLUTION NO. 28-2024 CITY OF HURON Introduced by Matt Grieves

A RESOLUTION AGREEING TO COOPERATE WITH THE ERIE METROPARKS FOR THE PURPOSE OF PROVIDING OUTDOOR RECREATION IMPROVEMENTS.

WHEREAS, the City of Huron desires to utilize funding available through the 2024 Erie MetroParks Local Park Capital Improvement Grant Program.

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

<u>SECTION 1.</u> That the Cit of Huron agrees to cooperate for the purposes of increasing and improving outdoor recreation opportunities under the terms and conditions of the "2024 Local Park Capital Improvement Grant Program" administered by the Erie MetroParks Board of Park Commissioners.

<u>SECTION 2</u>. That Matthew Lasko, City Manager, is hereby authorized to apply to the Erie MetroParks Board of Park Commissioners for funding assistance from the "2024 Local Park Capital Improvement Grant Program."

<u>SECTION 3</u>. That this resolution was presented and acted upon at an open/public meeting of the Huron City Council held on March 26, 2024 in accordance with the Ohio Open Meetings Laws.

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

<u>SECTION 5</u>. That this Resolution shall go into effect and be in full force and effect immediately upon its passage.

		GOVERNING BODY OF APPLICANT AGENCY
		Monty Tapp, Mayor
ATTEST:	Clerk of Council	 Mark Claus, Vice-Mayor
ADOPTED: _		Sam Artino, Councilmember



TO: Mayor Tapp and City Council

FROM: Doug Steinwart

RE: Resolution No. 29-2024 (*submitted by Doug Steinwart*)

DATE: March 26, 2024

Subject Matter/Background

This summary relates to both Resolution No. 28-2024 and Resolution No. 29-2024

Resolution No. 28-2024

In order to be eligible to participate in the Erie MetroParks 2024 Local Park Capital Improvement Grant Program City Council must adopt a "Resolution of Cooperation" with their organization. This resolution must be signed by three members of Council, one of whom must be the Mayor.

Resolution No. 29-2024

This resolution requests authorization of Council to submit Application(s) to the Erie MetroParks 2024 Local Parl Capital Improvement Grant Program in a total amount not to exceed \$10,000 (maximum annual grant award) Funding for this Local Capital Improvement Grant Program has been provided by the Erie MetroParks Board c Park Commissioners as a component to the Park District's property tax levy. These are reimbursement grants that will be distributed after the project is completed.

The Parks & Recreation Department would use funds awarded on this initial application for the replacement of the canvas that covers the stage at the Huron Boat Basin Amphitheater in the current application amount of \$1,959.99. Municipalities are allowed to make application for up to two (2) projects totaling \$10,000; therefore, if this grant is awarded, an additional \$8,040 would be available for a second project. Parks and Recreation would consider a second application for a beach access mat at Nickel Plate Beach. The 50' X 5' section would make accessing the beach safer and easier for beach users, with a cost of \$2,145.25.

Financial Review

These resolutions allow the City to apply to the Erie Metroparks 2024 Local Park Capital Improvement Grant. If awarded, the grant award will be reimbursed from the Erie Metroparks following payment of the project cost. There is no local match; therefore, the City is not expected to use any City funds to pay for the project.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 29-2024 is in order.

Resolution No. 29-2024 Erie Metroparks 2024 Local Parks Cap Imp Grant \$10,000 (2).docx Resolution No. 29-2024 Exh A Erie Metro Parks Local Park CI Grant Appl \$10,000.pdf

RESOLUTION NO. 29-2024 Introduced by Matt Grieves

A RESOLUTION RATIFYING SUBMISSION OF A GRANT APPLICATION TO ERIE METROPARKS – LOCAL PARK CAPITAL IMPROVEMENT GRANT PROGRAM RELATING TO REPLACEMENT OF THE TENT THAT COVERS THE STAGE AT THE HURON BOAT BASIN IN AN AMOUNT NOT TO EXCEED TEN THOUSAND AND XX/100 DOLLARS (\$10,000.00); AND FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AWARD IN AN AMOUNT NOT TO EXCEED TEN THOUSAND AND XX/100 DOLLARS (\$10,000.00), SHOULD THE APPLICATION BE SUCCESSFUL.

WHEREAS, the City of Huron desires to seek grant funding from the Erie Metroparks – Local Park Capital Improvement Grant Program seeking funding toward replacement of the tent that covers the stage at the Huron Boat Basin (the "Project");

WHEREAS, the City meets basic eligibility requirements for funding, as the Project meets the guidelines of the program;

WHEREAS, City Council must also pass a Resolution of Cooperation (Resolution No. 29-2024) relating to participating in the Erie Metroparks - Local Park Capital Improvement Grant Program;

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

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

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

<u>SECTION 1</u>. That the Council of the City of Huron hereby ratifies submission of a grant application to the Erie Metroparks – 2024 Local Park Capital Improvement Grant Program to become eligible for potential funding assistance relating to replacement of the tent covering the stage at the Huron Boat Basin in an amount not to exceed Ten Thousand and xx/100 Dollars (\$10,000.00).

SECTION 2. If grant funds are awarded, the City Manager is further authorized and directed to execute an agreement for and on behalf of the City of Huron, Ohio with the Erie Metroparks for a Local Parks Capital Improvement Grant in the amount not to exceed Ten Thousand and xx/100 Dollars (\$10,000.00), and which agreement shall be in substantially in the form attached hereto as Exhibit "A."

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

SECTION 4. That this Resolution shall go into	effect and be in full force and effect immediately
upon its passage.	
	Monty Tapp, Mayor
ATTEST:	
Council Clerk	
ADOPTED:	

ERIE METROPARKS

BOARD OF PARK
COMMISSIONERS

Don Miears Troy Wisehart Margaret Murray

DIRECTOR

Melissa Price mprice@eriemetroparks.org

CONTACT

Address:

3910 Perkins Ave. Huron, Ohio 44839

Phone:

(419) 625-7783

Email: behere@eriemetroparks.org

> Web: eriemetroparks.org

February 16, 2024

To: Potential Local Park Capital Improvement Grant Applicants

It is with great pleasure that I announce another round of Erie MetroParks Local Park Capital Improvement Grant Program. The Board of Park Commissioners has authorized the distribution of up to \$40,000 for 2024 program awards.

Attention Applicants: We will not be meeting beforehand, as most of you already know how to fill out. If you have any questions at all-please feel free to contact me at sdaniel@eriemetroparks.org or 419-625-7783 ext.232 with any questions or concerns. The application packet will be emailed to you. Please reach out to us if you, or someone at your organization does not receive an email by February 23rd.

After February 20, 2024, application forms will be available via email request at: sdaniel@eriemetroparks.org or you may pick them up at The Frost Center office, please call or email ahead of time if picking up applications.

Applications must be submitted to the Park District office no later than Friday, April 19, 2024, at NOON, 12:00 pm. Please include documentation that clearly supports the estimated cost of proposed projects. Five copies of the application are needed, one original and four copies. A grant panel will review the applications and make award recommendations to the park board. In reviewing the applications, the panel will consider conformance with application requirements, safety issues, cost/benefit ratio, maintenance of existing facilities, and population served.

These are reimbursement grants. Therefore, funding will be distributed after the project is completed and final reports are received.

The Board of Park Commissioners and I recognize the importance of partnering together to connect our visitors with recreational opportunities. Since the inception of this grant program, an amazing \$625,500 has been distributed throughout Erie County to provide safer parks and maximize recreational access for our residents!



ERIE METROPARKS

Should you have any questions, or if we can be of any assistance in the planning or implementation of your project, please feel free to call Administrative Coordinator, Sue Daniel at 419-625-7783 ext. 232 or e-mail sdaniel@eriemetroparks.org.

Sincerely,

Melissa Price

Executive Director

Mel wa Brice



Erie MetroParks Local Park Capital Improvement Grant Program Application Checklist

2024 IMPORTANT DATES: APRIL 19, 2024, GRANTS DUE

MAY 3, 2024, GRANTS JUDGED/ AWARDED NOV. 22, 2024, ALL GRANTS MUST BE COMPLETED AND FINAL REPORT TURNED IN BY 12:00 NOON.

This checklist has been developed to assist you in the completion of your application. This form does not need to be attached to your application.

*REQUIRED FORMS IN APPLICATION PACKET
Project Application(s) (Maximum of two within established project cost level); include checkmark of whether request is for a cost-sharing grant.
Applicant Eligibility Form (Annually)
Resolution of Participation (Required annually)
Proof of Project site area ownership, lease or management agreement
Project Cost Justification: (eg: contractor price quote, supplier price quote, copy of equipment supply catalog, etc.)
One FULL Original Application with attachments and an additional FOUR copies.
*Each copy of the Application should be bound by a paperclip or binder clip but not stapled.
Request of funds rounded to the whole dollar. Also make sure to mark if you are willing to accept a partial grant. If cost-sharing, both total cost of project and grant amount requested must be included. The sign will be provided by Erie MetroParks.
AFTER PROJECT COMPLETION: (Project MUST be completed within award year or reimbursement and future funding may be forfeited)
Have all previously funded projects been completed.
Have final reports been filed for all funded projects (Final reports must include required paid invoices and cancelled check documents) before Nov. 22, 2024 in order to receive the payment. Otherwise grant award will be forfeited.
Have required grant program signage placed and maintained. (Provide site photo.)

Erie MetroParks

Local Park Capital Improvement Grant Program

General Information and Program Requirements

Funding for this Local Park Capital Improvement Grant Program (LPCIGP) has been provided by the Erie MetroParks Board of Park Commissioners (EMP) as a component of the Park District's property tax levy. It was the consensus of the Board that a program of assistance to local public park/recreation agencies would allow each county resident to receive maximum benefit from his/her tax dollars by assuring greater accessibility to quality outdoor recreation areas. Program funding is determined by the Park Board on an annual basis.

While this grant program can provide up to 100% of project funding assistance to local political subdivisions of the State of Ohio, a commitment to project cost sharing is highly encouraged. Please request only whole dollars; projects which include requests for funding with cents could lose eligibility.

Applicant Eligibility

Political subdivisions of the State of Ohio (cities, villages, townships, county, etc.) are eligible to apply for funding, provided the agency is responsible for outdoor park and recreation facilities and is located all or part in Erie County. The Board, Council or other legislative body must pass a general resolution or ordinance indicating agreement for participation in the program and compliance with the terms of the program. An eligibility questionnaire must be completed and submitted every year by each subdivision/organization applying for grant funding.

Project Eligibility

The area for which grant funding is intended must be owned by or under long term lease to the entity applying for the grant. Grant awards are to be used for permanent improvements to outdoor recreation facilities and are **NOT** to be utilized for operational or administrative costs.

Separate grant application forms are to be completed for each project request.

The goal of this grant program is to enhance public outdoor recreation opportunities within Erie County. The awards will be made on the basis of conformance with program requirements, **safety issues**, cost/benefit ratio, maintenance and operational history and past grant performance of grant recipients.

If you are applying for playground equipment, the equipment **must** be IPEMA Certified. (International Playground Equipment Manufacturers' Association, www.ipema.org)

Grant applications will be reviewed by a grant panel made up of Park and Recreation professionals from other counties. This Grant Panel will make a funding recommendation to the EMP Board of Park Commissioners, who will make a final determination on grant funding allocations. Decisions of the Board of Park Commissioners with regard to project approval may not be appealed.

New for 2024

In an effort to streamline the application process, applicants may submit a maximum of two projects for not more than \$10,000 total.

NOTE: if project scope is changed, project funding may vary accordingly.

Project Application Prioritization

Applicants submitting multiple project applications are encouraged to prioritize their submittals by placing a #1 for their highest priority project on the priority line located in the top right corner of the application form. Additional project applications should be similarly prioritized as #2.

Compliance with Federal, State and Local Laws

Federal, state, and local laws pertaining to non-discrimination, Ohio and federal minimum wage legislation, prevailing wage thresholds, bidding requirements, building codes, zoning, health regulations, conflict of interest rules and related regulations must be met at all times. Compliance with these requirements, as applicable, remains the responsibility of the recipient of the grant funds.

Additional Requirements

Recipients must maintain a sign posted near or at the grant improvement(s), which identifies the area as having benefited from the Erie MetroParks Local Park Capital Improvement Grant Program. In addition, park improvements, which have received grant funding, must be open and accessible to the general public. Fees charged (if any) for use of improved facilities may not substantially penalize non-residents.

Projects must be completed in the year in which they were awarded. Upon completion of a project, the project sponsor must file a final project report with the Park District to get **reimbursed** for the project. This report shall include all costs associated with the project and have copies of associated paid invoices, etc. attached. Failure to provide final report and/or required signage will result in loss of eligibility for reimbursement and/or future funding. Reimbursement will be made for actual funds used only.

Any questions regarding the LPCIGP should be directed to EMP Administrative Coordinator, Sue Daniel at 419-625-7783 ex.t 232, or by e-mail at sdaniel@eriemetroparks.org.

Erie MetroParks Local Park Capital Improvement Grant Program

Project Application 2024

The deadline for returning completed application forms is 12:00pm Friday, APRIL 19, 2024. Applications received after this deadline will not be considered for grant awards. Thank you for not asking us to make exceptions, or offer extensions. Deliver applications to Attn.: Administrative Coordinator Sue Daniel, 3910 Perkins Avenue, Huron, OH 44839. For further information call Sue Daniel at 419-625-7783 ext. 232 or e-mail sdaniel@eriemetroparks.org

Agency/Political Subdivision		
Governing Body	Contact Perso	on
Mailing Address		
E-mail Address	Daytime	Telephone
Name and Location of Park or Facili	ty	
Brief Description of Project		
Is this a Cost-Sharing Project? If so, contribution.	please attach explanation, including	g share source and amount of
Cost Analysis of Project:	Item Description	Cost Estimate
	Labor	\$
	Materials/Equipment	\$
	Contracted Services	\$
	Acknowledgement Sign	\$ EMP Provides
	PROJECT TOTAL	\$
Grant Amount Requested F	From Park District (No Cents)	\$
*I will accept a partial gran	t award (please mark one) YES	or NO

Please attach proof of ownership of project site area, or, if your agency does not own the project area, please attach a copy of the lease or other management documents pertaining to this site and its related development(s).

Please attach cost justification documentation i.e.: contactors quote, supplier quote, copy of catalog page with cost, other.

LOCAL PARK CAPITAL IMPROVEMENT GRANT PROGRAM APPLICANT ELIGIBILITY INFORMATION

This application will be used to determine if the applicant organization is eligible to receive funding according to the laws of the State of Ohio and the Park District grant program guidelines. An updated Applicant Eligibility Information form should be completed and submitted with each application packet.

ency/Political Subdivision		
verning Body	f Trustees, Commissioners, etc.)	_
(Council, Mayor, Board of	f Trustees, Commissioners, etc.)	
itact Person	Title	
ling Address		_
time Telephone Number	E-mail	_
c and Recreation Information: (Please u	use back of page if additional space is needed)	
How are capital projects currently	funded?	_
Total budget for (current budget ye	ear) \$	
How are your maintenance and pro	ogramming currently being accomplished and funded	-
	ies/recreational areas:	
	nated annual visitation	
What is the population of the service	ce area	
	within your parks (pools, athletic fields, trails, shelters, playg	rounds
Please describe programming provietc.)	ided; (i.e. leagues, special events, scheduled programs,	

Erie MetroParks 2024 Local Park Capital Improvement Grant Program RESOLUTION #_____

(Applicant)				
RE: Resolution Agreeing to Cooperate for the Purpose of Providing Outdoor Recreation Improvements				
WHEREAS,				
(Governing Body of the Applicant)				
desires to utilize funding available through the 2024 Erie MetroParks Local Park Capital Improvement Grant Program; and				
NOW, THEREFORE BE IT RESOLVED, that				
1				
(Governing Body of Applicant) agrees to cooperate for the purposes of increasing and improving outdoor recreation opportunities under the terms and conditions of the "2024 Local Park Capital Improvement Grant Program" administered by the Erie MetroParks Board of Park Commissioners.				
2. is hereby authorized to appl				
2				
3. this resolution was presented and acted upon at an open/public meeting of				
(Governing Body of Applicant)				
held on in accordance with Ohio Open Meeting Laws. (Date)				
GOVERNING BODY OF APPLICANT AGENCY				
Chairman, Mayor, President, etc.				
Other Official				
Other Official				

Erie MetroParks Local Park Capital Improvement Grant Program Grant Recipient – Final Report

In accordance with a request from the State of Ohio Auditor's Office, please complete this form and return it to the Park District Office at the conclusion of your project. **This form MUST BE COMPLETED by Nov. 22, 2024- at NOON.** Please complete a separate form for each project.

project. Agency		
Governing Body		·
(City Council, M	layor, Trustees, etc.)	
Contact Person		
***** (Official address of the Govern	ning body where the check will be	e sent.)
Address		
Street	City	Zip
Telephone (419)	(Work) (419)	(Home)
E-mail Address		
Project Title		
Starting Date	Completion Date	
Project Costs: (All costs must be sup grants must include documentation o		
Labor		Partial Award?
Materials/Equipment		Yes No
Contract Services		
Other		
Total Project Expenses		
Grant Amount Awarded		
Balance Due		
	n, paid invoices, picture (s) with s trative Coordinator, Sue Daniel	sign visible, etc. to:

Attach copies of all documentation, paid invoices, picture (s) with sign visible, etc. to
Attn: Administrative Coordinator, Sue Daniel
Erie MetroParks
3910 Perkins Avenue
Huron, Ohio 44839

For Accounting use: Final Report Submission Date:



TO: Mayor Tapp and City Council FROM: Stuart Hamilton, Service Director

RE: Resolution No. 30-2024 (submitted by Chief Graham)

DATE: March 26, 2024

Subject Matter/Background

Purpose

The purpose of the Incumbent Worker Training (IWT) is to support training projects that will benefit loca businesses and industry by assisting the skill development of **existing employees**, thereby averting layoff, increasing employee productivity and growth of the company, as well as assisting in keeping OMJ-Erie County's workforce competitive. The training is expected to lead to the creation of new jobs, retention of jobs, increased wages for better-trained workers, a higher-skilled workforce, and a more profitable business climate.

Applicant Requirements

Employers applying for IWT must:

- Be operating in OMJ-Erie County
- Have full-time employees
- Employers are required to pay for a share of the total cost of the project, either cash or in-kind:
- At least 10 percent of the cost, for employers with 50 or fewer employees
- At least 25 percent of the cost, for employers with 51 to 100 employees
- At least 50 percent of the cost, for employers with more than 100 employees
- · Demonstrate a commitment to retaining operations and employees in OMJ-Erie County, and
- Be willing to participate in a full range of services provided by OMJ-Erie County

Allowable Costs

Allowable costs may include only costs directly related to training. Allowable costs may include:

- Curriculum development
- Instructor/trainer salaries
- Textbooks, manuals, training software, materials and non-consumables
- Use of IWT funds to train management employees in management such as Six Sigma and LEAN.
- Wages paid to participants, while in trainings, may be considered as a source of matching funds on the employer side of training budget.

Expected Outcomes

As a result of the award of IWT funds, applicants will be expected to demonstrate one or more of the following outcomes:

- Layoff aversion
- Business growth/expansion
- Increased productivity
- Increased profits, quality, or efficiency
- Increased wages for employees who complete the training
- Increased retention of existing workforce
- Industry-recognized credential for trainees is highly encouraged

Financial Review

If awarded, the City would greatly benefit from this program. The City would see instant savings in the current training budget throughout all departments. This will also allow the City to consider additional trainings currently not included in the annual operating budget. The City's local match would be 25% or 50% of the total cost, which can be used on wages paid to employees while attending training.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 30-2024 is in order.

Resolution No. 30-2024 IWT Program Grant Application \$50,000 (2).docx Resolution No. 30-2024 Exh A IWT Application Information \$50,000.docx

RESOLUTION NO. 30-2024 Introduced by William Biddlecombe_

A RESOLUTION A RESOLUTION AUTHORIZING APPLICATION(S) TO THE OHIOMEANSJOBS – ERIE COUNTY INCUMBENT WORKER TRAINING PROGRAM IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND AND XX/100 DOLLARS (\$50,000.00); AND FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AWARD(S) IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND AND XX/100 DOLLARS (\$50,000.00), SHOULD THE APPLICATION BE SUCCESSFUL.

WHEREAS, the City of Huron desires to seek grant funding from OhioMeansJobs – Erie County Incumbent Worker Training Program for skill development of existing employees of the City; and

WHEREAS, the City meets basic eligibility requirements for funding; and

WHEREAS, the City of Huron has the authority to apply for financial assistance and to administer the amounts received from the OhioMeansJobs – Erie County Incumbent Worker Training Program; and

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

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

<u>SECTION 1</u>. That the Council of the City of Huron hereby authorizes submission of grant application(s) to the OhioMeansJobs-Erie County Incumbent Worker Training Grant Program to become eligible for potential funding assistance relating to skill development of its existing employees in a combined amount not to exceed Fifty Thousand and xx/100 Dollars (\$50,000.00).

<u>SECTION 2</u>. If grant funds are awarded, the City Manager is further authorized and directed to execute an agreement for and on behalf of the City of Huron, Ohio with OhioMeansJobs-Erie County for IWT Grant(s) in the combined amount not to exceed Fifty Thousand and xx/100 Dollars (\$50,000.00), and which agreement shall be in substantially in the form attached hereto as Exhibit "A."

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

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

	Monty Tapp, Mayor	
ATTEST:		
Council Clerk		
ADOPTED:		



Incumbent Worker Training

Program Information, Application/Pre-Award, and Agreement 2024

IWT Program Information

Purpose

The purpose of the Incumbent Worker Training (IWT) is to support training projects that will benefit local businesses and industry by assisting the skill development of existing employees, thereby averting layoff, increasing employee productivity and growth of the company, as well as assisting in keeping OMJ-Erie County's workforce competitive. The training is expected to lead to the creation of new jobs, retention of jobs, increased wages for better-trained workers, a higher-skilled workforce, and a more profitable business climate.

