



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, July 23, 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-AnmlA6lfukQzKakQg>

I. Call To Order Moment of Silence followed by the Pledge of Allegiance to the Flag

II. Roll Call of City Council

III. Approval of Minutes

III.a Minutes of the June 11, 2024 regular Council meeting.

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

V. Tabled Legislation

V.a Ordinance No. 2024-24 (**TABLED 6/25/24**) (*submitted by Cory Swaisgood*)

An ordinance amending Sections 185.01, 185.03, 185.04 and 185.06 of the Codified Ordinances of the City of Huron, Ohio, to provide for the levy of an additional 0.75% income tax and up to a 1.74% credit for taxes paid to another municipality beginning January 1, 2025.

VI. Old Business

VI.a Ordinance No. 2024-25 (**third and final reading**) (*submitted by Charter Review Commission*)

An ordinance authorizing and directing the submission to the electors of a proposed amendment to Article II, Section 2.08(2) of the Charter of the City of Huron, Ohio relating to Powers of Council.

VI.b Ordinance No. 2024-26 (**third and final reading**) (*submitted by Charter Review Commission*)

An ordinance authorizing and directing the submission to the electors of a proposed amendment to Article VI of the Charter of the City of Huron, Ohio to delete Section 6.09 relating to Allotments.

VI.c Ordinance No. 2024-27 (**third and final reading**) (*submitted by Charter Review Commission*)

An ordinance authorizing and directing the submission to the electors of a proposed amendment to Article IV, Section 4.02(2) of the Charter of the City of Huron relating to duties of the City Manager.

VI.d Ordinance No. 2024-28 (**third and final reading**) (*submitted by Charter Review Commission*)

An ordinance authorizing and directing the submission to the electors of a proposed amendment of Article VIII of the Charter of the City of Huron by replacing Article VIII relating to Personnel in its

entirety.

VI.e Ordinance No. 2024-29 **(third and final reading)** *(submitted by Charter Review Commission)*

An ordinance authorizing and directing the submission to the electors of a proposed amendment to Article V, Section 5.10 of the Charter of the City of Huron, Ohio relating to Qualifications of the Director of Law.

VI.f Ordinance No. 2024-31 **(second reading)** *(submitted by Stuart Hamilton)*

An ordinance establishing the rate to be paid by residential property owners for the period of January 2025 through December 2025 for residential solid waste collection and disposal; and further authorizing and directing the Director of Finance to certify the costs of same to the Erie County Auditor for placement on the tax duplicate for collection with other City taxes in 2025.

VI.g Ordinance No. 2024-32 **(third and final reading)** *(submitted by Matt Lasko)*

An ordinance repealing and amending and restating Section 1121.08 (Regulations Applying to All Districts) of Chapter 1121 (Districts Established; Boundaries; General Regulations) of the Huron Codified Ordinances to allow one retail recreational marijuana dispensary in the City of Huron.

VI.h Ordinance No. 2024-33 **(third and final reading)** *(submitted by Matt Lasko)*

An ordinance repealing and amending and restating Section 1126.16 (Medical Marijuana Retail Dispensaries) of Chapter 1126 (Special Provisions) of the Huron Codified Ordinances.

VI.i Resolution No. 57-2024 **(third and final reading)** *(submitted by Matt Lasko)*

A resolution declaring the necessity of an election on the question of approving the passage of an ordinance to amend Sections 185.01, 185.03, 185.04 and 185.06 of the Codified Ordinances of the City of Huron, Ohio, in order to provide for the levy of an additional 0.75% income tax and a credit up to 1.75% for income tax paid to other municipalities beginning January 1, 2025.

VII. New Business

VII.a Resolution No. 63-2024 *(submitted by Stuart Hamilton)*

A resolution accepting the proposal of 7L Construction, LLC for milling and repaving approximately 5,846 SF of failed asphalt located on River Road in Huron, OH in the amount of \$48,500.

VII.b Resolution No. 64-2024 *(submitted by Terry Graham)*

A resolution authorizing a Memorandum of Understanding with the Fraternal Order of Police/Ohio Labor Council/Sergeants and Patrol Officers to allow 12-hour workdays.