Participants

- Trainees need to be employed by the business with which the IWT contract is being written
- Trainees must meet the Fair Labor Standards Act (FLSA) requirements for an employer-employee relationship
- Trainees must have an established employment history with the employer as of the date of the IWT agreement signing
- Trainees do not have to meet the eligibility requirements for career and training services for WIOA Adults or Dislocated Workers
- Trainees must be reported via the Mini Incumbent Worker registration in OWCMS; however, they are not subject to performance measures

Applicant Requirements

OMJ-Erie County businesses or non-profit and trade organizations applying for IWT must:

- Address strategy to avoid a layoff or business closure
- Meet any additional policy guidelines OMJ-Erie County sub-grantees may establish
- Be operating in OMJ-Erie County
- Have full-time employees
- Remain current on all state obligations, as verified at:
 - Federal Exclusion and Debarment Site: http://www.sam.gov
 - Ohio Department of Taxation: http://www.tax.ohio.gov
 - Business filing Search: http://sos.state.oh.us
- Employers are required to pay for a share of the total cost of the project, either cash or in-kind:
 - O At least 10 percent of the cost, for employers with 50 or fewer employees
 - o At least 25 percent of the cost, for employers with 51 to 100 employees
 - $\circ\quad \text{At least 50 percent of the cost, for employers with more than 100 employees}$
- Demonstrate a commitment to retaining operations and employees in OMJ-Erie County, and
- Be willing to participate in a full range of services provided by OMJ-Erie County

Allowable Costs

Allowable costs may include only costs directly related to training. Allowable costs may include:

- Curriculum development
- Instructor/trainer salaries
- Textbooks, manuals, training software, materials and non-consumables
- Use of IWT funds to train management employees in management such as Six Sigma and LEAN.
- Wages paid to participants, while in trainings, may be considered as a source of matching funds on the employer side of training budget.

Unallowable Costs

Unallowable costs include but are not limited to:

- Training tools/equipment (must become personal property of trainee upon completion of training)
- Trainee wages (no overtime)
- Foreign travel
- Purchases or lease of capital equipment
- Encouragement or inducement of a business or part of a business to relocate from any location in the United States
- Use of IWT funds to pay for a worker's training wages

Expected Outcomes

As a result of the award of IWT funds, applicants will be expected to demonstrate one or more of the following outcomes:

- Layoff aversion
- Business growth/expansion
- Increased productivity
- Increased profits, quality, or efficiency
- Increased wages for employees who complete the training
- Increased retention of existing workforce
- Industry-recognized credential for trainees is highly encouraged



IWT Pre-Award & Application

COMPANY NAME						
AUTHORIZED COMPANY REPRESENTATI	VE			TITLE		
PHONE	EMAIL	EMAIL				
STREET/MAILING ADDRESS						
CITY		STATE	ZIP	COUNTY	7	
DATE OF INCEPTION OF BUSINESS		YEARS IN I	YEARS IN BUSINESS AT PRESENT LOCATION			
TOTAL NUMBER OF CURRENT FULL-TIMI	E EMPLOYEES (UNDER THE	FEIN#)			
LEGAL STRUCTURE OF BUSINESS ☐ SOLE PROPRIETORSHIP ☐ PA	RTNERSHIP	□ СОН	RPORATION (DE	SIGNATION)
FEDERAL ID# UNEMPLOYMENT COMP ID#						
BRIEF COMPANY DESCRIPTION (PLEASE	INCLUDE SERV	ICES AND/O	R PRODUCTS)			
IS YOUR COMPANY CURRENT ON ALL: County Tax Obligations: ☐ yes ☐ no City or Local Tax Obligations: ☐ yes ☐ no		igations: □ ye Dbligations: □				
ESTIMATED TOTAL AMOUNT SPENT ON T	ΓRAINING ANN	IUALLY:				
IS YOUR COMPANY RECEIVING / APPLYI IF YES, EXPLAIN:	NG FOR ANY O	THER PUBLI	C TRAINING FU	ND? □ yes □	no	
HAS YOUR COMPANY HAD AN IWT AGRE IF YES, BREIFLY DESCRIBE OUTCOME/ST		E PAST OR W	TH A DIFFEREN	T AGENCY	? ☐ yes ☐ no	
IF YOUR COMPANY IS MINORITY OWNED ☐ Women-owned ☐ African-Ameri ☐ Asian-American owned ☐ Native-American	ican owned	☐ Hisp	ICABLE anic/American ow er minority owned:			
DOES YOUR COMPANY USE ONE-STOP SE IF YES, CHECK APPLICABLE: list job ope IF NO, WHY NOT? IF NO, DO YOU AGREE TO LIST ALL FUTUIF NO, WHY NOT?	enings 🔲 j	job fairs	☐ testing & asso	_	☐ mass hires	□other

DESCRIBE DESIRED TRAINING					
START DATE	END DATE				
TOTAL AMOUNT REQUESTED	NUMBER O	F TRAINEES			
TRAINING PROVIDER INFORMATION Training organization:	stitution	☐ employee-trainer ☐ remote site If remote site, list location:			
NAME OF TRAINING PROVIDER					
AUTHORIZED TRAINING PROVIDER REPRESENTATIVE			TITLE		
PHONE EMAIL	FAX		FAX		
STREET/MAILING ADDRESS					
CITY	STATE	ZIP	COUNTY		
TRAINING PROGRAM FOCUS ⊠ layoff aversion (mandatory) □ upgrade employee skills □ increase skills/wages □ portable skills □ retention □ other (specify):					
ANTICIPATED OUTCOMES alyoff aversion/save jobs within the company (#)					
BRIEFLY DESCRIBE HOW THE TRAINING WILL ACHIEVE THE ANTICIPATED OUTCOMES AND CONTRIBUTE TO THE PURPOSE OF INCUMBENT WORKER TRAINING, AS DESCRIBED IN THE INFORMATION SECTION OF THIS PACKET:					
HOW DID YOU LEARN ABOUT THE INCUMBENT WORKER TRAINING PROGRAM?					



IWT Project Budget

Use this template as a guide. You may include other items for consideration as required, such as IWT Trainee Log. Show all formulas used to calculate totals, as indicated.

Note: Training funds cannot be used to reimburse any training costs occurring before the application is approved and no partial reimbursements will be made prior to the completion of the total project.

Reimbursement will only occur after the training, once OMJ-Erie County or its sub-grantee receives verification of training completion, paid invoices, and costs associated with the employer contribution.

Budget Category	IWT Assistance	Employer Contribution	Total
Instructor Wages FORMULA:	s	\$	\$
Tuition (break out costs, including hours) FORMULA:	s	\$	\$
Curriculum development FORMULA:	s	\$	\$
Materials/supplies/textbooks (itemize) FORMULA:	s	\$	\$
Training equipment/tools (itemize) FORMULA:	*not eligible for reimbursement*	\$ *must become property of trainee	\$
Trainee wages FORMULA:	*not eligible for reimbursement*	\$	\$
Travel (domestic only) FORMULA:	\$	\$	
Other costs (itemize) FORMULA:	s	\$	\$
Other costs (itemize) FORMULA:	S	\$	\$
TOTALS*	\$	\$	\$

*Sample formula: 20 trainees x 5 hours x \$100/hr = \$TUITION



Assurances and Certifications

SECTION 1: SCOPE OF SERVICES

OMJ-Erie County hereby agrees to engage the CONTRACTOR and the CONTRACTOR shall perform all the necessary services under this contract.

SECTION 2: TIME OF PERFORMANCE

The length of the contract is dependent upon the complexity of the training to be provided, experience and/or education level of the trainee, local limitations, and the availability of funds.

SECTION 3: DISBURSEMENT

- A. OMJ-Erie County shall reimburse to the CONTRACTOR based upon invoices submitted and receipt of required documentation as outlined in the contract.
- B. Invoices shall be submitted and received at the OMJ-Erie County or sub-grantee office no later than ten (10) working days after the invoice ending date. Non-adherence to this schedule may make this contract null and void.
- C. Amount of reimbursement is solely dependent upon the availability of WIOA funding at time of invoice.
- D. Funds may not be redistributed hereunder without approval of the OMJ-Erie County and amendment of the contract.
- E. Subject to receipt of funds from the State of Ohio, OMJ-Erie County shall make payment under this Contract.

SECTION 4: TERMINATION

- A. Contract termination shall be defined as the cancellations of Federal or State assistance, in whole or in part, under a contract at any time prior to the date of completion.
- B. Termination shall be by one of the following methods:
 - <u>Cause</u>: OMJ-Erie County may terminate any contract in whole, or in part, and any payment pertaining thereto, at any time before the date of completion whenever it is determined that the CONTRACTOR has failed to comply with the conditions of this contract. OMJ-Erie County shall promptly notify the CONTRACTOR in writing of the determinations and the reasons for their termination, together with the effective date.
 - <u>Convenience</u>: OMJ-Erie County or CONTRACTOR may terminate contracts in whole, or in part, when both parties agree that the continuation of the contract would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The CONTRACTOR shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. OMJ-Erie County shall allow full credit to the CONTRACTOR for the Federal share of the non-cancellable obligations, properly incurred by the CONTRACTOR prior to termination.
- C. In the event of termination of this contract, the CONTRACTOR shall be entitled to compensation for any reimbursed expenses reasonably and necessarily incurred in satisfactory performances of the contract. Notwithstanding the above, the CONTRACTOR shall not be relieved of liability to OMJ-Erie County for damages sustained by OMJ-Erie County by virtue of any breach of the Contract, by the exact amount of damages due OMJ-Erie County from the CONTRACTOR, is determined.

SECTION 5: TERMS AND CONDITIONS

- A. In the event of any modification, termination, or other amendment to the Workforce Development Act, either by the act of Congress or administratively by the President of the United States, OMJ-Erie County reserves the right to terminate or otherwise modify this Contract at its option, notwithstanding any other provision of the Contract.
- B. At any time during normal business hours and as often as OMJ-Erie County, the State of Ohio, USDOL and/or Comptroller General of the United States may deem necessary, there shall be made available to same for examination of all its records with respect to all matters covered by this Contract and will permit same to audit, examine and make excerpts of invoices, materials, payrolls, personnel records, conditions of employment and other data relating to all matters covered by this Contract.

- C. The CONTRACTOR agrees to hold harmless OMJ-Erie County for ineligible costs and insures that OMJ-Erie County shall be relieved of liability and damages sustained by ineligible costs as determined by a fiscal audit. Moreover, the CONTRACTOR agrees to indemnify and hold harmless OMJ-Erie County and insure that OMJ-Erie County shall be relieved of liability and damages sustained by virtue of any act or failure to act by which the CONTRACTOR shall be responsible.
- D. At the direction of OMJ-Erie County, the CONTRACTOR shall establish such procedures and reporting requirements as are necessary. The CONTRACTOR shall invoice OMJ-Erie County in accordance with OMJ-Erie County's current invoice guidelines. It is hereby mutually understood and agreed that the administration and professional implementation of all WIOA programs is the responsibility of OMJ-Erie County. As such, the implementation personnel of the CONTRACTOR shall perform the required services of this Contract at the direction and instruction of the USDOL, the State of Ohio, and the WIOA Program Administrator of OMJ-Erie County.
- E. The CONTRACTOR and OMJ-Erie County may, from time to time, require changes to the scope of services to be provided hereunder that are of substantive nature. Such changes, including any increase or decrease in the amount of the CONTRACTOR's compensation, which are mutually agreed upon between OMJ-Erie County and the CONTRACTOR, shall be incorporated by written amendment to this Contract.
- F. The CONTRACTOR shall not assign any interests in the Contract without prior mutual agreement between the CONTRACTOR and OMJ-Erie County and written amendment to this Contract.
- G. All trainees are considered employees of the CONTRACTOR as of the date of hire and that they are entitled to all rights and benefits normally provided to employees of the CONTRACTOR.
- H. Appropriate Worker's Compensation shall be provided to all trainees by the CONTRACTOR.
- The CONTRACTOR shall insure appropriate standards for health and safety in work and training situations.
- J. The CONTRACTOR assures that no former employee is on layoff in the same or similar position as the position for which this contract is being written and approved.
- K. No currently employed worker shall be displaced by any trainee. This includes partial displacement such as reduction in the hours of non-overtime work, wages, or employment benefits.
- L. Trainees shall be provided wages, benefits, and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work. Compensation must be no less than the highest of Federal or State minimum wage.
- M. No funds may be used to assist in relocating the CONTRACTOR's company or parts thereof from one area to another, especially if said relocation results in a loss of employment at the original location.
- N. The CONTRACTOR assures compliance with all applicable business licensing, taxation, and insurance requirements.
- O. The CONTRACTOR assures that trainees are being trained for jobs that are necessary for current and future operation and the trainees are expected to continue permanent employment upon successful completion of this contract.
- P. The CONTRACTOR agrees to adhere to the rules and regulations of the Workforce Development Act, as amended.
- Q. No trainee hired under this Contract shall be subjected to discrimination because of race, color, religion, sex, national origin, age, handicap, political affiliation, or solely because they are participating in WIOA under this Contract.
- R. The CONTRACTOR will comply with all applicable Federal, State and Local laws, rules, and regulations which deal with or are related to the employment of persons who perform work or are trained under this Contract.
- S. Parties agree to prohibit employees from using their positions for a purpose that is, or gives the appearance of, being motivated by a desire for private gain for them, particularly those with whom they have family, business, or other ties.
- T. The CONTRACTOR shall agree to attempt to resolve disputes arising from this contract through administrative processes and negotiations in lieu of litigation. The CONTRACTOR ensures performance during disputes.
- U. The CONTRACTOR accepts full responsibility for prompt payment of all applicable unemployment compensation contributions or reimbursements, insurance premiums, workers' compensation premiums, all income tax deductions, social security deductions, and any and all other employer taxes and payroll deductions required for all employees.
- V. Both parties to this Contract ensure that no funds under this Contract shall be used for lobbying activities.

- W. The CONTRACTOR certifies that it and its principals are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.
- X. Both parties to this Contract ensure that their officers, employees and agents will not solicit or accept gratuities, favors, or anything of monetary value as a result of this Contract. Neither will any trainee be charged a fee for the referral or placement of said trainee under this Contract.

SECTION 6: COLLECTIVE BARGAINING (IF APPLICABLE)

- A. The CONTRACTOR shall ensure that no activities, work or training under this Contract are in conflict with the terms and conditions of an existing collective bargaining agreement or contract for services. The CONTRACTOR further ensures that nothing under this Contract shall impair any aspect of an existing collective bargaining agreement, except that no program funded by WIOA which would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the CONTRACTOR and the affected labor organization.
- B. No funds received from this Contract shall be used to either promote or oppose unionization.

SECTION 7: WORKFORCE DEVELOPMENT ACT OF 1998

Workforce Development Act of 1998 (WIOA): Sec. 181 (d) Relocation. (1) Prohibition on use of funds to encourage or induce relocation. No funds provided under this title shall be used, or proposed for use, to encourage or induce the relocation of a business or part of a business if such relocation would result in a loss of employment for any employee of such business at the original location and such original location is within the United States. (2) Prohibition on use of funds for customized or skill training and related activities after relocation. No funds provided under this title for an employment and training activity shall be used for customized or skill training, on- the-job training, or company-specific assessments of job applicants or employees, for any business or part of a business that has relocated, until the date that is 120 days after the date on which such business commences operations at the new location, if the relocation of such business or part of a business results in a loss of employment for any employee of such business at the original location and such original location is within the United States.

SECTION 8: EEO/AFFIRMATIVE ACTION

As a condition to the award of financial assistance from the Department of Labor under 29CFR37.20 Title I of WIOA, the CONTRACTOR assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following:

Section 138 of the Workforce Development Act of 1988 (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I financially assisted program or activity.

Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin:

Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities:

The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age and

Title IX of the Education Amendments of 1972 as amended, which prohibits discrimination on the basis of sex in educational programs.

The CONTRACTOR also assures that it will comply with 20 CFR part 37 and all other regulations implementing the laws listed above. This issuance applies to the CONTRACTOR's operation of the WIOA Title I financially-assisted program or activity, and to all agreements the CONTRACTOR makes to carry out the WIOA Title I financially assisted program or activity. The CONTRACTOR understands that the United States has the right to seek judicial enforcement of this assurance.

OMJ-Erie County Workforce Development Board has the responsibility to implement the Affirmative Action Plan and to be in compliance with requirements of Federal law.

OMJ-Erie County Workforce Development Board must receive written notification from sub-contractors (as evidenced by your signature on this Pre-Award Survey that they are aware of OMJ-Erie County Workforce Development Board's Affirmative Action Program and the service goals they are striving to attain in the furtherance of the overall program.

SECTION 9: RETENTION OF RECORDS

The CONTRACTOR shall retain all records pertaining to this program for a period of six (6) years. These records include, but are not limited to, financial, statistical, property, and participant records, and supporting documentation. Records for nonexpendable property shall be retained for whichever period is longer, six (6) or three (3) years after final disposition of the property. The aforementioned records will be retained beyond the six (6) year period if any litigation is begun and audit has not been completed, or if a claim is instituted involving the contractual agreement covered by the records. In these instances, the records will be retained until the litigation, audit, or claim has been resolved. The six (6) year retention period for individual participant records will begin upon the date the participant is terminated from WIOA.

SECTION 10: CONFIDENTIALITY OF INFORMATION

To the extent feasible and permissible by law, the OMJ-Erie County Workforce Development Board and its sub-grantee(s) (OMJ-Erie County) will honor an applicant's request that confidential information submitted to OMJ-Erie County will remain confidential. OMJ-Erie County will treat the information as confidential only if: (1) the information is, in fact, protected confidential information such as trade secrets or privileged or confidential commercial or financial information not defined as public record, (2) the information is specifically identified as confidential by the applicant, and (3) no disclosure of the information is required by law or judicial order. If the application is approved, honoring of confidentiality of identified date shall not limit OMJ-Erie County's right to disclose the details and results of the project to the public.

Management Certification

I hereby certify I have read the foregoing application and the information contained herein is true and accurate to the best of my knowledge. Furthermore, our company and/or organization does not have any outstanding liabilities with the State of Ohio, the county or city where located, or the United States of America, nor are we currently involved in any labor disputes.

I agree that the IWT funding will not supplement or supplant current training efforts and that I have read the OMJ-Erie County Assurances and Certifications and concur with all sections.

I also agree, for reporting purposes, to provide the following information for each trainee (form attached) and certify that an I-9 is on file for each:

- Name
- Social security number
- Date of birth
- Race/Ethnicity
- Gender * (Males born after January 1, 1960 must be registered for Selective Service.)
- Address
- Phone
- Wages prior to training (Post-training wages must reflect a wage of at least \$8.00 for trainees making less than that prior to training.)

Signature of company representative, Title	Date	
Signature of collective bargaining representative, Title (if applicable)	Date	



Erie County

A proud partner of the American Job Center network

IWT Trainee Log

Company Name:	

#	Name	DOB	SSN	Ethnicity	Gender	Address	City	State	Zip	Phone	Wage prior to training
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11								-			
12								-			
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Rev. 9/8/16 L. Geary Rev 8/29/11 M Fields



TO: Mayor Tapp and City Council

FROM: Jack Evans

RE: Resolution No. 31-2024 (*submitted by Jack Evans*)

DATE: March 26, 2024

Subject Matter/Background

This legislation is retroactively allowing staff to apply through Senator Brown's office, for \$1.5M from the FY25 Interior, Environment Community Project relating to the Huron River Raw Water Alternational Intake and Sludge Lagoon Project, and if awarded to accept said funds.

Matching Requirements

There is a minimum 20% cost share requirement for any portion of a project funded through a STAG infrastructure grant. The Committee will not waive matching requirements.

Financial Review

If awarded, the City will continue to explore other grants and utilize Ohio Water Development Authority's low interest loans for gap financing on the Huron River Raw Water Alternate Intake and Sludge Lagoon Project. The loan will be paid back by quarterly water sales to customers.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 31-2024 is in order.

Resolution No. 31-2024 Sherrod Brown CDS Request Appl Alternate Intake \$1,500,000 (2).docx Resolution No. 31-2024 Exh A Sen Brown Intake CDS Appl \$1,500,000.pdf

RESOLUTION NO. 31-2024 Introduced by Joel Hagy

A RESOLUTION RATIFYING SUBMISSION OF AN APPROPRIATIONS REQUEST APPLICATION TO U.S. SENATOR SHERROD BROWN'S FY25 CONGRESSIONALLY DIRECTED SPENDING (CDS) RELATING TO THE HURON RIVER RAW WATER ALTERNATE INTAKE AND SLUDGE LAGOON PROJECT IN AN AMOUNT NOT TO EXCEED ONE MILLION FIVE HUNDRED THOUSAND AND XX/100 DOLLARS (\$1,500,000.00); AND FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AWARD(S) IN AN AMOUNT NOT TO EXCEED ONE MILLION FIVE HUNDRED THOUSAND AND XX/100 DOLLARS (\$1,500,000.00), SHOULD THE APPLICATION BE SUCCESSFUL.

WHEREAS, the City of Huron has made an appropriations request to U.S. Senator Sherrod Brown's FY25 Congressionally Directed Spending (CDS) relating to the Huron River Water Alternate Intake and Sludge Lagoon Project (the "Project"); and

WHEREAS, the City meets basic eligibility requirements for funding; and

WHEREAS, the City of Huron has the authority to apply for financial assistance and to administer the amounts received from U.S. Senator Sherrod Brown's FY25 Congressionally Directed Spending (CDS); and

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

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

<u>SECTION 1</u>. That the Council of the City of Huron hereby ratifies submission of an appropriations request to U.S. Senator Sherrod Brown's FY25 Congressionally Directed Spending (CDS) to become eligible for potential funding assistance relating to the Huron River Raw Water Alternate Intake and Sludge Lagoon Project in an amount not to exceed One Million Five Hundred Thousand and xx/100 Dollars (\$1,500,000.00).

SECTION 2. If grant funds are awarded, the City Manager is further authorized and directed to execute an agreement for and on behalf of the City of Huron, Ohio with U.S. Senator Sherrod Brown's FY25 Congressionally Directed Spending (CDS) in an amount not to exceed One Million Five Hundred Thousand and xx/100 Dollars (\$1,500,000.00), and which agreement shall be in substantially in the form attached hereto as Exhibit "A."

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

upon its passage.		
ATTEST:Council Clerk	Monty Tapp, Mayor	
ADOPTED:		

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



► Interior, Environment & Related Agencies — Senator Brown's

Congressionally Directed Spending (CDS) Requests for Fiscal Year 2025 (City of Huron, Ohio,

Secondary Water Intake)

Name & Contact Info

Bryan Edwards Mobile: 4193666001 Work: 4194334848

bryan.edwards@huronohio.us

Mailing Address

417 Main Street Huron OH 44839

Permanent Address

417 Main Street Huron OH 44839

Section 1. Organization and Contact

1. Name of Requesting Organization *

City of Huron, Ohio

2. CEO/Principal of the Requesting Organization *

Please provide the name of the principal who leads your organization, whether it be a CEO, Board Chair, or Mayor.

Matt Lasko, City Manager

3. CEO/Principal Contact Number *

Please provide the cell phone or direct line of the Principal of your organization, in case the Senator needs to reach out to them directly.

4194335000

4. Street Address *

417 Main St.

5. City *

Huron

6. State *

Ohio

7. Zip Code *

44839

8. County *

Erie

9. Ohio Congressional District *

Please state the Ohio Congressional District that is associated with the address of your organization. If your organization spans multiple congressional districts, state the primary district first and then list the other districts.

9th

10.Primary Contact | First and Last Name *

The primary contact <u>must be</u> an employee of the organization applying for funds; lobbyists or government consultants cannot be primary points of contact.

Matt Lasko

11. Primary Contact | Title

City Manager

12. Primary Contact | Email *

citymanager@huronohio.us

13. Primary Contact | Phone Number *

^{*} indicates a required field.

14.Primary Contact | **Secondary Phone Number** *No answer.*

15. Would you like to add a Secondary Contact?

Yes

15.1 Secondary Contact | First and Last Name

Stuart Hamilton

15.2 Secondary Contact | Title

Service Director

15.3 Secondary Contact | Email

stuart.hamilton@huronohio.us

15.4 Secondary Contact | Phone Number

4194335000

15.5 Secondary Contact | Secondary Phone Number

No answer.

Section 2. Interior, Environment & Related Agencies

1. Please indicate what type of entity is applying for funds. *

For-profit organizations are not eligible to receive CDS funding.

Local government

2. Please provide the non-profit entity's Employer Identification Number (EIN). *

346400671

There are ten funding accounts within this spending bill.

Each submitted application can only request funding from one account for one project. In other words, a single project cannot request funding from more than one account. If you have any questions about which account your project falls under, please visit the guidelines document linked at https://www.brown.senate.gov/appropriations.

Please answer all the questions that you see below.

3. Are you applying for funds from the EPA: State and Tribal Assistance Grants (STAG), Clean Water SRF, Clean Water CDS account? *

No

3.1 If your request is for a water infrastructure project, please confirm that the project is publicly-owned or owned by a non-profit entity.

No answer.

3.2 If your request is for a local or municipal project, please indicate whether your project is included on the state of Ohio's most recently finalized Clean Water or Drinking Water State Revolving Fund Intended Use Plan (IUP).

No answer.

- 3.3 If your request is for a state or local water infrastructure project, please confirm BOTH of the following requirements:
 - 1. you have at least a 20% cost share set up for your project
 - 2. only the non-federal portion of assistance provided by a State Revolving Loan Fund has been applied towards the project's matching requirements.

No answer.

4. Are you applying for funds from the EPA: State and Tribal Assistance Grants (STAG), Drinking Water SRF, Drinking Water CDS account? *

Yes

4.1 If your request is for a water infrastructure project, please confirm that the project is publicly-owned or owned by a non-profit entity.

Yes, my water infrastructure project is publicly-owned or owned by a non-profit entity.

4.2 If your request is for a local or municipal project, please indicate whether your project is included on the state of Ohio's most recently finalized Clean Water or Drinking Water State Revolving Fund Intended Use Plan (IUP).

No, my local or municipal project is not included on the State of Ohio's IUP list. Note to applicant: Projects not included on the IUP list are funded only in exceptional circumstances, if they are eligible for funding under State Revolving Loan Fund (SRF) guidelines.

- 4.3 If your request is for a state or local water infrastructure project, please confirm the following criteria:
 - 1. you have at least a 20% cost share set up for your project, and
 - 2. only the non-federal portion of assistance provided by a State Revolving Loan Fund has been applied towards the project's matching requirements.

Yes, my state or local water infrastructure project meets the requirements specified in the question.

5. Are you applying for funds from the SFC: HIS, Sanitations Facilities Construction, Sanitation Facilities Construction CDS account? *

No

5.1 If your request is for a tribal project, please confirm that your project is included on the Indian Health Services' (IHS) Sanitation Deficiency System (SDS) list.

No answer.

5.2 If your request is for a tribal project that is NOT included on the Indian Health Services' (IHS) Sanitation Deficiency System (SDS) list, is the project eligible under the Criteria for the Sanitation Facilities Construction Program (SFCP)?

No answer.

6. Are you applying for funds from the HPF: NPS, Historic Preservation Fund account? *

No

6.1 If your request is for non-formula funded activity within HPF, please confirm that your project meets the qualifications of HPF activities, including eligible entities and activities.

No answer.

6.2 Please confirm that the funds you are requesting will not be used for the acquisition of collections or historic properties.

Acquisitions of collections or historic properties are not eligible for funding from this account.

No answer.

		No answer.
7.		ou applying for funds from the SPF: USFS, State, and Private Forestry, Forest Resource Information and Analysis ant? *
	No	
	7.1	Is this project part of the state's Forest Action Plan OR does the project contribute to meeting the goals of the state's Forest Action Plan?
		No answer.
8.	Are y	ou applying for funds from the Projects on Agency Lists account? *
	No	
	8.1	Please select the list that your project falls within: No answer.
		ou applying for funds from the Land Management Agencies, Local Projects and Research account? *
	No	
	9.1	If your request is for a project focused on BLM, Management of Land and Resources, Habitat Management Priorities, please indicate whether your project activities are related to wildlife and aquatic habitat management.
		No answer.
	9.2	If your request is for a project focused on NPS, National Recreation and Preservation, Statutory and Contractual Aid, please indicate the following: whether your project activities are related to operating, managing, and preserving resources, including as authorized by law.
		No answer.
	9.3	If your request is for a project focused on FWS, Resource Management, Stewardship Priorities, please indicate whether your project activities are related to fish and aquatic conservation, habitat conservation, recovery, and restoration activities.
		No answer.
	9.4	If your request is for a project focused on USGS, Surveys Investigations and Research, Status, and Trends, please indicate the following: whether your project activities are related to high priority and core science research, or ecosystem and water resources relater activities.
		No answer.
	9.5	If your request is for a project focused on USGS, Surveys Investigations and Research, Status, and Trends, please confirm that your project is relevant to the specified mission area within an appropriate bureau.
		No answer.
		ou applying for funds from the BIA, Operation of Indian Programs, Special Initiatives account? *
	No	

6.3 Please confirm that the applicant is eligible for one of the competitive grant funding opportunities within the Historic Preservation Fund (HPF).

10.1 Please confirm that your project meets ALL of the following requirements:

- 1. honors the commitment to invest in tribal communities
- 2. creates economic opportunities
- 3. fosters cultural heritage
- 4. promotes efficient and effective tribal governance, and
- 5. conserve natural resources.

No answer:

11. Are you applying for funds from the EPA, Science and Technology, Research: National Priorities account? *

No

11.1 Please indicate whether your project focuses on high priority lines of research related to environmental quality and human health.

No answer:

12. Are you applying for funds from the EPA, State and Tribal Assistance Grants, STAG Infrastructure Grants account? *

Yes

12.1 Please indicate whether your project is related to existing funding categories and activities within the STAG account that will result in improvements in environmental quality and/or human health.

Yes, my project meets the specification listed in the question.

Section 3. Organization and Project Description

1. Overview of Organization *

Please provide a brief history of the organization, its mission, its main activities, and its links to local communities.

The City of Huron has been in existence since the mid-1800's. In 1909, the city opened its first water filtration plant. In 1957, the current filtration plant was commissioned. The city improved the capacity of the water filtration plant in 2022 with an expansion to the existing facility. The current raw water intake was constructed in 1957.

The City of Huron Water Department provides drinking water to an estimated 49,000 people in the city and surrounding areas of Erie County. In addition to residents, several large employers in manufacturing and agriculture rely on the water provided by the city. The city also provides water to Erie County water utility for their distribution throughout Erie County.

The City is committed to providing safe and reliable drinking water for its residents, businesses, others and to the surrounding areas of Erie County.

2. Project Description *

Please provide a short description of the program or project for which you are seeking federal support. Include information about its purpose, goals, history, and current status.

This description should be complete WITHOUT external links or references to supporting materials.

The project would construct a secondary raw water intake to supply the City of Huron and surrounding Erie County areas from the Huron River.

History:

The current single raw water intake was constructed in 1957 and is located in Lake Erie, at the water filtration plant. Records dating back to the 1980's show the intake system has been plagued by freeze ups due to frazil ice occurring in Lake Erie. Frazil ice is a term for ice crystals that have formed in the water column due to turbulence, such as waves and currents. At Huron, Lake Erie is relatively shallow and frazil ice can easily develop. Frazil ice crystals easily cling and accumulate on the existing intake structure and piping, causing blockages. Removal is nearly impossible as the intake is one half mile offshore, below the surface of the lake.

Frazil ice accumulation issues occur almost every winter season and at times render the filtration plant inoperable due to the blockage. The city has made attempts over the last three decades to mitigate the icing using several measures, but none of these has been successful. On occasion, the Fire Dept. had to called in to assist in creating an opening in the lake ice covering and temporary pumps utilized to bring water to the plant. This solution does not supply the total necessary amount needed for the city and puts personnel at risk along with tying up safety forces. There was one incident during an ice blockage that a business caught fire and there was insufficient water supply for the firefighting efforts.

In recent years, harmful algal blooms in the western areas of Lake Erie have also affected the current intake source.

The project would create an intake at the west bank of the Huron River. The river source is not subject to frazil ice issues. A pump station would be constructed that consists of a 30-foot deep, 12-foot diameter wet well with pumps and backup generator. A 20-inch pipeline would be constructed to transport the raw water to the treatment plant for processing.

The project is currently in engineering design. It is anticipated that it will be ready to bid late in 2024, with construction in 2025.

3. Link to Program/Project

If the program or project has a website, please include the link here.

No answer.

Section 4. Project Impact

1. Project Impact — General *

Please explain how funding this project will benefit taxpayers, focusing on the following questions:

- 1. What positive outcomes or impact will the project have?
- 2. What is the size of the population that would directly benefit from the project, and indirectly benefit from the project?
- 3. What performance indicators or metrics will be used to measure whether this project has achieved its objectives?

This description should be complete WITHOUT external links or references to supporting materials.

Impacts:

- The water source at the Huron River is not subject to frazil ice. The intake would insure a reliable, consistent, uninterrupted source of water for the filtration plants' continuing operations. No water rationing would be necessary.
- Additionally, the river water source would provide a reliable, safe source of water, free from harmful algal bloom situation that
 could otherwise contaminate the drinking water supply in the summer months. The public health will be insured from being
 affected.
- Having a consistent uninterrupted water source will insure community safety. The water supply for any firefighting efforts will not be jeopardized.

Population Impacts:

- Approximately 49,000 residents would be affected.
- Approximately 6,000 jobs would be affected.

Performance metrics:

• Events such as frazil ice and harmful algal blooms would be easily tracked. At such times the river intake would be activated and the usages tracked for those events.

2. Project Impact — County *

Which county will primarily be affected by the project?

If there are multiple counties, please list the additional counties after the primary county.

Erie

3. Project Impact — Socioeconomic Status *

What is the median income of the population that is expected to benefit from this project?

Please briefly explain how you arrived at this estimate: What source(s) of information did you use and what (if any) assumption(s) did you make?

Median Income: \$64,144.00

Source: www.census.gov

Huron, Ohio 44839 data search

4. Project Impact — Specific Groups

If applicable, please explain how this project could benefit one or more of the following groups: underserved rural and/or urban communities, women, under-represented racial/ethnic minority groups, LGBTQ+ community.

Be as concrete as possible in your answer.

All groups in the service area of City of Huron Water Department and surrounding portions of Erie County will benefit from a more reliable, safe and secure water source.

5. Project Impact — Job Creation for Project

If applicable, please state how many new staff positions will be created during this project (e.g., technician, instructor, counselor, construction worker, etc.).

In your answer, state the job title for each of the new positions.

Construction jobs for the project are estimated to be 45-65 jobs related to the project. Local material suppliers and related businesses will be involved, and their staffs may see an increase. Maintenance of the completed project will be included in the municipal water utility program.

6. Project Impact — Longer-Term Job Creation

If applicable, please explain how this project could create permanent, quality jobs after the FY25 funding has been expended. In your answer:

- 1. Estimate the number of quality jobs that are likely to be created
- 2. List the job title for each of these new positions
- 3. Explain why you consider these jobs to be quality jobs

Long Term job creation would not predictably be expected as the maintenance will be part of the water utility program.

Section 5. Project Budget and Timeline

1. What is the total amount of funding you are requesting for this project? *

1500000

2. What is the total cost of your project?

3200000

3. Project Funding Justification *

Please explain why other sources of funding (federal, non-federal, private) are insufficient for your project. List which other sources of funding you have considered but decided were insufficient.

The current only funding source is municipal/local funds from the current water utility fees. Borrowing of funds and/or bond issues are the only alternatives at this time.

Other funding sources have been applied to since 2023 but have been unsuccessful.

4. Project Budget *

Explain how the money, if awarded, will be spent in FY25 (i.e., \$X for salaries; \$Y for programming; \$Z for equipment; etc.).

Please be specific when describing the activities and expenditures.

The funds would be spent in FY 25 on Progress Construction costs and Construction Services (project management and inspections)

If awarded the full amount of the application, we estimate Construction costs allocation at \$1,335,000; we estimate allocation for Construction Services at \$165,000.

5. Project Timeline *

Provide a quarterly timeline for the development and implementation of the project (including plans for staff hires and/or purchases of goods and services) that spans the entire funding period.

Include goals and benchmarks for the project in each quarter (i.e., every 3 months).

Design: FY 24, Quarters 2-3

Anticipated Bidding: FY 24 Quarter 4-FY 25 Quarter 1

Anticipated Construction FY 25, Quarters 2-4; completion FY26 Quarter 1

6. Project Sustainability *

If your project were to receive CDS funding, how do you plan to continue the work and pay for any ongoing staff positions after the funding has been expended?

The project maintenance will be incorporated into the current water utility maintenance system and funded using normal municipal funding supported by local water usage rates in place.

Section 6. Project Readiness and Success

1. Project Capital Development *

Please explain what efforts you have undertaken to pull together capital for this project (e.g., set aside organization's own funds, organized a fundraising campaign, secured donations of equipment, applied for grant support, etc.).

The project capital development to date has primarily involved set aside of capital budget funds in the city budget, along with water usage income from the water dept.

Applications for grant funding have been made to Ohio Department of Development and is planned to be made later this year to Ohio Public Works Commisssion.

The city is constantly and actively looking and applying when qualifying grant opportunities that come up.

2. Has the project received state, local, or private funds? *

No

2.1 Please list the sources for each of these types of funding this project received.

No answer.

3. Have you submitted - or will you submit - this FY25 CDS request to another Congressional Office? *

Yes

3.1 List the name(s) of the U.S. Representative and/or U.S. Senator to whom you have submitted the request.

Rep. Kaptur

4. Has the organization successfully utilized federal funding in any capacity in the last 5 years? *

Yes

4.1 List the relevant project(s) and the associated source(s) and amounts of federal funding.

Sawmill Parkway Improvement Project: U. S. Dept. of Commerce, Economic Development Administration (Project #06-79-06333) \$1,786,345.00 Completed 2024

5. Are local elected officials, community leaders, and/or local organizations supportive of the project? *

Yes

5.1 List their names of local elected officials, community leaders, and/or local organizations supportive of the project.

You can upload Letters of Support in the Checklist section of the application form.

Huron City Council (7 members)

Huron Fire Dept.

Kristen Clayman (resident)

Carolyn Ochs (resident)

6. Did the organization submit a Congressionally Directed Spending (CDS) request for FY23 or FY24? *

Yes

6.1 List how much funding the organization was awarded for FY23/FY24.

You can check the amount on this website:

https://www.appropriations.senate.gov/congressionally-directed-spending-requests &

0

Section 7. Project Ranking

1. Will the requesting organization be submitting other FY25 funding requests to support other projects, in addition to this one? *

For instance, you might apply for funds from different subcommittees or accounts to support separate projects.

Yes

1.1 Rank your FY25 funding requests in order of preference.

1 = highest preference, 2 = second-highest preference, 3 = third-highest preference, etc.

1= Municipal Marina

2= Secondary Water Intake



TO: Mayor Tapp and City Council

FROM: Doug Steinwart

RE: Resolution No. 32-2024 (submitted by Doug Steinwart)

DATE: March 26, 2024

Subject Matter/Background

This legislation is retroactively allowing staff to apply through Senator Sherrod Brown's office for FY25 Congressionally Directed Spending (CDS) relating to the Huron Municipal Boat Basin Renovation Project in the amount of \$1,750,000 and accepts said grant funds if awarded.

Financial Review

If awarded, the City will continue to explore other grants and utilize municipal debt financing, if debt capacity limits allow, on the Huron Municipal Boat Basin Renovation Project. Any debt will be paid back through marina sales.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 32-2024 is in order.

Resolution No. 32-2024 Sherrod Brown CDS Request Appl Boat Basin \$1,750,000 (3).docx Resolution No. 32-2024 Exh A Sen Brown Boat Basin CDS Appl \$1,750,000.pdf

RESOLUTION NO. 32-2024 Introduced by Matt Grieves

A RESOLUTION RATIFYING SUBMISSION OF AN APPROPRIATIONS REQUEST APPLICATION TO U.S. SENATOR SHERROD BROWN'S FY25 CONGRESSIONALLY DIRECTED SPENDING (CDS) RELATING TO THE HURON MUNICIPAL BOAT BASIN RENOVATION PROJECT IN AN AMOUNT NOT TO EXCEED ONE MILLION SEVEN HUNDRED FIFTY THOUSAND AND XX/100 DOLLARS (\$1,750,000.00); AND FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AWARD(S) IN AN AMOUNT NOT TO EXCEED ONE MILLION SEVEN HUNDRED FIFTY THOUSAND AND XX/100 DOLLARS (\$1,750,000.00), SHOULD THE APPLICATION BE SUCCESSFUL.

WHEREAS, the City of Huron has made an appropriations request to U.S. Senator Sherrod Brown's FY25 Congressionally Directed Spending (CDS) relating to the Huron Municipal Boat Basin Renovation Project (the "Project"); and

WHEREAS, the City meets basic eligibility requirements for funding; and

WHEREAS, the City of Huron has the authority to apply for financial assistance and to administer the amounts received from U.S. Senator Sherrod Brown's FY25 Congressionally Directed Spending (CDS); and

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

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

<u>SECTION 1</u>. That the Council of the City of Huron hereby ratifies submission of an appropriations request to U.S. Senator Sherrod Brown's FY25 Congressionally Directed Spending (CDS) to become eligible for potential funding assistance relating to the Huron Municipal Boat Basin Renovation Project in an amount not to exceed One Million Seven Hundred Fifty Thousand and xx/100 Dollars (\$1,750,000.00).

SECTION 2. If grant funds are awarded, the City Manager is further authorized and directed to execute an agreement for and on behalf of the City of Huron, Ohio with U.S. Senator Sherrod Brown's FY25 Congressionally Directed Spending (CDS) in an amount not to exceed One Million Seven Hundred Fifty Thousand and xx/100 Dollars (\$1,750,000.00), and which agreement shall be in substantially in the form attached hereto as Exhibit "A."

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

upon its passage.	ū	
ATTEST:Council Clerk	Monty Tapp, Mayor	
ADOPTED:		

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



► Interior, Environment & Related Agencies — Senator Brown's

Congressionally Directed Spending (CDS) Requests for Fiscal Year 2025 (City of Huron, Ohio,

Municipal Marina)

Name & Contact Info

Bryan Edwards Mobile: 4193666001 Work: 4194334848

bryan.edwards@huronohio.us

Mailing Address

417 Main Street Huron OH 44839

Permanent Address

417 Main Street Huron OH 44839

Section 1. Organization and Contact

1. Name of Requesting Organization *

City of Huron, Ohio

2. CEO/Principal of the Requesting Organization *

Please provide the name of the principal who leads your organization, whether it be a CEO, Board Chair, or Mayor.

Matt Lasko, City Manager

3. CEO/Principal Contact Number *

Please provide the cell phone or direct line of the Principal of your organization, in case the Senator needs to reach out to them directly.

419-433-5000

4. Street Address *

417 Main Street

5. City *

Huron

6. State *

Ohio

7. Zip Code *

44839

8. County *

Erie

9. Ohio Congressional District *

Please state the Ohio Congressional District that is associated with the address of your organization. If your organization spans multiple congressional districts, state the primary district first and then list the other districts.

9th

10.Primary Contact | First and Last Name *

The primary contact <u>must be</u> an employee of the organization applying for funds; lobbyists or government consultants cannot be primary points of contact.

Matt Lasko

11. Primary Contact | Title

City Manager

12. Primary Contact | Email *

citymanager@huronohio.us

13.Primary Contact | Phone Number *

^{*} indicates a required field.

14. Primary Contact | Secondary Phone Number

No answer.

15. Would you like to add a Secondary Contact?

Yes

15.1 Secondary Contact | First and Last Name

Doug Steinwart

15.2 Secondary Contact | Title

Director of Parks & Recreation

15.3 Secondary Contact | Email

doug.steinwart@huronohio.us

15.4 Secondary Contact | Phone Number

4194334848

15.5 Secondary Contact | Secondary Phone Number

4196561395

Section 2. Interior, Environment & Related Agencies

1. Please indicate what type of entity is applying for funds. *

For-profit organizations are not eligible to receive CDS funding.

Local government

2. Please provide the non-profit entity's Employer Identification Number (EIN). *

346400671

There are ten funding accounts within this spending bill.

Each submitted application can only request funding from one account for one project. In other words, a single project cannot request funding from more than one account. If you have any questions about which account your project falls under, please visit the guidelines document linked at https://www.brown.senate.gov/appropriations.

Please answer all the questions that you see below.

3. Are you applying for funds from the EPA: State and Tribal Assistance Grants (STAG), Clean Water SRF, Clean Water CDS account? *

No

3.1 If your request is for a water infrastructure project, please confirm that the project is publicly-owned or owned by a non-profit entity.

No answer.

3.2 If your request is for a local or municipal project, please indicate whether your project is included on the state of Ohio's most recently finalized Clean Water or Drinking Water State Revolving Fund Intended Use Plan (IUP).

No answer.

	3.3	If your request is for a state or local water infrastructure project, please confirm BOTH of the following requirements:
		 you have at least a 20% cost share set up for your project only the non-federal portion of assistance provided by a State Revolving Loan Fund has been applied towards the project's matching requirements.
		No answer.
4.		you applying for funds from the EPA: State and Tribal Assistance Grants (STAG), Drinking Water SRF, Drinking or CDS account? *
	No	
	4.1	If your request is for a water infrastructure project, please confirm that the project is publicly-owned or owned by a non-profit entity.
		No answer.
	4.2	If your request is for a local or municipal project, please indicate whether your project is included on the state of Ohio's most recently finalized Clean Water or Drinking Water State Revolving Fund Intended Use Plan (IUP).
		No answer:
	4.3	If your request is for a state or local water infrastructure project, please confirm the following criteria: 1. you have at least a 20% cost share set up for your project, and 2. only the non-federal portion of assistance provided by a State Revolving Loan Fund has been applied towards the project's matching requirements.
		No answer.
5.		vou applying for funds from the SFC: HIS, Sanitations Facilities Construction, Sanitation Facilities Construction CDS ant?
	No	
	5.1	If your request is for a tribal project, please confirm that your project is included on the Indian Health Services' (IHS) Sanitation Deficiency System (SDS) list.
		No answer.
	5.2	If your request is for a tribal project that is NOT included on the Indian Health Services' (IHS) Sanitation Deficiency System (SDS) list, is the project eligible under the Criteria for the Sanitation Facilities Construction Program (SFCP)?
		No answer:
6.	-	ou applying for funds from the HPF: NPS, Historic Preservation Fund account? *
	No	
	6.1	If your request is for non-formula funded activity within HPF, please confirm that your project meets the qualifications of HPF activities, including eligible entities and activities.

No answer.

6.2 Please confirm that the funds you are requesting will not be used for the acquisition of collections or historic properties.

Acquisitions of collections or historic properties are not eligible for funding from this account.

No answer.

6.3 Please confirm that the applicant is eligible for one of the competitive grant funding opportunities within the Historic Preservation Fund (HPF).

	No	
	7.1	Is this project part of the state's Forest Action Plan OR does the project contribute to meeting the goals of the state's Forest Action Plan?
		No answer.
	Are y Yes	ou applying for funds from the Projects on Agency Lists account? *
	8.1	Please select the list that your project falls within:
		FWS, Construction Projects, Line Item Construction
	Are y No	ou applying for funds from the Land Management Agencies, Local Projects and Research account? *
	9.1	If your request is for a project focused on BLM, Management of Land and Resources, Habitat Management Priorities, please indicate whether your project activities are related to wildlife and aquatic habitat management.
		No answer.
	9.2	If your request is for a project focused on NPS, National Recreation and Preservation, Statutory and Contractual Aid, please indicate the following: whether your project activities are related to operating, managing, and preserving resources, including as authorized by law.
		No answer.
	9.3	If your request is for a project focused on FWS, Resource Management, Stewardship Priorities, please indicate whether your project activities are related to fish and aquatic conservation, habitat conservation, recovery, and restoration activities.
		No answer.
	9.4	If your request is for a project focused on USGS, Surveys Investigations and Research, Status, and Trends, please indicate the following: whether your project activities are related to high priority and core science research, or ecosystem and water resources relater activities.
		No answer.
	9.5	If your request is for a project focused on USGS, Surveys Investigations and Research, Status, and Trends, please confirm that your project is relevant to the specified mission area within an appropriate bureau.
		No answer:
10.	Are v	you applying for funds from the BIA, Operation of Indian Programs, Special Initiatives account? *
	No .	va vpr√g
	10.1	Please confirm that your project meets ALL of the following requirements: 1. honors the commitment to invest in tribal communities 2. creates economic opportunities 3. fosters cultural heritage

7. Are you applying for funds from the SPF: USFS, State, and Private Forestry, Forest Resource Information and Analysis

No answer.

5. conserve natural resources.

4. promotes efficient and effective tribal governance, and

account? *

11. Are you applying for funds from the EPA, Science and Technology, Research: National Priorities account? *

No

11.1 Please indicate whether your project focuses on high priority lines of research related to environmental quality and human health.

No answer:

12. Are you applying for funds from the EPA, State and Tribal Assistance Grants, STAG Infrastructure Grants account? *

12.1 Please indicate whether your project is related to existing funding categories and activities within the STAG account that will result in improvements in environmental quality and/or human health.

No answer.

Section 3. Organization and Project Description

1. Overview of Organization *

Please provide a brief history of the organization, its mission, its main activities, and its links to local communities.

The Huron Boat Basin and Amphitheater was constructed as part of an urban renewal project. Completed in October 1971, the boat basin served as a marina and an entertainment facility with a seating capacity of 1,000. City Manager Dean Sheldon hailed the boat basin as the central feature of the entire 26-acre urban redevelopment project in downtown Huron.

The Boat Basin operates as a fully functional municipal marina under the management of the City of Huron through its Parks & Recreation Department. It serves as a gathering place for social interactions, entertainment and community events. The marina hosts various activities, including boating, fishing and recreational water sports. Additionally, the amphitheater provides a venue for concerts, performances and cultural events.

Historical Markers dot the Boat Basin and nearby mile-long pier, commemorating Huron's rich past. In the 1800s, Huron thrived as a shipbuilding center, and in the 1900s, it served as a port for fishing fleets and freighters, including the famous Edmund Fitzgerald. These connections to the past foster a sense of community pride and identity. The Huron Boat Basin continues to be a vibrant hub, connecting residents and visitors alike to the town's heritage and recreational opportunities.

2. Project Description *

Please provide a short description of the program or project for which you are seeking federal support. Include information about its purpose, goals, history, and current status.

This description should be complete WITHOUT external links or references to supporting materials.

The Huron, Ohio Municipal Marina Renovation is a critical project aimed at enhancing the town's waterfront infrastructure.

The primary purpose of this renovation is to establish a secure harbor, foster educational endeavors and attain the Ohio Clean Marina standards, which emphasize sustainability and environmental care. By upgrading the marina, the town aims to attract more tourists, boost local businesses and grow community engagement at a safe and operational facility.

The Huron Marina has a rich history dating back to its original construction in the early 1970s. Over the years, wear and tear, changing regulations and increased demand has necessitated significant improvements. The marina has served as a hub for boating enthusiasts, fishing charters and recreational activities.

The City of Huron contracted KS Associates, Inc. (KS) to analyze the existing infrastructure, identify deficiencies and develop a comprehensive renovation plan. KS Associates is an engineering and land surveying firm that provides planning, design and construction phase services and specializes in coastal engineering and site development engineering for institutional, commercial and residential uses. KS Associates is certified as an SBE, WBE, FBE and/or MBE with several local entities. Their goal was to determine the condition of the existing marina infrastructure, estimate the remaining life expectancy of the existing structures and make recommendations for repairs or replacement. The scope of the study included identification of any immediate concerns and inspection of the floating docks, electrical and water distribution systems, bulkheads, concrete walkways, retaining walls and marina amenities.

At the conclusion of their assessment, KS Associations recommended that, at a minimum, the damaged sections of concrete riser and concrete walkway should be replaced to alleviate any safety risks at the marina. KS also recommended replacing the cracked and deflected concrete gangway connections as the minimum short-term repairs to keep the marina operational as well as the replacement of the floating dock systems (docks, gangways, and anchor piles) and concrete retaining walls surrounding the marina basin, as the structures are in poor condition and beyond their useful design life.

The anticipated outcomes and advantages of this extensive renovation endeavor are numerous. It will result in the development of a fully upgraded, cutting-edge docking facility, further enhancing Huron's reputation as a premier destination along the Great Lakes. Seamlessly integrated with existing portions of the adjacent waterfront, the marina and its surrounding Boat Basin will become an integral component of Huron's Main Street Revitalization. This integration will offer boaters convenient access to local businesses, as well as natural and cultural attractions.

Furthermore, this project is poised to boost tourism and provide jobs, thereby supporting the economic revival of the region. The revitalized marina will also serve as a pivotal venue for boater-centric events, attracting larger boat groups to Ohio.

In summary, the Huron Marina Renovation seeks to rejuvenate a beloved community asset, ensuring its sustainability and accessibility for generations to come.

3. Link to Program/Project

If the program or project has a website, please include the link here.

No answer:

Section 4. Project Impact

1. Project Impact — General *

Please explain how funding this project will benefit taxpayers, focusing on the following questions:

- 1. What positive outcomes or impact will the project have?
- 2. What is the size of the population that would directly benefit from the project, and indirectly benefit from the project?
- 3. What performance indicators or metrics will be used to measure whether this project has achieved its objectives?

This description should be complete WITHOUT external links or references to supporting materials.

The Huron Boat Basin Marina renovation project will benefit taxpayers in Huron, Ohio in a variety of ways.

The renovation project aims to enhance the quality of life for residents and visitors. By improving the marina, it will become a more attractive and enjoyable space. Upgraded amenities, such as electric and water hookups, will enhance the overall experience for boaters and families. The aesthetically pleasing environment will draw people together during various social opportunities, including seasonal festivals, fireworks, live concerts and outdoor movies. The project contributes to the town's economic vitality by attracting tourists, supporting local businesses, and fostering community engagement.

Direct Beneficiaries: Approximately 65 full-season contract holders who use the 125-boat slip marina will directly benefit from the improved facilities. Also, the project will create numerous job opportunities for skilled labor forces.

Indirect Beneficiaries: The entire Huron community and region benefits indirectly. Residents, families and visitors can enjoy the marina during events and leisure time.

Performance Indicators and Metrics:

Dockage Fees: Monitoring revenue from dockage fees will indicate the marina's financial sustainability.

Attendance at Events: Tracking attendance at concerts, festivals, and other gatherings will measure community engagement.

Customer Satisfaction: Surveys and feedback from boaters and visitors will assess their satisfaction with the renovated facilities.

Usage Metrics: Regularly assessing the utilization of amenities (e.g., restrooms, picnic shelters) will gauge effectiveness.

2. Project Impact — County *

Which county will primarily be affected by the project?

If there are multiple counties, please list the additional counties after the primary county.

The Huron Boat Basin Marina Renovation in Huron, Ohio will primarily impact Erie County and the surrounding communities. Here's why:

Erie County:

Direct Impact: Erie County houses the city of Huron, where the marina is located. Residents and businesses within the county will directly benefit from the upgraded facilities.

Economic Boost: The renovated marina will attract more boaters, tourists and visitors. Increased foot traffic will positively impact local businesses, including restaurants, shops and service providers.

Community Pride: Erie County residents take pride in their waterfront. A revitalized marina enhances their recreational options and fosters a sense of community identity.

Surrounding Counties:

Indirect Impact: Counties neighboring Erie, such as Lorain, Sandusky and Huron, will also experience indirect benefits.

Tourism and Recreation: Visitors from these counties will explore the improved marina, attend events and enjoy Lake Erie's beauty. This renovation could also attract out-of-state visitors to Ohio.

Collaboration: The project encourages collaboration among neighboring communities, promoting regional tourism and economic growth.

In summary, the Huron Boat Basin Marina Renovation will positively impact Erie County and create ripples of prosperity throughout the region.

3. Project Impact — Socioeconomic Status *

What is the median income of the population that is expected to benefit from this project?

Please briefly explain how you arrived at this estimate: What source(s) of information did you use and what (if any) assumption(s) did you make?

According to the U.S. Census Bureau, in July of 2023, the city of Huron, Ohio had a population estimate of 6,763. The median household income was approximately \$63,000 in 2022 dollars. Per capita income in 2022 dollars was \$42,064, with 10.1% of the population of Huron living in poverty.

4. Project Impact — Specific Groups

If applicable, please explain how this project could benefit one or more of the following groups: underserved rural and/or urban communities, women, under-represented racial/ethnic minority groups, LGBTQ+ community.

Be as concrete as possible in your answer.

Renovating the Huron Boat Basin Marina in Huron, Ohio holds immense potential for benefiting the community, including those in minority groups.

Enhanced Recreational Opportunities: A revitalized marina will provide improved facilities for boating, fishing and water-based activities. This benefits everyone, regardless of their background, by offering a space for leisure, relaxation and family bonding. For minority communities, who may face socio-economic disparities, having access to recreational amenities fosters a sense of belonging and well-being.

Economic Growth and Job Creation: A modernized marina attracts tourists, boaters and visitors. This influx of people stimulates local businesses, from restaurants and shops to service providers. Job opportunities arise in marina management, maintenance and hospitality. By prioritizing inclusivity, the renovated marina can actively recruit and employ individuals from diverse backgrounds, contributing to economic empowerment.

Community Gathering Space: The marina becomes a hub for community events, festivals and gatherings. Concerts, art shows and cultural celebrations can take place against the picturesque backdrop of Lake Erie. For minority groups, this becomes a platform to showcase their talents, traditions and heritage. It fosters cross-cultural understanding and appreciation.

Educational and Environmental Awareness: A revamped marina can incorporate educational programs about water conservation, wildlife and environmental stewardship. Engaging local schools and community organizations ensures that everyone, including minority youth, gains knowledge about the ecosystem and their role in preserving it.

Improved Safety and Accessibility: Upgraded facilities enhance safety measures, making the marina accessible to all. Proper lighting, well-maintained docks and clear signage benefit everyone, especially those with mobility challenges. Ensuring equitable access ensures that minority groups can fully participate in marina activities.

In summary, renovating the Huron Boat Basin Marina not only beautifies the waterfront but also creates an inclusive space where all community members can thrive, connect and enjoy the natural beauty of Lake Erie.

5. Project Impact — Job Creation for Project

If applicable, please state how many new staff positions will be created during this project (e.g., technician, instructor, counselor, construction worker, etc.).

In your answer, state the job title for each of the new positions.

A marina renovation project involves a diverse workforce, including both union and non-union employees. Here is a list of roles required for successful completion:

Union Jobs:

Construction Workers: Skilled laborers who handle various tasks such as demolition, carpentry, concrete work and structural repairs.

Electricians: Responsible for electrical systems within the marina.

Plumbers: Install water supply lines, drainage systems and plumbing fixtures.

Welders: Join metal components and reinforce structures.

Heavy Equipment Operators: Operate machinery like cranes, excavators, etc.

Painters: Apply protective coatings to surfaces.

Ironworkers: Erect steel structures, install reinforcement bars and more.

Pipefitters: Install piping systems for water, gas and sewage.

Labor Foremen/Supervisors: Oversee work crews, safety protocols and project progress.

Non-Union Jobs:

Administrative Staff: Manage paperwork, permits, contracts and project coordination.

Project Managers: Plan, schedule and oversee the process.

Architects and Designers: Create blueprints, layouts and aesthetic plans.

Surveyors: Measure land, assess existing structures and provide accurate data.

Environmental Consultants: Ensure compliance with environmental regulations.

Safety Inspectors: Monitor safety practices and enforce protocols.

We firmly believe that collaboration between union and non-union workers ensures a successful and inclusive marina renovation project.

6. Project Impact — Longer-Term Job Creation

If applicable, please explain how this project could create permanent, quality jobs after the FY25 funding has been expended. In your answer:

- 1. Estimate the number of quality jobs that are likely to be created
- 2. List the job title for each of these new positions
- 3. Explain why you consider these jobs to be quality jobs

The Huron Boat Basin Marina plays a pivotal role in supporting the local economy and creating ancillary jobs that benefit the community. Here's how:

Tourism and Hospitality Sector:

The marina attracts boaters, tourists and visitors. Nearby restaurants and businesses experience increased foot traffic, leading to higher revenue and job opportunities for chefs, servers and kitchen staff.

Hotels and Accommodations:

Visitors often stay in local hotels, motels, rental properties or bed-and-breakfast establishments. Housekeeping, front desk and maintenance staff find employment due to the marina's presence.

Retail and Merchandise:

The marina building offers apparel, gifts and other merchandise during business hours. Retail staff manage sales, inventory and customer inquiries. This boosts local commerce and provides retail jobs.

Event Planning and Coordination:

The marina hosts community events, festivals and gatherings. Event coordinators, vendors and security personnel find work during these occasions. These events contribute to the vibrancy of the community.

Maintenance and Landscaping:

Keeping the marina and its surroundings pristine requires a parks and recreation staff. They ensure safety, cleanliness and aesthetic appeal.

Educational Programs and Environmental Awareness:

The marina can offer educational programs about water conservation, wildlife and environmental stewardship. Educators, interpreters and guides find employment while raising awareness.

Boating Services and Repairs:

The marina supports boat owners by providing docking assistance, fuel needs and repair services. Marine mechanics, boat technicians and dockhands benefit from this demand.

Marketing and Promotion:

Promoting the marina involves marketing specialists, graphic designers and social media managers. Their efforts attract visitors and enhance the marina's visibility.

Facility Rentals and Events:

The marina building can be rented for private events, meetings or gatherings. Event planners, decorators and caterers contribute to the local economy.

In summary, the continued existence of the Huron Boat Basin and Marina creates a ripple effect, generating jobs across various sectors and fostering economic vitality in the community.

Section 5. Project Budget and Timeline

1. What is the total amount of funding you are requesting for this project? *

1750000

2. What is the total cost of your project?

6600000

3. Project Funding Justification *

Please explain why other sources of funding (federal, non-federal, private) are insufficient for your project. List which other sources of funding you have considered but decided were insufficient.

The Huron Boat Basin Marina renovation project faces the challenge of securing adequate funding for its capital improvements. While the marina has been financially stable in recent years, certain critical upgrades cannot be covered by annual dockage revenue alone. Let's explore the funding situation:

Boat Basin Fund: This fund manages the general financial aspects of the Boat Basin facility along the Huron River. Although the marina has been operationally self-sufficient, it requires substantial capital investments. The following key points highlight the situation:

Dockage Fees: Charges for services and primarily dockage fees have seen modest increases over the past three years. However, these fees alone cannot cover major capital improvements.

Other Sources Needed: To address long-term capital needs (such as building renovations and lighting), the Boat Basin must seek additional funding beyond its operational revenue.

General Capital Dollars and Grants: The city recognizes that certain capital needs require subsidies from general capital funds or grants. These external sources are essential to support the marina's sustained growth and improvement.

In summary, while the Boat Basin has managed its day-to-day operations effectively, it relies on external funding to undertake critical renovations and maintain its infrastructure.

4. Project Budget *

Explain how the money, if awarded, will be spent in FY25 (i.e., \$X for salaries; \$Y for programming; \$Z for equipment; etc.).

Please be specific when describing the activities and expenditures.

In-Water Infrastructure - \$1,896,570

Mobilization - \$10,000

New Floating Docks - \$997,500

New Access Ramps - \$105,000

New Dock Utilities - \$395,500

New Dock Piles - \$113,000

Contingency (15%) - \$243,150

Bond & Insurance (2%) – \$32,420

Concrete Riser Repairs - \$38,679

Mobilization - \$10,000

Sawcut & Demo of Damaged Concrete - \$5,000

Install Steel Dowels in Existing Concrete - \$12,800

Excavate & Replace Backfill - \$815

New Reinforced Concrete - \$4,444

Contingency (15%) – \$33,059

Bons & Insurance (2%) - \$661

Concrete Walkway Repairs - \$680,823

Mobilization - \$10,000

Demo and Removing Existing Concrete - \$39,900

New Reinforced Concrete Walkways - \$532,000

Contingency (15%) - \$87,285

Bonds & Insurance (2%) - \$11,638

Retaining Walls - \$1,138,235

Mobilization - \$10,000

Excavating & Stockpiling - \$25,000

Demo and Removing Existing Walls - \$45,000

Repair Concrete Footer - \$166,800

New Concrete Module Retaining Walls - \$641,250

New Footer Drain - \$45,000

New Gravel Backfill - \$19,800

Replace Topsoil - \$10,000

Site Restoration - \$10,000

Contingency (15%) \$145,928

Bonds & Insurance (2%) – \$19,457

5. Project Timeline *

Provide a quarterly timeline for the development and implementation of the project (including plans for staff hires and/or purchases of goods and services) that spans the entire funding period.

Include goals and benchmarks for the project in each quarter (i.e., every 3 months).

FY 24 Quarter 4: Design

FY 25 Quarter 1-2: Complete Design; Bidding

FY 25 Quarter 3-4: Construction

FY26 Quarter 1-3: Complete construction activities

6. Project Sustainability *

If your project were to receive CDS funding, how do you plan to continue the work and pay for any ongoing staff positions after the funding has been expended?

The project maintenance and staffing for the marina will continue under the existing city Parks Dept. annual budget.

Section 6. Project Readiness and Success

1. Project Capital Development *

Please explain what efforts you have undertaken to pull together capital for this project (e.g., set aside organization's own funds, organized a fundraising campaign, secured donations of equipment, applied for grant support, etc.).

The project capital development to date has primarily involved set aside of capital budget funds in the city budget.

The city is constantly and actively looking and applying when qualifying grant opportunities that come up.

2. Has the project received state, local, or private funds? *

No

2.1 Please list the sources for each of these types of funding this project received.

No answer.

3. Have you submitted – or will you submit – this FY25 CDS request to another Congressional Office? *

No

3.1 List the name(s) of the U.S. Representative and/or U.S. Senator to whom you have submitted the request.

No answer.

4. Has the organization successfully utilized federal funding in any capacity in the last 5 years? *

Yes

4.1 List the relevant project(s) and the associated source(s) and amounts of federal funding.

Sawmill Parkway Improvement Project: U. S. Dept. of Commerce, Economic Development Administration (Project #06-79-06333) \$1,786,345.00 Completed 2024

5. Are local elected officials, community leaders, and/or local organizations supportive of the project? *

Yes

	City of Huron Fire Dept.
	City of Huron Police Dept.
	Ohio Marine Trades Association
	South Shore Marine
6. Did Yes	the organization submit a Congressionally Directed Spending (CDS) request for FY23 or FY24? *
6.1	List how much funding the organization was awarded for FY23/FY24. You can check the amount on this website:
	https://www.appropriations.senate.gov/congressionally-directed-spending-requests 🗷
	0
Section	n 7. Project Ranking
1. Will	the requesting organization be submitting other FY25 funding requests to support other projects, in addition to this
For	instance, you might apply for funds from different subcommittees or accounts to support separate projects.
Yes	
1.1	Rank your FY25 funding requests in order of preference. 1 = highest preference, 2 = second-highest preference, 3 = third-highest preference, etc.
	1= Municipal Marina
	2= Secondary Water Intake

5.1 List their names of local elected officials, community leaders, and/or local organizations supportive of the project.

You can upload Letters of Support in the Checklist section of the application form.

City of Huron City Council (7 members)

Greater Sandusky Partnership

Shores & Islands Ohio



TO: Mayor Tapp and City Council

FROM: Jack Evans

RE: Resolution No. 33-2024 (*submitted by Jack Evans*)

DATE: March 26, 2024

Subject Matter/Background

This legislation is retroactively allowing staff to apply through Congresswomen Kaptur's office, for \$1.5M from the FY25 Interior, Environment Community Project relating to the Huron River Raw Water Alternate Intake and Sludge Lagoon Project, and if awarded to accept said funds.

Matching Requirements

There is a minimum 20% cost share requirement for any portion of a project funded through a STAG infrastructure grant. The Committee will not waive matching requirements.

Financial Review

If awarded, the City will continue to explore other grants and utilize Ohio Water Development Authority's low interest loans for gap financing on the Huron River Raw Water Alternate Intake and Sludge Lagoon Sewer Project. The loan will be paid back by quarterly water sales to customers.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 33-2024 is in order.

Resolution No. 33-2024 Marcy Kaptur FY25 Interior, Environment Community Project Alternate Intake \$1,750,000 (3).docx

Resolution No. 33-2024 Exh A Kaptur FY 25 Intake App \$1,500,000.pdf

RESOLUTION NO. 33-2024 Introduced by Joel Hagy

A RESOLUTION RATIFYING SUBMISSION OF AN APPROPRIATIONS REQUEST APPLICATION TO U.S. CONGRESSWOMAN MARCY KAPTUR FY25 INTERIOR, ENVIRONMENT COMMUNITY PROJECT FUNDING PROGRAM RELATING TO THE HURON RIVER RAW WATER ALTERNATE INTAKE AND SLUDGE LAGOON PROJECT IN AN AMOUNT NOT TO EXCEED ONE MILLION FIVE HUNDRED THOUSAND AND XX/100 DOLLARS (\$1,500,000.00); AND FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AWARD(S) IN AN AMOUNT NOT TO EXCEED ONE MILLION FIVE HUNDRED THOUSAND AND XX/100 DOLLARS (\$1,500,000.00), SHOULD THE APPLICATION BE SUCCESSFUL.

WHEREAS, the City of Huron has made an appropriations request to U.S. Congresswoman Marcy Kaptur's FY25 Interior, Environment Community Project Funding Program relating to the Huron River Raw Water Alternate Intake and Sludge Lagoon Project (the "Project"); and

WHEREAS, the City meets basic eligibility requirements for funding; and

WHEREAS, the City of Huron has the authority to apply for financial assistance and to administer the amounts received from U.S. Congresswoman Marcy Kaptur's FY25 Interior, Environment Community Project Funding Program; and

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

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

<u>SECTION 1</u>. That the Council of the City of Huron hereby ratifies submission of an appropriations request to U.S. Congresswoman Marcy Kaptur's FY25 Interior, Environment Community Project Funding Program to become eligible for potential funding assistance relating to the Huron River Raw Water Alternate Intake and Sludge Lagoon Project in an amount not to exceed One Million Five Hundred Thousand and xx/100 Dollars (\$1,500,000.00).

<u>SECTION</u> 2. If grant funds are awarded, the City Manager is further authorized and directed to execute an agreement for and on behalf of the City of Huron, Ohio with U.S. Congresswoman Marcy Kaptur's FY25 Interior, Environment Community Project Funding Program in an amount not to exceed One Million Five Hundred Thousand and xx/100 Dollars (\$1,500,000.00), and which agreement shall be in substantially in the form attached hereto as Exhibit "A."

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

upon its passage.	ū	
ATTEST:Council Clerk	Monty Tapp, Mayor	
ADOPTED:		

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

Congresswoman Marcy Kaptur - FY25 Interior, Environment Community Project Funding Request Form

Please read all information before providing all requested information.

General Eligibility

This year, the Subcommittee on Interior, Environment, and Related Agencies will only consider a Community Project Funding request in the State and Tribal Assistance Grants (STAG) account for a water infrastructure project otherwise eligible for funding from a State Revolving Fund loan program established under the Clean Water Act (Title VI of the Clean Water Act, 33 U.S.C. 1381 et seq.) or the Safe Drinking Water Act (Section 1452 of the Safe Drinking Water Act, 42 U.S.C. 300j-12).

To be eligible for STAG funding, a project must be either publicly owned or owned by a non-profit

entity. The Committee considers State, municipal, local, territorial, or Tribal governmental entities to be the primary grantees to oversee projects funded in the STAG account. In general, a request for funding directed to a non-profit entity will be considered on a limited basis, if the non-profit entity performs inherently governmental functions.

Specific examples of both eligible and ineligible projects can be found in the guidance accessible through this link:

https://appropriations.house.gov/sites/republicans.appropriations.house.gov/files/FY24% 20Interior%2C%20Environment%2C%20and%20Related%20Agencies%20Guidance.pdf.

Matching Requirements

There is a minimum 20% cost share requirement for any portion of a project funded through a STAG infrastructure grant. The Committee will not waive matching requirements.

For example, a \$1 million project could receive a maximum of \$800,000 from the Federal government, with the remaining \$200,000 the responsibility of the grantee. In almost all cases, other Federal funds cannot be used to meet this 20% cost share. One notable exception to this rule: Assistance provided by a SRF may be used to fund a project's matching

requirement.

Determining the Amount to Request

A CPF request should include only the amount of fiscal year 2025 funding needed for the project. Multi-year requests will not be considered.

The Committee suggests using the range of project amounts funded in FY 2024 as a general guide when making requests. In FY 2024, most EPA STAG infrastructure projects funded in the House bill ranged from \$250,000 - \$5,000,000. Note that the Committee may consider higher project amounts for fiscal year 2025, and any caps will be determined by the Chairman after reviewing the full universe of requests.

Additional Requirements			
A Community Project Funding request must be supported by a description merit and value to the taxpayer, and by evidence of community support.	of the	e project's	
citymanager.coh@gmail.com Switch account	\odot	Draft saved	
The name, email, and photo associated with your Google account will be reupload files and submit this form	corded	l when you	
* Indicates required question			
Requesting Organization: *			
City of Huron, Ohio			
Point of contact name: *			
Matt Lasko, City Manager			
Point of contact email address: *			
citymanager@huronohio.us			

Point of contact phone: * 4194335000
Please provide website of the entity to receive funding: * www.cityofhuron.org
Legal Name of the Organization that will be receiving funds (Please do not include abbreviations, acronyms, or use a "The" before the recipient name.) City of Huron
Please identify the category of eligible recipients that includes your organization: * public entities (State, municipal, local, territorial, or Tribal governmental entities) non-profit organizations qualifying under section 501(c)(3) of the Internal Revenue Code
If you identified your category as "non-profit organizations" in response to the previous question, please describe the inherently governmental functions performed by your organization. Your answer

Project Description (LESS THAN 1,000 characters) *

The project would construct a secondary raw water intake to supply the City of Huron and surrounding Erie County areas from the Huron River.

History:

The current single raw water intake was constructed in 1957 and is located in Lake Erie, at the water filtration plant. Records dating back to the 1980's show the intake system has been plagued by freeze ups due to frazil ice occurring in Lake Erie. Frazil ice is a term for ice crystals that have formed in the water column due to turbulence, such as waves and currents. At Huron, Lake Erie is relatively shallow and frazil ice can easily develop. Frazil ice crystals easily cling and accumulate on the existing intake structure and piping, causing blockages. Removal is nearly impossible as the intake is one half mile offshore, below the surface of the lake.

Frazil ice accumulation issues occur almost every winter season and at times render the filtration plant inoperable due to the blockage. The city has made attempts over the last three decades to mitigate the icing using several measures, but none of these has been successful. On occasion, the Fire Dept. had to called in to assist in creating an opening in the lake ice covering and temporary pumps utilized to bring water to the plant. This solution does not supply the total necessary amount needed for the city and puts personnel at risk along with tying up safety forces. There was one incident during an ice blockage that a business caught fire and there was insufficient water supply for the firefighting efforts.

In recent years, harmful algal blooms in the western areas of Lake Erie have also affected the current intake source quality.

Project:

The project would create an intake at the west bank of the Huron River. The river source is not subject to frazil ice issues. A pump station would be constructed that consists of a 30-foot deep, 12-foot diameter wet well with pumps and backup generator. A 20-inch pipeline would be constructed to transport the raw water to the treatment plant for processing.

The project is currently in engineering design. It is anticipated that it will be ready to bid late in 2024, with construction in 2025.

Please provide the requested funding amount: * \$1,500,000 Please select the State Revolving Fund (SRF) program under which your project is * otherwise eligible to compete for loan funding: the Clean Water SRF (Title VI of the Clean Water Act, 33 U.S.C. 1381 et seq.) the Safe Drinking Water SRF (Section 1452 of the Safe Drinking Water Act, 42 U.S.C. 300j-12) Is the project on your State's most recently finalized Clean Water/Drinking Water SRF Intended Use Plan (IUP)? Yes No Please explain how the project will help meet or maintain Clean Water Act or Safe * Drinking Water Act standards. Primarily, public health related to the drinking water provided by City of Huron Water Dept. would be maintained. The safe and reliable water source provided by the project would keep drinking water available at all times, eliminating the current issues of winter weather freezing stoppages and summer weather algal bloom issues. Public safety through consistent supply of water for firefighting would also be provided.

Budget Summary - A) Describe in detail how the requested funds will be used *

Estimate for Construction costs is \$1,335,000. Estimate for Construction Services is \$165,000

Budget Summary - B) Please provide a budget breakdown for this project maximum of 10 budget items

\$344,840 **Engineering Design** Construction \$3,200,000 Construction Inspection/Administration \$302,000

Please confirm that the amount of your request complies with the following requirements by checking the boxes. Your request must comply with both requirements.

- The amount only includes funding for project activities planned for fiscal year 2025.
- The amount is limited to the federal share of the anticipated costs for FY25 project activities.

Please confirm that the amount of your request complies with the following requirements by checking the boxes. Your request must comply with both requirements.

- The amount only includes funding for project activities planned for fiscal year 2025.
- The amount is limited to the federal share of the anticipated costs for FY25 project activities.

Please provide a short description of your organization's plan to meet the project's matching requirement within the next 12 months. Municipal water utility fees and capital budget allocations will be utilized to obtain the	
matching funds necessary	
Has the project received Federal funds previously? If so, please describe. *	
No	
If partial funding is provided in response to your request, can the project * proceed? Please select one of the following options:	
Yes, additional funding from other sources can be used to carry out the current fiscal year 2025 scope of work for the project.	
Yes, a useful increment of the project's current fiscal year 2025 scope of work can be accomplished with partial funding.	
No, the project cannot proceed with partial funding.	

Please explain why this project is a good use of taxpayer funds (PLEASE NOTE: This information will be posted on Congresswoman Kaptur's website).

*

In the City of Huron during winter months, the existing water intake in Lake Erie for the water filtration plant is subject to icing and related blockages caused by ice. The proposed secondary water intake in the Huron River would insure a reliable, consistent, uninterrupted source of water for the filtration plants' continuing operations. Water rationing or disruptions to the water supply to the city would be prevented. In addition to residents, all businesses, agriculture and manufacturing facilities will not have water service interruptions.

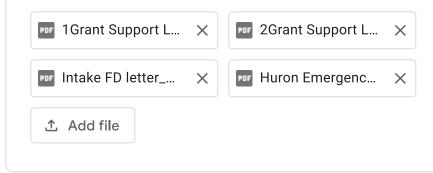
Second, in summer months, the lake source water can be potentially contaminated due to harmful algal blooms in Lake Erie. The river water source would provide a reliable, safe source of water, free from harmful algal bloom issues that could otherwise contaminate the drinking water supply in the summer months. The public health will be insured from being affected.

Third, the water supply for any firefighting needs/efforts in the community will not be jeopardized by potential outages caused by the seasonal issues noted above.

Having a consistent uninterrupted water source will ensure community safety.

Are you aware of another Member making a request for this same project? *
Yes
○ No

Please list materials you have available to submit as supporting documentation of community support or additional relevant information (Kaptur staff will follow-up if the request is selected for advancement) You may also email any existing letters of support to repkapturcdfrequests@gmail.com.



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Google Forms



TO: Mayor Tapp and City Council

FROM: Matthew Lasko

RE: Resolution No. 34-2024 (*submitted by Matt Lasko*)

DATE: March 26, 2024

Subject Matter/Background

Now that the site has been cleared of structures, we can now clean, grade and seed the site, returning the site to greenspace. This is a large site with a lot of debris on it. There is also some minimal tree work to be carried out. There are three section of roadway that will be removed as part of this project, graded and returned to greenspace.

This legislation for \$52,650 will allow Barnes nursery to carry out this work.

Financial Review

The Capital Improvement Fund has sufficient fund balance and budget to accommodate the cost of this service. The City will also request additional financial assistance from the County Land Bank to offset the total cost of this service.

Amount: \$52,650

Account: 401-7550-55102

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 34-2024 is in order.

Resolution No. 34-2024 Barnes Nursery Oster's Landscaping \$52,650.docx

Resolution No. 34-2024 Exh A Barnes Nursery Oster's CleanUp and Landscaping \$28,577.pdf

Resolution No. 34-2024 Exh B Site Remediation and Seeding \$20,173.pdf

Resolution No. 34-2024 Exh C Barnes Tree Removals \$3,900.pdf

RESOLUTION NO. 34-2024 Introduced by William Biddlecombe

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THREE (3) AGREEMENTS WITH BARNES NURSERY FOR SITE DEBRIS CLEANUP AND REMOVAL, SITE REMEDIATION AND SEEDING, AND TREE REMOVAL AT THE FORMER OSTER'S MOBILE HOME PARK PROPERTY IN THE COMBINED AMOUNT OF FIFTY-TWO THOUSAND SIX HUNDRED FIFTY AND 00/100 (\$52,650.00)

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

<u>SECTION 1:</u> That the City Manager is authorized and directed to enter into three agreements with Barnes Nursery for site debris cleanup and removal, site remediation and seeding, and tree removal at the former Oster's Mobile Home Park property in an amount not to exceed Fifty-Two Thousand Six Hundred Fifty and 00/100 Dollars (\$52,650.00); copies of the agreements are attached hereto as Exhibits "A," "B" and "C," and are incorporated herein by reference.

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

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

ATTECT		Monty Tapp, Mayor	
ATTEST:	Clerk of Council		
ADOPTED:			

Proposal -

HURON

3511 WEST CLEVELAND ROAD HURON, OHIO 44839

> PHONE: 419-433-5525 FAX: 419-433-3555



CATAWBA

1283 N.E. CATAWBA ROAD, SR 53 PORT CLINTON, OHIO 43452

> PHONE: 419-797-9797 FAX: 419-797-9716

www.barnesnursery.com

	,		
PROPOSAL SUBMITTED TO	PHONE	DATE	
The City Of Huron	419-433-5000 x 1102	03/22/2024	
STREET	JOB NAME		
417 Main Street	Site Debris Cleanup & Removals Revised		
CITY, STATE and ZIP CODE	JOB LOCATION		
Huron, OH 44839	2311 Cleveland Rd. "Multiple Addresses"		
SALES PERSON	EMAIL ADDRESS	JOB PHONE	
Jon C. Sutherin	citymanager@cityofhuron.org	419-433-5000	

Terms: Barnes Nursery requires a 50% down payment upon acceptance of this contract and prior to all work performed. The balance is to be paid in full upon job completion and presentation of invoice. "Extras" incurred on site are to be paid upon job completion. Past due accounts are subject to a late payment charge on any unpaid balance at the rate of 2% monthly which is an ANNUAL PERCENTAGE RATE OF 24%.

All material is guaranteed to be as specified. All work to be complete in a workmanlike manner according to standard practices. Any alteration or deviation from specifications below involving extra costs will be executed upon order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature

Jon C. Sutherin

NOTE: This proposal may be withdrawn by us if not accepted within **30 days**.

Site Debris Cleanup & Removals

Clean Up Concrete, Aggregate And Miscellaneous Debris On Site And Haul Away Excavate Existing Roads And Haul Materials Off Site (With The Exception Of The Linden Drive Right Of Way)

Total: \$28.577.00 + Tax

• Not Responsible For Relocation Of Any Remaining Under Ground Utilities

conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance:_

PLANT MATERIAL GUARANTEE: All trees and shrubs purchased from and planted by Barnes Nursery have a 100% material only guarantee for one year. Any plant that does not survive the first year after planting will be replaced once with a labor charge incurred. The guarantee is void to unpaid invoices or to plant material which is not properly maintained or irrigated by the owner. Straightening or re-staking of plant material due to extreme weather conditions is the responsibility of the owner. Arborvitae, perennials, roses, grasses and annuals are not guaranteed.

*I understand the above plant material guarantee and agree to the specifications outlined X ______ Initial Here

INDEMNIFICATION AGREEMENT: The undersigned shall indemnify and hold harmless Barnes Nursery & Garden Center, Inc. their agents and employees, from and against all claims, losses, actions, causes of action and expenses, including attorney's fees, arising out of or resulting from damage caused by Barnes, its agents and employees, in the performance of this contract, to any sewer, water or gas line or underground cable of which the undersigned has not given Barnes notice as to the location, thereof.

*Acceptance of Proposal— The above prices, specifications and

Signature

Signature __

Proposal -

HURON

3511 WEST CLEVELAND ROAD HURON, OHIO 44839

> PHONE: 419-433-5525 FAX: 419-433-3555



CATAWBA

1283 N.E. CATAWBA ROAD, SR 53 PORT CLINTON, OHIO 43452

> PHONE: 419-797-9797 FAX: 419-797-9716

www.barnesnursery.com

PROPOSAL SUBMITTED TO	PHONE	DATE	
The City Of Huron	419-433-5000 x 1102	03/05/2024	
STREET	JOB NAME		
417 Main Street	Site Remediation & Seeding		
CITY, STATE and ZIP CODE	JOB LOCATION		
Huron, OH 44839	2311 Cleveland Rd. "Multiple Addresses"		
SALES PERSON	EMAIL ADDRESS	JOB PHONE	
Jon C. Sutherin	citymanager@cityofhuron.org	419-433-5000	

Terms: Barnes Nursery requires a 50% down payment upon acceptance of this contract and prior to all work performed. The balance is to be paid in full upon job completion and presentation of invoice. "Extras" incurred on site are to be paid upon job completion. Past due accounts are subject to a late payment charge on any unpaid balance at the rate of 2% monthly which is an ANNUAL PERCENTAGE RATE OF 24%.

All material is guaranteed to be as specified. All work to be complete in a workmanlike manner according to standard practices. Any alteration or deviation from specifications below involving extra costs will be executed upon order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature

Jon C. Sutherin

NOTE: This proposal may be withdrawn by us if not accepted within **30 days**.

Site Remediation & Seeding

Grade Low Lying Areas/Old Roadways.

Utilize A Power Rake Across The Entire Site To Complete Grading.

Apply Seed And Fertilizer

Total: \$20,173.00

- Does Not Include Topsoil Installation
- No Warranty On New Seed

<u>PLANT MATERIAL GUARANTEE</u>: All trees and shrubs purchased from and planted by Barnes Nursery have a **100%** material only guarantee for one year. Any plant that does not survive the first year after planting will be replaced once with a labor charge incurred. The guarantee is void to unpaid invoices or to plant material which is not properly maintained or irrigated by the owner. Straightening or re-staking of plant material due to extreme weather conditions is the responsibility of the owner. Arborvitae, perennials, roses, grasses and annuals are not guaranteed.

Date of Acceptance:	Signature
Acceptance of Proposal— The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.	Signature
INDEMNIFICATION AGREEMENT: The undersigned shall indemnify and hold harmless Barnes Nu actions, causes of action and expenses, including attorney's fees, arising out of or resulting from dama sewer, water or gas line or underground cable of which the undersigned has not given Barnes notice as	age caused by Barnes, its agents and employees, in the performance of this contract, to a
*I understand the above plant material guarantee and agree to	the specifications outlined X Initial Here
the owner. Arborvitae, perenniais, roses, grasses and annuais	are not guaranteed.

Proposal -

HURON

3511 WEST CLEVELAND ROAD HURON, OHIO 44839

> PHONE: 419-433-5525 FAX: 419-433-3555



CATAWBA

1283 N.E. CATAWBA ROAD, SR 53 PORT CLINTON, OHIO 43452

> PHONE: 419-797-9797 FAX: 419-797-9716

www.barnesnursery.com

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PROPOSAL SUBMITTED TO	PHONE	DATE	
The City Of Huron	419-433-5000 x 1102	03/05/2024	
STREET	JOB NAME		
417 Main Street	Tree & Stump Removal		
CITY, STATE and ZIP CODE	JOB LOCATION		
Huron, OH 44839	2311 Cleveland Rd. "Multiple Addresses"		
SALES PERSON	EMAIL ADDRESS	JOB PHONE	
Jon C. Sutherin	citymanager@cityofhuron.org	419-433-5000	

Terms: Barnes Nursery requires a 50% down payment upon acceptance of this contract and prior to all work performed. The balance is to be paid in full upon job completion and presentation of invoice. "Extras" incurred on site are to be paid upon job completion. Past due accounts are subject to a late payment charge on any unpaid balance at the rate of 2% monthly which is an ANNUAL PERCENTAGE RATE OF 24%.

All material is guaranteed to be as specified. All work to be complete in a workmanlike manner according to standard practices. Any alteration or deviation from specifications below involving extra costs will be executed upon order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature

Jon C. Sutherin

NOTE: This proposal may be withdrawn by us if not accepted within **30 days**.

Tree Removal

Remove One Dead Tree And Two Stumps From The Property (See Photos Below)

Total: \$3,900.00 + Tax





<i>PLANT MATERIAL GUARANTEE</i> : All trees and shrubs purchased from and planted by Barnes Nursery have a 100 %
material only guarantee for one year. Any plant that does not survive the first year after planting will be replaced once with
a labor charge incurred. The guarantee is void to unpaid invoices or to plant material which is not properly maintained or
irrigated by the owner. Straightening or re-staking of plant material due to extreme weather conditions is the responsibility of
the owner. Arborvitae, perennials, roses, grasses and annuals are not guaranteed.

*I understand the above plant material guarantee and agree	to the specifications outlined X Initial Here
INDEMNIFICATION AGREEMENT: The undersigned shall indemnify and hold harmless Barnes actions, causes of action and expenses, including attorney's fees, arising out of or resulting from d sewer, water or gas line or underground cable of which the undersigned has not given Barnes notice.	amage caused by Barnes, its agents and employees, in the performance of this contract, to any
Acceptance of Proposal— The above prices, specifications and conditions are satisfactory and are bereby accepted. You are authorized	Signature

to do the work as specified. Payment will be made as outlined above.		
Date of Acceptance:	Signature	



TO: Mayor Tapp and City Council

FROM: Cory Swaisgood

RE: Resolution No. 35-2024 (*submitted by Cory Swaisgood*)

DATE: March 26, 2024

Subject Matter/Background

The City and Fire Union (IAFF) were made aware of discrepancies between current payroll practices, the collective bargaining agreement, and the Fair Labor Standards Act (FLSA). FLSA requires fire protection employees to be paid overtime for actual hours worked over a contractual number of days. The IAFF contract requires firefighters to paid for actual working hours over 212 hours in a 28-day cycle. Actual working hours does not include leave time taken during the 28-day period or hours deducted for sleep time from 10 PM to 6 AM. The attached MOU provides more details on the procedures the City and IAFF agreed to follow for the remainder of the contract period (12/31/2024) in order to comply with the union contract and FLSA. The City and IAFF will reassess this process and impact to the department and budget while negotiating the next contract.

Financial Review

In order to maintain compliance with the fire union contract and federal law, the City anticipates there will be additional overtime costs from this MOU totaling up to \$70,000 a year. If actual expenditures exceed total budget by the end of 2024 the City will split the overage with the Township, per the current Fire contract between the City and Township.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 35-2024 is in order.

Resolution No. 35-2024 FOP MOU FLSA Compensible Hour Deductions.doc

Resolution No. 35-2024 Exh A FOP MOU FLSA Sleep Hours.pdf

RESOLUTION NO. 35-2024 Introduced by: Monty Tapp

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A BINDING MEMORANDUM OF UNDERSTANDING WITH IAFF LOCAL 4168 MODIFYING ITS COLLECTIVE BARGAINING AGREEMENT WITH THE CITY OF HURON TO CLARIFY ARTICLE 15.1 OF THE CURRENT COLLECTIVE BARGAINING AGREEMENT, SPECIFICALLY, HOW FLSA (DAILY) COMPENSABLE HOUR DEDUCTIONS FOR SLEEP HOURS SHALL BE RECORDED AND WHAT HOURS SHALL BE INCLUDED IN THE 212-HOUR WORK PERIOD TOTAL.

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

SECTION 1. The City Manager shall be, and hereby is, authorized and directed to enter into a binding Memorandum of Understanding with IAFF Local 4168 to modify its Collective Bargaining Agreement with the City of Huron to modify Article 15.1, specifically, how FLSA (daily) compensable hour deductions for sleep hours shall be recorded and what hours shall be included in the 212-hour work period total, as set forth in the Memorandum of Understanding. The Memorandum of Understanding shall be in a form substantially similar to the Memorandum of Understanding attached hereto and incorporated herein by reference as Exhibit A.

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

<u>SECTION 5</u>. That this Resolution shall be in full force and effect from and immediately after its adoption.

		Monty Tapp, Mayor	
ATTEST:	Clerk of Council		
ADOPTED: _			

This Memorandum of Understanding (MOU) is entered into by and between The International Association of Firefighters, Local 4168 (hereinafter, "Union") and The City of Huron (hereinafter, "City"). The MOU will be in effect from Sunday, March 17, 2024 at 7:00 am:, until a successor collective bargaining agreement to the agreement expiring on December 31, 2024, is ratified.

This Memorandum of Understanding is the complete agreement between the Union and City and is meant to clarify Article 15.1 of the collective bargaining agreement, specifically how the FLSA (daily) compensable hour deductions for sleep hours shall be recorded and what hours shall be included in the 212 work period total. The MOU may be amended only by a written agreement signed by the Union and the City.

- There will be no change in how overtime, under Article 16, is calculated. All hours
 worked in excess of regularly scheduled shifts shall be at the call-in overtime rate. (Callin overtime pay rate is 150% of hourly rate figured on a forty (40) hour week.)
- 2. Firefighters will work a 28-day work cycle, which shall begin on Sunday, March 17, 2024 at 7:00 am.
- 3. Effective with the pay for the period beginning Sunday, March 17, 2024, there shall be a new line item on all paychecks for Union members titled "FLSA pay," which will be paid in addition to any overtime paid under Article 16.
- 4. FLSA pay shall be paid at the call-in overtime rate, as specified in Section 16.1.
- 5. FLSA pay shall be calculated at the end of each 28-day work cycle as follows:
 - a. All hours worked in a work cycle over 212 hours shall be paid at the call-in overtime rate.
 - b. For purposes of calculating the FLSA pay only, only actual hours worked shall be calculated. Paid time off, including personal, sick, vacation, and compensatory time taken within the 28-day work cycle is excluded from the FLSA pay calculation.
 - c. No meal time shall be deducted.
 - d. If a firefighter receives five (5) or more hours of uninterrupted sleep time between 10 pm and 6 am, then five (5) hours may be deducted from the 212 calculation. The hours do not need to be consecutive. If the firefighter does not receive at least five (5) hours of uninterrupted sleep time between 10 pm and 6 am, then no sleep time may be deducted.
 - e. For purposes of calculating uninterrupted sleep time, if a call or other work interruption occurs and the firefighter does not respond, one hour is deducted from the sleep time calculation. If a call or other work interruption occurs and the firefighter responds, the work time will be deducted from the sleep time calculation. The deduction shall begin when the call or other work interruption occurs and end 30 minutes after the in-service time, but no fewer than two (2) hours from when the call or other work interruption begins.

FOR THE UNION	FOR THE CITY
and had	
NION PRESIDENT	CITY MANAGER
3/19/24	
DATE	DATE



TO: Mayor Tapp and City Council FROM: Terri Welkener, Clerk of Council

RE: Ordinance No. 2024-7 (first reading) (submitted by Fire Captain Doug Nash)

DATE: March 26, 2024

Subject Matter/Background

As submitted by Captain Mike Hohler:

Currently, the Fire Department has 43 active members on the roster. Changing the ordinance or resolution to an unlimited number gives us more flexibility with our part time personnel. The last several years we have had significant swings in membership as the job market for public safety has seen low interest and high turnover. We are fortunate to have the personnel we do and don't want to turn way qualified and interested candidates in the future. Realistically, I don't see our number going over 50 anytime soon but by making an unlimited number this issue shouldn't have to be revisited.

This ordinance will change the cap on roster positions from 40 to as many are needed, as determined by the Fire Chief. A specific number was not chosen to avoid the need to amend this section to meet future needs of the HFD.

Financial Review

Removing the cap on the number of fire personnel could result in additional costs to hire and purchase equipment for new part-time personnel. However, turnover in part-time staff also increases this cost.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2024-7 on its first reading is in order.

Ordinance No. 2024-7 HFD Section 143.01 Creation and Composition (3).docx

ORDINANCE NO. 2024-7 Introduced by Monty Tapp

AN ORDINANCE REPEALING AND AMENDING AND RESTATING PARAGRAPH (a) OF SECTION 143.01 (CREATION AND COMPOSITION) OF CHAPTER 143 (FIRE DIVISION) OF THE HURON CODIFIED ORDINANCES.

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

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

<u>SECTION 1</u>. That Paragraph (a) of Section 143.01 (Creation and Composition) of Chapter 143 (Fire Division) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows:

"143.01 CREATION AND COMPOSITION

(a) There is hereby created a Fire Department of the City, which shall consist of a Fire Chief and a Fire Company of not more than forty men."

shall be and hereby is repealed in its entirety.

<u>SECTION 2</u>. That a new revised and restated Paragraph (a) of Section 143.01 (Creation and Composition) of Chapter 143 (Fire Division) of the Codified Ordinances of the City of Huron, Ohio, shall be amended to read as follows:

"143.01 CREATION AND COMPOSITION

(a) There is hereby created a Fire Department of the City, which shall consist of a Fire Chief and a Fire Company staffed to meet the fire safety and emergency service needs of the City, as determined by the Fire Chief."

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

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

ATTEST:Clerk of Council	Monty Tapp, Mayor	
ADOPTED:		

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



TO: Mayor Tapp and City Council

FROM: Erik Engle

RE: Ordinance No. 2024-8 (first reading) (submitted by Erik Engle)

DATE: March 26, 2024

Subject Matter/Background

Ordinance No. 2024-8 makes minor changes to Section 311.02(a) of the Codified Ordinances. The changes proposed include the requirement of a site plan map as part of the application. There is no application fee for a parade/assemblage (which would not change); historically, there are only two (2) annual parade applications submitted. The application process includes the distribution of the application and route to the Huron Police and Parks & Recreation Departments to confirm no scheduling conflicts exist before the permit is issued.

Financial Review

There is no financial impact relating to this legislation.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2024-8 is in order.

Ordinance No. 2024-8 Section 311.02(a) Parades and Assemblages (2).docx

ORDINANCE NO. 2024-8 Introduced by Sam Artino

AN ORDINANCE REPEALING AND AMENDING AND RESTATING PARAGRAPH (a) OF SECTION 311.02 (PARADES AND ASSEMBLAGES) OF CHAPTER 311 (STREET OBSTRUCTIONS AND SPECIAL USES) OF THE HURON CODIFIED ORDINANCES.

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

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

SECTION 1. That Paragraph (a) of Section 311.02 (Parades and Assemblages) of Chapter 311 (Street Obstructions and Special Uses) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows:

"311.02 PARADES AND ASSEMBLAGES

(a) No person, group of persons or organization shall conduct or participate in any parade, assemblage or procession other than a funeral procession upon any street or highway, or block off any street or highway area, without first obtaining a permit from the City Manager. Applications for such permits shall be made on such forms as may be prescribed and shall contain such information as is reasonably necessary to a fair determination of whether a permit should be issued. Applications shall be filed not less than five days before the time intended for such parade, procession or assemblage. The permit may be refused or cancelled if:"

shall be and hereby is repealed in its entirety.

<u>SECTION 2</u>. That a new revised and restated Paragraph (a) of Section 311.02 (Parades and Assemblages) of Chapter 311 (Street Obstructions and Special Uses) of the Codified Ordinances of the City of Huron, Ohio, shall be amended to read as follows:

"311.02 PARADES AND ASSEMBLAGES

(a) No person, group of persons or organization shall conduct or participate in any parade, assemblage or procession other than a funeral procession upon any street or highway, or block off any street or highway area, without first obtaining a permit from the City Manager, or his authorized designee. Applications for such permits shall be submitted using the corresponding City application form and shall include a site plan of location or parade route and any other information as is reasonably necessary to make a fair determination of whether a permit should be issued. Applications shall be filed not less than five days before the time intended for such parade, procession or assemblage. The permit may be refused or cancelled if:"

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

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

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

ATTECT	Monty Tapp, Mayor	
ATTEST:Clerk of Council	_	
ADOPTED:		



TO: Mayor Tapp and City Council

FROM: Erik Engle

RE: Ordinance No. 2024-9 (first reading) (submitted by Erik Engle)

DATE: March 26, 2024

Subject Matter/Background

Amendments proposed to Chapter 711 (Peddlers) of the Codified Ordinances include a requirement that the applicant provide information regarding the company, individual solicitor information, specified review through the Huron Police Department of individuals, insurance certification, establishing an application fee and individual solicitor fees, and defining a permit period.

The current code does not include a fee, nor does it specify the term of the permit. Historically, the process has been to run the application through the Huron Police Department, who can search for open\outstanding warrants, and once approved, a permit has been issued for a period ranging from 2 weeks to a month at the discretion of the City.

Based on research of various codes from surrounding municipalities, the Planning & Zoning Department is recommending, as included in this amendment, to include requirements, establish a fee (\$50), establish a permit timeframe (6-month period from date of issuance, or \$100 permit fee for a calendar year).

Financial Review

The cost to administer this permit has historically been funded through the General Fund. If the fee is established with this amendment, the City will deposit the permit fee in the General Fund.

Legal Review

The matter has been reviewed, follows normal administrative procedure and is properly e

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2024-9 on its first reading is in order.

Ordinance No. 2024-9 Chapter 711 Peddlers (1).docx Resolution No. 2024-9 Exh A Peddlers Chapter 711.pdf Ordinance No. 2024-9 Exh B Chapter 711 Peddlers.docx

ORDINANCE NO. 2024-9 Introduced by Sam Artino

AN ORDINANCE REPEALING AND AMENDING AND CHAPTER 711 (PEDDLERS) OF THE HURON CODIFIED ORDINANCES.

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

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

<u>SECTION 1</u>. That Chapter 711 (Peddlers) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows (see Exhibit A attached hereto and incorporated herein by reference) shall be and hereby is repealed in its entirety.

<u>SECTION 2</u>. That a new revised and restated Chapter 711 (Peddlers) of the Codified Ordinances of the City of Huron, Ohio, shall be amended to read as follows (see Exhibit "B" attached hereto and incorporated hereby by reference) shall be, and hereby is, adopted and thereafter shall be in full force and effect.

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

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

ATTEST:	Monty Tapp, Mayor
Clerk of Council	_
ADOPTED:	_

CHAPTER 711

Peddlers

- 711.01 Preamble.
- 711.02 Definitions.
- 711.03 License required.
- 711.04 Application for license.
- 711.05 Hours regulated.
- 711.06 License transfer and use.
- 711.07 Possession and exhibition of license.
- 711.08 Harassing or annoying prospective customers; trespass.
- 711.09 Revocation of license.
- 711.99 Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.61 et seq.

Charitable solicitations - see Ohio R.C. Ch. 1716

License revocation for receiving stolen property - see Ohio R.C. 2961.03; GEN. OFF.

545.18

Frozen desserts - see Ohio R.C. 3717.51 et seq.

Disturbing the peace - see GEN. OFF. 509.03, 509.08

Littering - see GEN. OFF. 521.08

Trespassing- see GEN OFF. 541.05

Temporary stores - see BUS. REG. Ch. 731

711.01 PREAMBLE.

This chapter is passed for the sole purpose of regulating peddlers within the incorporated limits of the City of Huron. The City's interest in regulating peddlers and their wares is limited to the prevention of invasion of privacy of its citizens and the prevention of crime. It is the intent of the City to regulate only the commercial aspects of peddling and not the free speech interests of solicitors or canvassers in the religious, political, charitable, or other protected speech. (Ord. 2010-9. Passed 4-13-10.)

711.02 DEFINITIONS.

- (a) As used in this chapter, "peddler" means any individual, whether a resident of the City or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future; provided, that this definition shall not apply to persons selling by sample only nor to any agricultural articles or products offered for sale by the producer. Exceptions to this definition of the term "peddler" are the following:
 - (1) A person making delivery of goods, wares or merchandise theretofore sold by an establishment having a permanent place of business.
 - (2) A person making sales of the following items of daily household consumption:
 - A. Baked goods;
 - B. Fruit and vegetables;
 - C. Dairy products.
- (b) This chapter is inapplicable to individuals who are exercising their right of free speech in the areas of organized or unorganized religion; political advocacy; appeals for charitable contributions; or other forms of protected speech. (Ord. 2010-9. Passed 4-13-10.)

711.03 LICENSE REQUIRED.

No peddler shall engage in business within the City limits without first obtaining a license therefor in compliance with the provisions of this chapter. Recognized charitable, civic, religious and philanthropic organizations, and agents or persons employed thereby, are not required to obtain a license. (Ord. 2010-9. Passed 4-13-10.)

711.04 APPLICATION FOR LICENSE.

Application for a license shall be made to the City Manager who, upon being furnished with sufficient proof that the applicant is involved in a legitimate exercise of selling goods or services with a reputable and established firm in this State or another state, shall issue a license for which no fee shall be charged. (Ord. 2010-9. Passed 4-13-10.)

711.05 HOURS REGULATED.

All business done under a license issued by virtue of this chapter shall be conducted between regular business hours of any given day of the week. This section shall not prohibit any licensee under this chapter from conducting business during non-business hours when calling at the residence of a customer by appointment. (Ord. 2010-9. Passed 4-13-10.)

711.06 LICENSE TRANSFER AND USE.

No license shall be in any manner assignable or transferable, nor shall any licensee authorize any person other than the one named

therein to do business, nor shall a licensee conduct any other business than is named therein to be transacted. (Ord. 2010-9. Passed 4-13-10.)

711.07 POSSESSION AND EXHIBITION OF LICENSE.

Any licensee engaged in business within the City shall carry the license and shall produce it for examination whenever requested by any police officer or by any prospective purchaser. (Ord. 2010-9. Passed 4-13-10.)

711.08 HARASSING OR ANNOYING PROSPECTIVE CUSTOMERS; TRESPASS.

No peddler shall vex, annoy or harass any person by importuning such person to purchase or to look at his goods or wares; nor shall any peddler enter any private house or residence without an invitation from the homeowner or homeowner's designee (Ord. 2010-9. Passed 4-13-10.)

711.09 REVOCATION OF LICENSE.

Any license issued hereunder may be revoked at any time, should the person to whom it is issued be guilty of violating any applicable State law or any provisions of this chapter or of any fraud, misrepresentation or unlawful act in connection with his business. (Ord. 2010-9. Passed 4-13-10.)

711.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree. Each sale or attempted sale made by any person in violation of the provisions of this chapter shall be deemed a separate offense. (Ord. 2010-9. Passed 4-13-10.)

CHAPTER 711 Peddlers

711.1	Preamble.	711.8	License transfer and use.
711.2	Definitions.	711.9	Possession and exhibition of license.
711.3	License required.	711.10	Harassing or annoying prospective
711.4	Application for license.		customers; trespass.
711.5	License Fee.	711.11	Revocation of license.
711.6	Expiration of Licence.	711.99	Penalty.

711.7 Hours regulated.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.61 et seq. Charitable solicitations - see Ohio R.C. Ch. 1716 License revocation for receiving stolen property - see Ohio R.C. 2961.03; GEN. OFF. 545.18 Frozen desserts - see Ohio R.C. 3717.51 et seq. Disturbing the peace - see GEN. OFF. 509.03, 509.08 Littering - see GEN. OFF. 521.08 Trespassing- see GEN OFF. 541.05 Temporary stores - see BUS. REG. Ch. 731

711.1 PREAMBLE.

This chapter is passed for the sole purpose of regulating peddlers within the incorporated limits of the City of Huron. The City's interest in regulating peddlers and their wares is limited to the prevention of invasion of privacy of its citizens and the prevention of crime. It is the intent of the City to regulate only the commercial aspects of peddling and not the free speech interests of solicitors or canvassers in the religious, political, charitable, or other protected speech.

(Ord. 2010-9. Passed 4-13-10.)

711.2 DEFINITIONS.

- (a) As used in this chapter, "peddler" means any individual, whether a resident of the City or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future; provided, that this definition shall not apply to persons selling by sample only nor to any agricultural articles or products offered for sale by the producer. Exceptions to this definition of the term "peddler" are the following:
- (1) A person making delivery of goods, wares or merchandise theretofore sold by an establishment having a permanent place of business.
 - (2) A person making sales of the following items of daily household consumption:

- A. Baked goods;
- B. Fruit and vegetables;
- C. Dairy products.
- (b) This chapter is inapplicable to individuals who are exercising their right of free speech in the areas of organized or unorganized religion; political advocacy; appeals for charitable contributions; or other forms of protected speech.

(Ord. 2010-9. Passed 4-13-10.)

711.3 LICENSE REQUIRED.

No peddler shall engage in business within the City limits without first obtaining a license therefor in compliance with the provisions of this chapter. Recognized charitable, civic, religious and philanthropic organizations, and agents or persons employed thereby, are not required to obtain a license. (Ord. 2010-9. Passed 4-13-10.)

711.4 APPLICATION FOR LICENSE.

Application for a license shall be made to the City Manager, or his authorized designee, on application forms furnished by the City. Each application shall contain the following information, and such other information the City may deem necessary:

- (a) The name, address and telephone number of the corporation or firm which the applicant proposes to represent, and the name, telephone number and email of the person in direct supervision of the solicitor(s).
- (b) The name(s), address(es), telephone number(s) and email address(es) of the person(s) who shall solicit within the City.
- (c) A copy of a valid photo ID provided by each solicitor.
- (d) The make, model and license plate number of the vehicle(s) that solicitors will be using when soliciting within the City.
- (e) Disclosure from each solicitor of having been convicted of a crime, misdemeanor, or the violation of any municipal ordinance, the nature of the offense, and the punishment assessed therefor.
- (f) Consent for the City to perform a search of any outstanding warrants and/or a criminal background check.
- (g) A brief description of the nature of the business and the kinds of goods, services or property to be solicited or offered for sale.
- (h) A Certificate of Liability Insurance demonstrating a minimum combined bodily and property damage coverage in the amount of \$300,000 and naming the City as an additional insured. Liability insurance shall be maintained in full force and effect without interruption, and a copy of any policy changes, including renewal, must be forwarded to the City throughout the term of the registration.

(Ord. 2024-9. Passed 4-23-24.)

711.5 HOURS REGULATED.

A nonrefundable license fee of Fifty Dollars (\$50) shall be paid upon application for a solicitor's license. If a solicitor's license is granted by the City, an additional fee of Ten Dollars (\$10) shall be paid for each person other the applicant who shall solicit within the City under the authority of such solicitor's license. (Ord. 2024-9. Passed 4-23-24.)

711.6 EXPIRATION OF LICENSE.

Solicitor licenses issued under the provisions of this Chapter shall expire six (6) months from the date of issuance.

(Ord. 2024-9. Passed 4-23-24.)

711.7 HOURS REGULATED.

All business done under a license issued by virtue of this chapter shall be conducted between regular business hours of any given day of the week. This section shall not prohibit any licensee under this chapter from conducting business during non-business hours when calling at the residence of a customer by appointment.

(Ord. 2010-9. Passed 4-13-10)

711.8 LICENSE TRANSFER AND USE.

No license shall be in any manner assignable or transferable, nor shall any licensee authorize any person other than the one named therein to do business, nor shall a licensee conduct any other business than is named therein to be transacted.

(Ord. 2010-9. Passed 4-13-10)

711.9 POSSESSION AND EXHIBITION OF LICENSE.

Any licensee engaged in business within the City shall carry the license and shall produce it for examination whenever requested by any police officer or by any prospective purchaser.

(Ord. 2010-9. Passed 4-13-10)

711.10 HARASSING OR ANNOYING PROSPECTIVE CUSTOMERS: TRESPASS.

No peddler shall vex, annoy or harass any person by importuning such person to purchase or to look at his goods or wares; nor shall any peddler enter any private house or residence without an invitation from the homeowner or homeowner's designee.

(Ord. 2010-9. Passed 4-13-10)

711.11 REVOCATION OF LICENSE.

Any license issued hereunder may be revoked at any time, should the person to whom it is issued be guilty of violating any applicable State law or any provisions of this chapter or of any fraud, misrepresentation or unlawful act in connection with his business.

(Ord. 2010-9. Passed 4-13-10)

711.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree. Each sale or attempted sale made by any person in violation of the provisions of this chapter shall be deemed a separate offense.

(Ord. 2010-9. Passed 4-13-10)



TO: Mayor Tapp and City Council

FROM: Erik Engle

RE: Ordinance No. 2024-10 (first reading) (submitted by Erik Engle)

DATE: March 26, 2024

Subject Matter/Background

There is no record of any taxicab permit every being issued, and no permit applications or inquiries have been made. In light of services such as Uber and independent transfer options, this Chapter is obsolete. The Planning & Zoning Department recommends the repeal of this Chapter. A copy of Chapter 721 is attached as Exhibit "A."

Financial Review

There is no financial impact relating to this legislation.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2024-10 on its first reading is in order.

Ordinance No. 2024-10 Repeal Chapter 721 Tax Cabs.docx Ordinance No. 2024-10 Exh A Repeal Chapter 721 Taxicabs.pdf

ORDINANCE NO. 2024-10 Introduced by Mark Claus

AN ORDINANCE REPEALING CHAPTER 721 (TAXICABS) OF THE CODIFIED ORDINANCES OF THE CITY OF HURON.

WHEREAS, the City finds the provisions of Chapter 721 are no longer needed; and

WHEREAS, the City does, therefore, wish to repeal Chapter 721 (Taxicabs) of the Codified Ordinances of the City of Huron.

NOW, THEREFORE, be it ordained by the Council of the City of Huron, Ohio:

<u>Section 1:</u> That Council hereby repeals Chapter 721 (Taxicabs) of the Codified Ordinances of the City of Huron.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

<u>Section 3:</u> That this Ordinance shall take effect and be in force from and after the time period contained in Section 3.06 of the Charter of the City of Huron.

	Monty Tapp, Mayor
ATTEST:Clerk of Council	
ADOPTED:	

CHAPTER 721

Taxicabs

- 721.01 Definitions.
- 721.02 Owner's license required.
- 721.03 Mechanical inspection certificate.
- 721.04 Insurance.
- 721.05 Notice of cancellation of insurance.
- 721.06 Failure to give notice.
- 721.07 Taxicab license term.
- 721.08 Taxicab license fee.
- 721.09 Application process.
- 721.10 Lost or misplaced property.
- 721.11 Revocation of license.
- 721.12 Nonlicensed operation.
- 721.13 Required report of accidents.
- 721.99 Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.22, 715.66 Power to establish stands and fix rates - see Ohio R.C. 715.25 Operation by minor prohibited - see Ohio R.C. 4507.321 Operation and equipment - see TRAF. CODE

Taxicab stands - see TRAF. 351.10

721.01 DEFINITIONS.

"Taxicab" as used in this chapter, means any vehicle propelled by mechanical power, used to carry passengers for hire or fare or offered for hire or fare to the public for transportation, operating within the City, except vehicles used by funeral directors or undertakers in carrying on their business, and ambulances.

Any person owning or having control of the use of one or more taxicabs, used for hire upon the streets of the City, shall be deemed a "taxicab operator" and engaged in the business of operating a taxicab.

"Taxicab driver" means any person who drives or operates a taxicab.

(Ord. 2010-18. Passed 5-25-10.)

721.02 OWNER'S LICENSE REQUIRED.

No person shall engage in the business of operating a taxicab within the corporate limits of the City without first having procured, from the City Manager, and having in full force and effect, a taxicab operator's license. (Ord. 2010-18. Passed 5-25-10.)

721.03 MECHANICAL INSPECTION CERTIFICATE.

The application for license or a renewal thereof shall be accompanied by a certificate from a competent mechanic that the taxicab is in safe operating condition and capable of transporting the number of passengers stated. (Ord. 2010-18. Passed 5-25-10.)

721.04 INSURANCE.

The application for license shall be accompanied by a policy of liability insurance written by a company authorized to do business in the State of Ohio in the sum of at least one million dollars (\$1,000,000), single limit, for injury or death to one or more persons and for property damage. The policy must be in full force and effect during the operation of any taxicab within the City. (Ord. 2010-18. Passed 5-25-10.)

721.05 NOTICE OF CANCELLATION OF INSURANCE.

Every policy of insurance shall contain a clause obligating the insurer or surety to give the City Manager at least ten days' written notice before the cancellation, expiration, lapse or other termination of the policy. The license granted shall expire upon the termination of the insurance, or upon the termination of the liability of the insurer or surety thereon, in accordance with such notice, unless a new policy of liability insurance, approved as hereinbefore provided, is substituted therefor. (Ord. 2010-18. Passed 5-25-10.)

721.06 FAILURE TO GIVE NOTICE.

Failure to give the notice required shall operate to continue the liability of the insurer or surety for the benefit of persons injured or damaged, as though such policy continued in full force and effect. (Ord. 2010-18. Passed 5-25-10.)

721.07 TAXICAB LICENSE TERM.

The license may be issued by the City Manager upon payment of the license fee, as herein provided, and shall authorize the person to whom it is issued to engage in such business for a period of one year from the date of issue, unless the license is revoked as hereinafter provided.

(Ord. 2010-18. Passed 5-25-10.)

721.08 TAXICAB LICENSE FEE.

A license fee shall be levied on each taxicab operated as follows: fifty dollars (\$50.00) for the first taxicab and twenty dollars (\$20.00) for each additional taxicab.

(Ord. 2010-18. Passed 5-25-10.)

721.09 APPLICATION PROCESS.

An owner of the taxicab must fully complete an application for the license which will include the names and copies of all drivers and

their licenses, including but not limited to copies of the licenses. The City will review the application and retains the option to check, through legitimate state systems, if the drivers are in good standing with the State of Ohio. (Ord. 2010-18. Passed 5-25-10.)

721.10 LOST OR MISPLACED PROPERTY.

Drivers of taxicabs shall promptly notify the Police Department of all property of value left in such vehicles by passengers, when such property cannot immediately be returned to its lawful owner or the identity of the owner or person having right to possession cannot be ascertained.

(Ord. 2010-18. Passed 5-25-10.)

721.11 REVOCATION OF LICENSE.

- (a) The City Manager may revoke the license of any taxicab operator who is convicted of violating any of the terms of this chapter, the Traffic Code or the laws of the State relating to motor vehicles.
- (b) Upon revocation of any license issued hereunder, the City Manager shall cause written notice thereof to be served upon the licensee or left at his place of business and it shall be the duty of the licensee to deliver his license to the City Manager. Thereafter no licensee shall engage in the business of operating a taxicab for the remainder of the period covered by such license and no new license shall be issued to the licensee during that period. (Ord. 2010-18. Passed 5-25-10.)

721.12 NONLICENSED OPERATION.

Taxicabs having no City license and whose place of business is not in the City may bring passengers into the City, but may not pick up any passengers for any destination, or accept any business while within the City. (Ord. 2010-18. Passed 5-25-10.)

721.13 REQUIRED REPORT OF ACCIDENTS.

Each and every accident involving a taxicab which occurs within the limits of this City shall be reported immediately to the Chief of Police. If requested by him, the taxicab operator shall file, with the Chief of Police, a statement of claims made or judgments obtained against the operator of such business or driver in connection with any such accident. (Ord. 2010-18. Passed 5-25-10.)

721.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 2010-18. Passed 5-25-10.)



TO: Mayor Tapp and City Council

FROM: Erik Engle

RE: Ordinance No. 2024-11 (first reading) (submitted by Erik Engle)

DATE: March 26, 2024

Subject Matter/Background

The Planning & Zoning department recommends changing the title of Chapter 741 to "Garage Sales" instead of the current "Home Sales." All references to "home sale" in the Chapter have been updated to "garage sale."

The current code limits residents to two (2) garage sales per year (once every 6 months), charges a \$2 permit fee, and limits sale hours to 9am through 9pm, with the number of consecutive days limited to three (3). These sections of the Code have not been updated since the 1970's.

The proposed amendments include allowing up to four (4) sales per year, eliminating the permit fee, and updating the hours for garage sales to 8am to 9pm, as well as adding a reference to the Signage Code regulations.

Financial Review

The only financial impact on this amendment is eliminating the permit fee. The permit fee is insignificant and the cost of processing a \$2 payment exceeds \$2.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2024-11 is in order.

Ordinance No. 2024-11 Chapter 741 Garage Sales (6).docx

Ordinance No. 2024-11 Exh A Chapter 741 Home Sales (1).pdf

Ordinance No. 2024-11 Exh B Chapter 741 Garage Sales (1).docx

ORDINANCE NO. 2024-11 Introduced by William Biddlecombe

AN ORDINANCE REPEALING AND AMENDING AND CHAPTER 741 (HOME SALES) OF THE HURON CODIFIED ORDINANCES.

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

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

<u>SECTION 1</u>. That Chapter 741 (Home Sales) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows (see Exhibit A attached hereto and incorporated herein by reference) shall be and hereby is repealed in its entirety.

<u>SECTION 2</u>. That a new revised and restated Chapter 741 (Garage Sales) of the Codified Ordinances of the City of Huron, Ohio, shall be amended to read as follows (see Exhibit "B" attached hereto and incorporated hereby by reference) shall be, and hereby is, adopted and thereafter shall be in full force and effect.

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

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

	Monty Tapp, Mayor	
ATTEST:Clerk of Council		
ADOPTED:		

CHAPTER 741

Home Sales

741.01 DEFINITIONS.

"Home sale" means a sale of personal property to the general public conducted on any portion of the residence property within a residential zoning district, to include but not be limited to, garage sales, patio sales, yard sales, carport sales, basement sales, porch sales, driveway sales and the like. (Ord. 1974-38. Passed 8-26-74.)

741.02 INTENT.

It is the intent of this chapter to regulate, restrict and control home sales conducted on residence premises within residential zoning districts. It is not the intent of this chapter to prevent corporations not for profit, churches, temples or recognized fraternities, sororities, clubs or lodges from conducting home sales, provided such corporations not for profit, churches, temples, recognized fraternities, sororities, clubs or lodges conduct their sale on real estate owned and/or occupied by such organization.

It is further not the intent of this chapter to prohibit sales conducted by nonconforming businesses located in residential zoning districts. (Ord. 1974-38. Passed 8-26-74.)

741.03 PROHIBITIONS.

- (a) No person, firm or corporation shall conduct home sales within any residential zoning district in the City without first obtaining a permit from the Building Official.
 - (b) No person, firm or corporation who has obtained a permit shall violate the rules and regulations as provided within this chapter.
 - (c) No home sale shall be conducted by more than one resident.
- (d) No home sale shall be conducted by the same resident or member of his or her family and/or on the same residential property more than once each six month period.
- (e) No home sale shall be conducted during hours other than between the hours of 9:00 a.m. and 9:00 p.m. and in no event shall a home sale last more then three consecutive days.
- (f) No home sale shall offer any merchandise for sale that has been purchased by the resident for purposes of resale at such home sale. Any new merchandise offered for sale shall be prima-facie evidence as merchandise purchased by the resident for resale at such home sale.
- (g) A sign, not greater in size than three feet by three feet, may be installed on the property where the sale is being conducted and one sign of the same dimensions may be located off the premises. The signs shall be displayed only during the sale and shall be promptly removed after the sale.
- (h) Prior to and during the conduct of a home sale, as permitted by this chapter, no person shall place or display any of such property in front of the building setback line and no person shall place or permit any signs advertising, promoting or giving directions to such sale, at any location other than set forth above. (Ord. 1974-38. Passed 8-26-74.)

741.04 APPLICATION; PERMIT; FEE; DISPLAY.

- (a) The City Manager, or his designee, shall provide application for permits and permit licenses for home sales. Such application for permit shall include the name of the applicant, who shall be a resident of the City, address, telephone number, length of residence within the City, nature of merchandise to be offered for sale, date of sale and hours and duration of the sale.
- (b) The City Manager, or his designee, shall approve the application and shall regulate the hours of the home sale issued to the resident applicant, except no home sale shall be commenced earlier than 9:00 a.m. nor shall such sale last later than 9:00 p.m.
 - (c) The City Manager, or his designee, shall charge a fee of two dollars (\$2.00) to the applicant.
- (d) Every licensee conducting a home sale shall keep posted in a prominent place, upon the licensed premises, the permit certificate and shall exhibit same upon request.

(Ord. 2004-6. Passed 5-10-04.)

741.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for each subsequent offense.

751.16 LOITERING AND EXTERIOR LIGHTING AND MONITORING REQUIREMENTS.

- (a) It shall be the duty of the operator of a medical marijuana dispensary to:
 - (1) Initiate and enforce a no loitering policy within the external boundaries of the parcel of real property upon which the medical marijuana dispensary is located;
 - (2) Post conspicuous signs stating that no loitering is permitted on such property;
 - (3) Monitor the activities of persons on such property by visually inspecting such property or inspecting such property by use of video cameras and monitors; and
 - (4) Provide adequate lighting of the exterior premises to provide for visual inspection or video monitoring and to prohibit loitering.

 The video cameras and monitors shall operate continuously at all times that the premises is open for business.
- (b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty. (Ord. 2018-16. Passed 6-26-18.)

751.17 INJUNCTION.

Any person who operates or causes to be operated a medical marijuana dispensary in violation of this chapter is subject to a suit for injunction as well as prosecution for criminal violations under the Codified Ordinances of the City. (Ord. 2018-16. Passed 6-26-18.)

751.18 EFFECT OF PARTIAL INVALIDITY.

If any section, subsection or clause of this chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected. (Ord. 2018-16. Passed 6-26-18.)

751.19 CHANGE IN INFORMATION.

During the pendency of any application for, or during the term of, any medical marijuana dispensary license, the applicant or licensee shall promptly notify the City Manager in writing of any change in any material information given by the applicant or licensee in the application for such license, including specifically, but without limitation, any change in managers of the medical marijuana dispensary establishment or in the individuals identified in the application pursuant to this chapter; or if any of the events constituting grounds for suspension or revocation pursuant to this chapter occur. (Ord. 2018-16. Passed 6-26-18.)

751.99 PENALTY.

- (a) Violations of this chapter for which no penalty is specified shall be unclassified misdemeanor offenses punishable by fine or imprisonment, as provided in Section 501.99 of the Codified Ordinances of the City of Huron.
- (b) Each day that a medical marijuana dispensary operates in violation of this chapter is a separate offense or violation. (Ord. 2018-16. Passed 6-26-18.)

CHAPTER 741 Garage Sales

- 41.1 Definitions.
- 741.2 Intent.
- 741.3 Prohibitions
- 741.4 Application; Permit; Fee; Display.
- 741.99 Penalty.

CROSS REFERENCES

Secondhand dealers – see Ohio R.C. Ch. 4737 Receiving stolen property – see GEN. OFF. 545.18 Temporary Stores – see BUS. REG. Ch. 731 Signage Regulations – see Chap 1129

741.01 DEFINITIONS.

"Garage Sale" means a sale of personal property to the general public conducted on any portion of the residence property within a residential zoning district, to include but not be limited to, garage sales, patio sales, yard sales, carport sales, basement sales, porch sales, driveway sales and the like. (Ordinance No. 2024-11. Passed 4-23-24.)

741.02 INTENT.

It is the intent of this chapter to regulate, restrict and control garage sales conducted on residence premises within residential zoning districts. It is not the intent of this chapter to prevent corporations not for profit, churches, temples or recognized fraternities, sororities, clubs or lodges from conducting garage sales, provided such corporations not for profit, churches, temples, recognized fraternities, sororities, clubs or lodges conduct their sale on real estate owned and/or occupied by such organization.

It is further not the intent of this chapter to prohibit sales conducted by nonconforming businesses located in residential zoning districts.

(Ord. 2024-11. Passed 4-13-24.)

741.03 PROHIBITIONS.

- (a) No person, firm or corporation shall conduct garage sales within any residential zoning district in the City without first obtaining a permit from the City.
- (b) No person, firm or corporation who has obtained a permit shall violate the rules and regulations as provided within this chapter.
 - (c) No garage sale shall be conducted by more than one resident.
- (d) No garage sale shall be conducted by the same resident or member of his or her family and/or on the same residential property more than four (4) times per calendar year.
- (e) No garage sale shall be conducted during hours other than between the hours of 8:00 a.m. and 9:00 p.m. and in no event shall a garage sale last more than three (3) consecutive days.

- (f) No garage sale shall offer any merchandise for sale that has been purchased by the resident for purposes of resale at such garage sale. Any new merchandise offered for sale shall be prima-facie evidence as merchandise purchased by the resident for resale at such garage sale.
 - (g) Refer to Chapter 1129 Sign Regulations for signage regulations.
- (h) Prior to and during the conduct of a garage sale, as permitted by this chapter, no person shall place or display any of such property in front of the building setback line and no person shall place or permit any signs advertising, promoting or giving directions to such sale, at any location other than set forth above.

(Ord. 2024-11. Passed 4-23-24.)

741.04 APPLICATION: PERMIT: FEE: DISPLAY.

- (a) The City shall provide an application for permits and permit licenses for garage sales. Such application for permit shall include the name of the applicant, who shall be a resident of the City, address, telephone number, length of residence within the City, nature of merchandise to be offered for sale, date of sale and hours and duration of the sale.
- (b) The City shall approve the application and shall regulate the hours of the garage sale license issued to the resident applicant, except no garage sale shall be commenced earlier than 8:00 a.m. nor shall such sale last later than 9:00 p.m.
 - (c) The City shall charge a fee of two dollars (\$2.00) to the applicant.
- (d) Every licensee conducting a garage sale shall keep the permit certificate posted in a prominent place upon the licensed premise and shall exhibit same upon request. (Ord. 2024-11. Passed 4-23-24.)

741.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for each subsequent offense.



TO: Mayor Tapp and City Council

FROM: Erik Engle

RE: Ordinance No. 2024-12 (first reading) (submitted by Erik Engle)

DATE: March 26, 2024

Subject Matter/Background

Historically, applications for the operation of temporary stores have been infrequent. Temporary stores are those that operate for a period of less than 120 days, and the application requires a fee of \$150. Examples of permits issued include pop-up shops, the Market on Main and, most recently, the Airstream Ice Cream vendor on North Main Street. Over the years, the City has requested additional documentation deemed appropriate and necessary (insurance, Health Department Food License, private property owner's consent letter to name a few), but those documents were not codified requirements. In researching various codes from surrounding municipalities, the timeframe and fee are in line, however, the Planning Director recommends additional language to include food trucks in the definition for Temporary Store.

Financial Review

The City expects the fee of this amendment to outweigh the administrative cost to process the application. The fee will be deposited in the General Fund.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2024-12 on its first reading is in order.

Ordinance No. 2024-12 Chapter 731 Temporary Stores (2).docx Ordinance No. 2024-12 Exh A Chapter 731 Temporary Stores.pdf Resolution No. 2024-12 Exh B Chapter 731 Temporary Stores.docx

ORDINANCE NO. 2024-12 Introduced by Matt Grieves

AN ORDINANCE REPEALING AND AMENDING AND RESTATING CHAPTER 731 (TEMPORARY STORES) OF THE HURON CODIFIED ORDINANCES.

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

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

SECTION 1. That Chapter 731 (Temporary Stores) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows (see Exhibit A attached hereto and incorporated herein by reference) shall be and hereby is repealed in its entirety.

<u>SECTION 2</u>. That a new revised and restated Chapter 731 (Temporary Stores) of the Codified Ordinances of the City of Huron, Ohio, shall be amended to read as follows (see Exhibit "B" attached hereto and incorporated hereby by reference) shall be, and hereby is, adopted and thereafter shall be in full force and effect.

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

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

	Monty Tapp, Mayor	
ATTEST:	-	
Clerk of Council		
ADOPTED:	_	

CHAPTER 731

Temporary Stores

- 731.01 Definition; exceptions.
- 731.02 License required.
- 731.03 License application fee.
- 731.04 Bond in lieu of fee.
- 731.05 Stores presumed temporary; exceptions.
- 731.99 Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.64 License revocation for receiving stolen property - see Ohio R.C. 2961.03 Pawnbrokers - see Ohio R.C. Ch. 4727 Secondhand dealers - see Ohio R.C. Ch. 4737 Receiving stolen property - see GEN. OFF. 545.18 Peddlers, solicitors and canvassers - see BUS. REG. Ch. 711

731.01 DEFINITION; EXCEPTIONS.

As used in this chapter, "temporary store" means a store, storeroom, office or other place, opened and maintained for the sale to the public of goods, commodities or merchandise, where the seller or owner of such goods, commodities or merchandise operate such store, storeroom, office or other place, for a period of less than 120 days.

This chapter shall not apply to sales pursuant to the order of any court of competent jurisdiction in the State, or of the United States, nor to any person owning or operating a branch store, provided that such person, or the principal of such person, has been engaged in the same kind of business in the City for a period of more than 120 days prior to the date of opening such branch store. (Ord. 1962-20. Passed 7-23-62.)

731.02 LICENSE REQUIRED.

No person shall operate a temporary store unless licensed as provided herein. (Ord.1962-20. Passed 7-23-62.)

731.03 LICENSE APPLICATION; FEE.

Application for a license to operate a temporary store shall be made to the City Manager. Upon approval of the application by the City Manager, and after payment of a fee of one hundred fifty dollars (\$150.00), the City Manager shall issue a license to the applicant. Such fee shall be refunded to the applicant if the store proves not to be in fact a temporary store. (Ord. 1962-20. Passed 7-23-62.)

731.04 BOND IN LIEU OF FEE.

In lieu of payment of the license fee, any person shall, within forty-eight hours after demand, cause to be furnished a bond subject to the approval of the City Manager, in the sum of one hundred and fifty dollars (\$150.00) payable to the City with surety and sureties satisfactory to the City Manager and conditioned upon the fact of continuation in business at the address indicated thereon, for a period of 120 days or more, after the date of opening such business or the payment of such fee; as it is the intent and purpose of this chapter to secure, for the City, full and adequate assurance that the operator of any store which may, in fact, prove to be a temporary store, shall pay directly, or indirectly, through his surety the fee herein provided. (Ord. 1962-20. Passed 7-23-62.)

731.05 STORES PRESUMED TEMPORARY; EXCEPTIONS.

Any store which is hereafter opened, operated and maintained in the City shall prima-facie be presumed to be a temporary store, but such presumption may be overcome by evidence satisfactory to the City Manager that it is not a temporary store, in which case the City Manager shall not be required to impose such fee or take a bond in lieu of payment thereof. (Ord. 1962-20. Passed 7-23-62.)

731.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

CHAPTER 731 Temporary Stores

731.01 Definition; exceptions.

731.02 License required.

731.03 License application fee.

731.04 Bond in lieu of fee.

731.05 Stores presumed temporary;

exceptions.

731.99 Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.64

License revocation for receiving stolen property - see Ohio R.C. 2961.03

Pawnbrokers - see Ohio R.C. Ch. 4727

Secondhand dealers - see Ohio R.C. Ch. 4737

Receiving stolen property - see GEN. OFF. 545.18

Peddlers, solicitors and canvassers - see BUS. REG. Ch. 711

731.01 DEFINITION; EXCEPTIONS.

As used in this chapter, "temporary store" means a store, food truck, storeroom, office or other place, opened and maintained for the sale to the public of goods, commodities or merchandise, where the seller or owner of such goods, commodities or merchandise operate such store, storeroom, office or other place, for a period of less than 120 days.

This chapter shall not apply to sales pursuant to the order of any court of competent jurisdiction in the State, or of the United States, nor to any person owning or operating a branch store, provided that such person, or the principal of such person, has been engaged in the same kind of business in the City for a period of more than 120 days prior to the date of opening such branch store. (Ord. 2024-12. Passed 4-23-24.)

731.02 LICENSE REQUIRED.

No person shall operate a temporary store unless licensed as provided herein. (Ord.1962-20. Passed 7-23-62.)

731.03 LICENSE APPLICATION; FEE.

Application for a license to operate a temporary store shall be made to the City by submission of the City's application form. The non-refundable application fee shall be One Hundred Fifty Dollars (\$150.00). Each application shall contain the following information:

- (a) The name, address, phone number and email of the owner of the goods to be sold.
- (b) The address location of the temporary store with a site plan.
- (c) The nature and type of goods to be offered for sale.
- (d) Th date when the operation of the temporary store will commence and the date it will end; no longer than a period of 120 consecutive days.
- (e) A copy of any licensing required by the County Health Department, if applicable.
- (f) Proof of authorization from the property owner on which the temporary store is to be located.
- (g) Any additional information deemed required by the City for the review of such license in order to provide and protect the public health, safety and welfare.

731.04 ISSUANCE OF LICENSE: CONDITIONS

When an application for a temporary store has been properly submitted and the application fee paid, a license shall be issued by the City, subject to the following conditions:

- (a) The license period shall be not more than 120 consecutive days.
- (b) The license shall be prominently displayed during operation of the temporary store.
- (c) The location for the temporary store is properly zoned for such operation and has the offstreet parking spaces determined to be necessary for the operation of the store according to the standards set by the Zoning Code, or a minimum of three (3) off-street parking spaces if not set by the Zoning Code.
- (d) That the temporary store is to be operated between the hours of 9am and 9pm or sunset, whichever occurs first. The City reserves the right to extend these hours of operation, at its sole discretion.
- (e) Compliance with all other pertinent ordinances of the City, State and health regulations. (Ord. 2024-12. Passed 4-23-24)

731.05 LICENSE LIMITATIONS: REVOCATION.

A license may not be renewed or the period of operation extended, except as set forth in Section 731.04(d) above. The City may revoke the license for violation of any of the provisions of this Chapter. (Ord. 2024-12. Passed 4-23-24.)

731.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.



TO: Mayor Tapp and City Council

FROM: Erik Engle

RE: Ordinance No. 2024-13 (first reading) (submitted by Erik Engle)

DATE: March 26, 2024

Subject Matter/Background

Proposed edits to Chapter 1323 include raising the insurance coverage for bodily and property damage to \$1,000,000 (from \$300,000) and requiring the City to be named as an additional insured. This is in line with provisions of Chapter 901 Excavations with regard to contractor requirements for ROW permits, and brings this requirement up-to-date with other municipalities.

Language was also added to specify that only contractors doing work that requires a permit are required to register, as opposed to the current language, which requires <u>all</u> contractors to register.

The maximum annual application fee has been increased to \$100 per trade, with a maximum fee for a single registration being capped at \$250. In addition, the application must provide a surety bond in the amount of \$20,000 or 10% of the project cost, whichever is greater.

Section 1323.9 (Building Movers) now requires building movers to register just like any other contractor, and posting a bond to be approved by the City. The Planning & Zoning Department has not had any building movers register with the City (to their knowledge), however, if one should register, they would like to have all of the contractor registration requirements and documentation, the \$100 fee and bond requirement in place should that happen.

Financial Review

Fees associated with this amendment will be deposited in the General Fund and used to offset administrative costs to process applications and permits.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2024-13 on its first reading is in order.

Ordinance No. 2024-13 Chapter 1323 Contractors (1).docx Ordinance No. 2024-13 Exh A Chapter 1323 Contractors.pdf Ordinance No. 2024-13 Exh B Chapter 1323 Contractors (1).docx

ORDINANCE NO. 2024-13 Introduced by Mark Claus

AN ORDINANCE REPEALING AND AMENDING AND RESTATING CHAPTER 1323 (CONTRACTORS) OF THE HURON CODIFIED ORDINANCES.

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

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

SECTION 1. That Chapter 1323 (Contractors) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows (see Exhibit A attached hereto and incorporated herein by reference) shall be and hereby is repealed in its entirety.

<u>SECTION 2</u>. That a new revised and restated Chapter 1323 (Contractors) of the Codified Ordinances of the City of Huron, Ohio, shall be amended to read as follows (see Exhibit "B" attached hereto and incorporated hereby by reference) shall be, and hereby is, adopted and thereafter shall be in full force and effect.

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

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

	Monty Tapp, Mayor	
ATTEST:		
Clerk of Council		
ADOPTED:		

CHAPTER 1323

Contractors

- 1323.01 **Definitions.**
- 1323.02 Specialty contractors.
- 1323.03 Registration of all contractors.
- 1323.04 Term, renewal and fees.
- 1323.05 Assignment, transfer, use by third persons.
- 1323.06 Suspension and revocation.
- 1323.07 **Bond.**
- 1323.08 Appeals.
- 1323.09 Building movers.
- 1323.99 Penalty.

1323.01 DEFINITIONS.

For purposes of this chapter, the following words and terms shall have the following meanings:

- (a) "Contractor" means an individual corporation, joint venture, or other entity which buildings, constructs, repairs, replaces, remodels, alters, or otherwise improves any land or building or any portion thereof. Contractor includes, without limitation, entities considered to be general contractors and actors. Each entity of a joint venture or any other form of cooperative effort is a contractor for the purposes of this chapter. No provision of this chapter shall be interpreted to require that a person, firm or corporation who is an owner or lessee of premises shall be registered to perform work upon such premises owned by such person, firm or corporation. Persons employed by the owner of the property in the capacity of a Building Custodian shall not be required to register or be otherwise subject to any provision of this chapter.
- (b) "General contractor" means an individual, partnership, corporation, joint venture or other entity which builds, constructs, repairs, replaces, remodels, alters or otherwise improves any land or building or any portion thereof and coordinates other contractors working on the same project.
- (c) "Speciality contractor" means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those terms are defined as a licensed trade in Ohio R.C. 4740.01.
- (d) "Residential work" means any work performed on one, two and three-family dwellings.
- (e) "Commercial work" means all work governed by the Ohio Building Code.

(Ord. 2016-12. Passed 7-26-16.)

1323.02 SPECIALTY CONTRACTORS.

Specialty contractors who perform any commercial or residential work within the City must have a valid and unexpired license issued by the Ohio Construction Industry Examining Board pursuant to Ohio R.C. Chapter 4740. (Ord. 2016-12. Passed 7-26-16.)

1323.03 REGISTRATION OF ALL CONTRACTORS.

- (a) All contractors shall register with the City of Huron Zoning Department prior to performing any work in the City. No person shall allow a contractor who has failed to register with the City of Huron Zoning Department to perform any work in the City.
 - (b) A contractor seeking to be registered shall submit the following to the Zoning Department of the City:
 - (1) An application for registration on a form prescribed by the Building Official or his designee;
 - (2) The contractor's certificate of liability insurance demonstrating a minimum combined bodily and property damage coverage in the amount of \$300,000. Liability insurance coverage shall be maintained in full force and effect and a copy of any policy changes including renewal forwarded to the Zoning Department throughout the term of the registration;
 - (3) Proof of compliance with the State of Ohio's Workers' Compensation Laws;
 - (4) Certificate of registration with Regional Income Tax Agency (R.I.TA.).
 - (5) A copy of the current license issued pursuant to Ohio R.C. Chapter 4740 by the Ohio Construction Industry Examining Board to the contractor or an employee of a contractor, if such a license is required for the contractor's trade; and
 - (6) A registration fee in an amount established by Section 1323.04.
- (c) Upon submission of the items required above, the Building Official or his designee, shall issue a registration certificate. The Building Official or his designee may deny an application for registration if the contractor fails to submit any of the items required above, the contractor has previously failed to comply with the applicable requirements of all building codes as adopted by City ordinances or as regulated by the state building code or the City's construction specifications; or the contractor has at any time violated any provision of this chapter.

(Ord. 2016-12. Passed 7-26-16.)

1323.04 TERM, RENEWAL AND FEES.

- (a) A registration certificate issued pursuant to Section 1323.03 shall be valid for the calender year in which it is issued and shall be renewed annually thereafter.
- (b) A registration certificate issued pursuant to Section 1323.03 may be renewed within 30 days following expiration of the registration certificate upon payment of the fee established by Section 1323.04(c) and proof of continued liability insurance coverage as required by Section 1323.03(b)(2), and a copy of the current license as required by Section 1323.02.
 - (c) Notwithstanding any other fees as set forth in this Chapter, the annual fee for Contractor registration shall be as follows:
 - (1) General Contractor \$100.00
 - (2) Specialty Contractor \$100.00

(Ord. 2016-12. Passed 7-26-16.)

1323.05 ASSIGNMENT, TRANSFER, USE BY THIRD PERSONS.

A registered contractor shall not assign, transfer or allow any other person to use its registration certificate for any purpose. (Ord. 2016-12. Passed 7-26-16.)

1323.06 SUSPENSION AND REVOCATION.

- (a) The Building Official or his designee may immediately suspend or revoke a registration certificate or deny renewal of a registration certificate if:
 - (1) The contractor fails to comply with the applicable requirements of all building codes as adopted by City ordinance or as regulated by the State.
 - (2) The contractor's license issued by the Ohio Construction Industry Examining Board is suspended or revoked.
 - (3) The holder of the license issued by the Ohio Construction Industry Examining Board becomes disassociated with the contractor and a license of another employee of the contractor is not submitted to the Zoning Official within 90 days after the disassociation.
 - (4) The contractor fails to maintain liability insurance coverage as required pursuant to Section 1323.03(b)(2).
 - (5) The contractor violates any provision of this chapter.
- (b) An order of the Building Official or his designee suspending or revoking a contractor's registration certificate shall be effective upon written notice served upon the contractor. (Ord. 2016-12. Passed 7-26-16.)

1323.07 BOND.

When evidence discloses that the registrant has refused, failed or neglected to correct or abate violations of any applicable standards or ordinance in performance of work done pursuant to a Certificate of Registration within a reasonable time after having been notified by the Building Official, the Building Official or his designee may require the registrant to furnish a performance bond in the amount of ten thousand dollars (\$10,000) guaranteeing full and faithful compliance by the applicant with all provisions of any applicable standards or ordinance of the City whenever the applicant for registration named as the principal on such bond refuses, neglects or fails to correct or abate such violation within a reasonable time set by the Building Official or his designee.

(Ord. 2016-12. Passed 7-26-16.)

1323.08 APPEALS.

In the event the application for a certificate is not approved, or in the event any certificate issued under this chapter is revoked, the applicant shall be notified of the refusal or revocation in writing and such notice shall be sent by certified mail to the applicant at the address of the applicant as set forth in the application for a certificate. The applicant shall have thirty days after receipt of such notice to appeal such refusal or revocation. Such appeal shall be perfected by filing a written notice of the appeal with the Huron City Council. Thereupon, the applicant shall have not less than ten days' notice of the date and place of the hearing. The appeal shall be heard by the Huron City Council, who shall have the power after such hearing to either affirm or overrule the decision of the Building Official. The Huron City Council shall cause notice of his/her decision to be sent by certified mail to the applicant at the address of the applicant as set forth in the application within thirty days of the date of the hearing. (Ord. 2016-12. Passed 7-26-16.)

1323.09 BUILDING MOVERS.

- (a) No person shall move any building within the limits of the City without paying an annual registration fee of twenty-five dollars (\$25.00) and posting a bond with good and sufficient sureties to be approved by the City Manager. The bond shall provide that the party will pay any and all damages which may happen to any tree, pavement, street, or sidewalk or any public building or structure, and all damages resulting to any person whomsoever which may be caused by the carelessness or negligence of the person so licensed, or by his agent, employees, or workmen while engaged in the removing of any building in the streets, alleys or public ways of the City. The bond shall provide also that the mover will save and indemnify and keep harmless the City against all liabilities, judgments, costs and expenses which may accrue against the City in consequence of the granting of the permit and will in all things strictly comply with the conditions of the permit.
- (b) <u>Permit for Each Job.</u> Upon payment of the registration fee and the execution of the bond to the acceptance of the City Manager, the mover shall in each and every instance, before removing any building, obtain a permit from the City Manager or his authorized agent, stating specifically all the conditions, prescribing the route to be taken, the building proposed to be removed, and the site to which the building is to be removed, and limiting the time for the removal of any such building.
- (c) <u>Signals and Lights.</u> Any person having such permit shall, while engaged in the removal of any buildings in the public streets, alleys and public ways of the City and while occupying or using the streets, alleys and public ways for that purpose, cause a red light to be placed in a conspicuous place in the front and rear of the building and obstruction, and the capstan used in moving the same, from dark until sunrise on each night during the time the building and obstruction remains in the streets, alleys and highways of the City.
- (d) <u>Delay in Moving; Penalty.</u> The owner of any building, or the contractor for its removal, either or both, who shall suffer the same to be or remain in any of the streets, alleys, highways or upon any of the public grounds of the City for any time longer than may be specified in the permit, unavoidable delays excepted, shall be fined, in accordance with Section 1323.99, and shall forfeit his permit, and there shall be a like penalty for each 24 hours that the same shall be continued, and such buildings shall be deemed a nuisance. (Ord. 2016-12. Passed 7-26-16.)

1323.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than five hundred dollars (\$500.00). Each day's violation shall constitute a separate offense. (Ord. 2016-12. Passed 7-26-16.)

CHAPTER 1323 Contractors

1323.01	Definitions.	1323.06	Suspension and revocation.
1323.02	Specialty contractors.	1323.07	Bond.
1323.03	Registration of all contractors.	1323.08	Appeals.
1323.04	Term, renewal and fees.	1323.09	Building movers.
1323.05	Assignment, transfer, use by third	1323.99	Penalty.
	persons.		

CROSS REFERENCES

Permit Fee; Deposit Required – See Section 901.03

1323.01 DEFINITIONS.

For purposes of this chapter, the following words and terms shall have the following meanings:

- (a) "Contractor" means an individual corporation, joint venture, or other entity which buildings, constructs, repairs, replaces, remodels, alters, or otherwise improves any land or building or any portion thereof. Contractor includes, without limitation, entities considered to be general contractors and actors. Each entity of a joint venture or any other form of cooperative effort is a contractor for the purposes of this chapter. No provision of this chapter shall be interpreted to require that a person, firm or corporation who is an owner or lessee of premises shall be registered to perform work upon such premises owned by such person, firm or corporation. Persons employed by the owner of the property in the capacity of a Building Custodian shall not be required to register or be otherwise subject to any provision of this chapter.
- (b) "General contractor" means an individual, partnership, corporation, joint venture or other entity which builds, constructs, repairs, replaces, remodels, alters or otherwise improves any land or building or any portion thereof and coordinates other contractors working on the same project.
- (c) "Speciality contractor" means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those terms are defined as a licensed trade in Ohio R.C. 4740.01.
 - (d) "Residential work" means any work performed on one, two and three-family dwellings.
 - (e) "Commercial work" means all work governed by the Ohio Building Code. (Ord. 2016-12. Passed 7-26-16.)

1323.02 SPECIALTY CONTRACTORS.

Specialty contractors who perform any commercial or residential work within the City must have a valid and unexpired license issued by the Ohio Construction Industry Examining Board pursuant to Ohio R.C. Chapter 4740. (Ord. 2016-12. Passed 7-26-16.)

1323.03 REGISTRATION OF ALL CONTRACTORS.

- (a) All contractors shall register with the City of Huron Zoning Department prior to performing any work in the City which requires a permit. No person shall allow a contractor who has failed to register with the City of Huron Zoning Department to perform any work for which a permit is required in the City.
- (b) A contractor seeking to be registered shall submit the following to the Zoning Department of the City:

- (1) An application for registration on a form prescribed by the City.
- (2) Contractors shall provide a certificate of liability insurance demonstrating minimum combined bodily and property damage coverage in the amount of One Million Dollars (\$1,000,000.00) and name the City as an additional insured.
- (3) Excavating, Utility, Sewer Builders, Sidewalk/Concrete, Tree Service and House Moving Contractors may choose to provide a surety bond for the greater of \$20,000 or 10% of the project cost. Such surety bond shall be issued by a surety company authorized to do business in this State conditioned that the person, firm or corporation shall guarantee proper execution and completion in accordance with the applicable City specifications and/or regulations of the work authorized by any permit issued under the license or licenses and shall completely restore to its designee, any street, alley, public grounds, pavement, sidewalk, sewer or any other structure or service which may have been opened or disturbed by the person, firm or corporations and shall in all things strictly comply with the conditions and provisions of the City of Huron Ordinances and with the provisions of any permit issued pursuant thereto. Liability insurance coverage shall be maintained in full force and effect and a copy of any policy changes, including renewal, shall be forwarded to the Zoning Department throughout the term of the registration.
 - (4) Proof of compliance with the State of Ohio's Workers' Compensation Laws.
 - (5) Certificate of registration with Regional Income Tax Agency (R.I.TA.).
- (6) A copy of the current license issued pursuant to Ohio R.C. Chapter 4740 by the Ohio Construction Industry Examining Board to the contractor or an employee of a contractor, if such a license is required for the contractor's trade.
 - (7) A registration fee in an amount established by Section 1323.04.
- (c) Upon submission of the items required above, the City shall issue a registration certificate. The City may deny an application for registration if the contractor fails to submit any of the items required above, the contractor has previously failed to comply with the applicable requirements of all building codes as adopted by City ordinances or as regulated by the state building code or the City's construction specifications; or the contractor has at any time violated any provision of this chapter. (Ord. 2024-13. Passed 4-23-24.)

1323.04 TERM, RENEWAL AND FEES.

- (a) A registration certificate issued pursuant to Section 1323.03 shall be valid for the calender year in which it is issued and shall be renewed annually thereafter.
- (b) A registration certificate issued pursuant to Section 1323.03 may be renewed within 30 days following expiration of the registration certificate upon payment of the fee established by Section 1323.04(c) and proof of continued liability insurance coverage as required by Section 1323.03(b)(2), and a copy of the current license as required by Section 1323.02.
- (c) Notwithstanding any other fees as set forth in this Chapter, the annual fee for Contractor registration shall be \$100.00 per trade, but no more than \$250 for each registration. (Ord. 2024-13. Passed 4-23-24.)

1323.05 ASSIGNMENT, TRANSFER, USE BY THIRD PERSONS.

A registered contractor shall not assign, transfer or allow any other person to use its registration certificate for any purpose.

(Ord. 2016-12. Passed 7-26-16.)

1323.06 SUSPENSION AND REVOCATION.

- (a) The Building Official or his designee may immediately suspend or revoke a registration certificate or deny renewal of a registration certificate if:
- (1) The contractor fails to comply with the applicable requirements of all building codes as adopted by City ordinance or as regulated by the State.
- (2) The contractor's license issued by the Ohio Construction Industry Examining Board is suspended or revoked.
- (3) The holder of the license issued by the Ohio Construction Industry Examining Board becomes disassociated with the contractor and a license of another employee of the contractor is not submitted to the Zoning Official within 90 days after the disassociation.
- (4) The contractor fails to maintain liability insurance coverage as required pursuant to Section 1323.03(b)(2).
 - (5) The contractor violates any provision of this chapter.
- (b) An order of the Building Official or his designee suspending or revoking a contractor's registration certificate shall be effective upon written notice served upon the contractor. (Ord. 2016-12. Passed 7-26-16.)

1323.07 BOND.

When evidence discloses that the registrant has refused, failed or neglected to correct or abate violations of any applicable standards or ordinance in performance of work done pursuant to a Certificate of Registration within a reasonable time after having been notified by the Building Official, the Building Official or his designee may require the registrant to furnish a performance bond in the amount of ten thousand dollars (\$10,000) guaranteeing full and faithful compliance by the applicant with all provisions of any applicable standards or ordinance of the City whenever the applicant for registration named as the principal on such bond refuses, neglects or fails to correct or abate such violation within a reasonable time set by the Building Official or his designee.

(Ord. 2016-12. Passed 7-26-16.)

1323.08 APPEALS.

In the event the application for a certificate is not approved, or in the event any certificate issued under this chapter is revoked, the applicant shall be notified of the refusal or revocation in writing and such notice shall be sent by certified mail to the applicant at the address of the applicant as set forth in the application for a certificate. The applicant shall have thirty days after receipt of such notice to appeal such refusal or revocation. Such appeal shall be perfected by filing a written notice of the appeal with the Huron City Council. Thereupon, the applicant shall have not less than ten days' notice of the date and place of the hearing. The appeal shall be heard by the Huron City Council, who shall have the power after such hearing to either affirm or overrule the decision of the Building Official. The Huron City Council shall cause notice of his/her decision to be sent by certified mail to the applicant at the address of the applicant as set forth in the application within thirty days of the date of the hearing.

(Ord. 2016-12. Passed 7-26-16.)

1323.09 BUILDING MOVERS.

(a) No person shall move any building within the limits of the City without being registered with the City as a Contractor and posting a bond with good and sufficient sureties to be approved by the City. The bond shall provide that the party will pay any and all damages which may happen to any tree, pavement, street, or sidewalk or any public building or structure, and all damages resulting to any person

whomsoever which may be caused by the carelessness or negligence of the person so licensed, or by his agent, employees, or workmen while engaged in the removing of any building in the streets, alleys or public ways of the City. The bond shall provide also that the mover will save and indemnify and keep harmless the City against all liabilities, judgments, costs and expenses which may accrue against the City in consequence of the granting of the permit and will in all things strictly comply with the conditions of the permit.

- (b) <u>Permit for Each Job</u>. Upon being issued a Contractor Registration Certificate and the execution of the bond to the acceptance of the City, the mover shall in each and every instance, before removing any building, obtain a permit from the City stating specifically all the conditions, prescribing the route to be taken, the building proposed to be removed, and the site to which the building is to be removed, and limiting the time for the removal of any such building.
- (c) <u>Signals and Lights</u>. Any person having such permit shall, while engaged in the removal of any buildings in the public streets, alleys and public ways of the City and while occupying or using the streets, alleys and public ways for that purpose, cause a red light to be placed in a conspicuous place in the front and rear of the building and obstruction, and the capstan used in moving the same, from dark until sunrise on each night during the time the building and obstruction remains in the streets, alleys and highways of the City.
- (d) <u>Delay in Moving; Penalty</u>. The owner of any building, or the contractor for its removal, either or both, who shall suffer the same to be or remain in any of the streets, alleys, highways or upon any of the public grounds of the City for any time longer than may be specified in the permit, unavoidable delays excepted, shall be fined, in accordance with Section 1323.99, and shall forfeit his permit, and there shall be a like penalty for each 24 hours that the same shall be continued, and such buildings shall be deemed a nuisance.

(Ord. 2024-13. Passed 4-23-24.)

1323.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than five hundred dollars (\$500.00). Each day's violation shall constitute a separate offense. (Ord. 2016-12. Passed 7-26-16.)