VII.c Resolution No. 66-2024 *(submitted by Captain Doug Nash)*

A resolution ratifying and application to the Ohio Office of Budget and Management ("OBM") Ohio Ambulance Transportation Program for grant funds in an amount not to exceed \$39,000; and further authorizing the City Manager's acceptance of the award and execution of a Subrecipient Grant Agreement in the amount of \$24,336.

VII.d Ordinance No. 2024-34 *(submitted by Matt Lasko)*

An ordinance establishing K9 Fund 224.

VII.e Ordinance No. 2024-36 *(submitted by Matt Lasko)*

An appropriations and cash transfer ordinance.

VIII. City Manager's Discussion

IX. Mayor's Discussion

X. For the Good of the Order

XI. Executive Session(s)

Executive Session to consider the appointment, employment and compensation of a public employee.

XII. New Business (Continued)

XII.a Resolution No. 65-2024 *(submitted by Matt Lasko)*

A resolution confirming the appointment of Edward Widman as Finance Director of the City of Huron, effective August 5, 2024.

XIII. Adjournment

XIV. Tabled Legislation

THE CITY OF HURON, OHIO
Proceedings of the Huron City Council
Regular Meeting Tuesday, June 11, 2024 at 6:30pm

Call to Order

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

Roll Call

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

Motion by Mark Claus to excuse the absence of Mr. Dike from tonight's meeting.

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

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

NAYS: None (0)

There being a majority in favor, the motion passed and Mr. Dike's absence was excused.

Staff in attendance: City Manager Matt Lasko, Law Director Todd Schrader, Finance Director Cory Swaisgood, Service Director Stuart Hamilton, Police Chief Terry Graham, Parks & Recreation Operations Manager Doug Steinwart, Fire Chief Doug Nash and Terri Welkener, Clerk of Council.

Approval of Minutes

Motion by Mr. Claus to approve the minutes of the May 28, 2024 regular meeting of Council.

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

YEAS: Claus, Tapp, Hagy, Biddlecombe, Artino (5)

ABSTAIN: Grieves (1)

NAYS: None (0)

Audience Comments

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

Frank DeLuca, 814 Superior Dr., Huron, OH – My name is Frank DeLuca. I have lived here in Huron for many years now. I live at 814 Superior Drive, and my concern is that I sent pictures out to everybody. I don't know if I have a vendetta against me, but my neighbors have lit up the east side of my house from 9 o'clock at night to 6 o'clock every morning. I called Terry Graham, who was very helpful. He said I need to get a hold of Terri Welkener, and I sent Terri some pictures, which she said that she sent out to

everybody. I then contacted a friend of mine, Dick Brady from Sandusky. He said, you know Frank, we are just actually working on the same type of an ordinance. I said, great. He said I will send you copies. Well, I received Dick's copies, but like Huron, he really doesn't address residential nuisance. He addresses residential new construction. In other words, if you bring your plans into Sandusky and you want to put lights on your home, they will tell you that no, they have to shine 90° down. They can't shine on the neighbor's house. He said, Frank, it would be a really terrible job to have to go around every house in Sandusky. I said, Dick, it's a nuisance call. Why would you have to inspect every house in Sandusky? You would inspect the complaint against the problem and then you could address that. It's been about 3 weeks now, and I am getting a little tired of it. I walked to my neighbor's home and they would not answer the door. I heard them talking in the house that I was there, and they would not come to the door. I think it's something that they have going on. Not just for myself, talking to Matt.... I called Matt because he is one of my son's best friends, and Matt says, we will get something going for you. Basically, he said you've already had 3 or 4 nuisance calls this year from people lighting up neighbor's homes or doing things of that nature. I think that if we could put an ordinance on the books, that would solve that problem. Maybe I could get the neighbor to turn the light off. He is also affecting another neighbor, but the neighbor said their bedrooms are south of the light, so it doesn't bother their sleep, but it's dead on into my bedroom every night. I am just getting a little tired of it and I thought I would let you know. It is not just about me. It's about the entire City, that I think it would be a good positive thing.... You have a noise ordinance, but we have no light ordinance, and there are cities in Ohio that have "light trespassing" laws that address that type of situation. Thank you.

Mayor Tapp said, "I want to say to our City Manager. We got the letter and we are looking into something. We will see what we can do to make sure our hands aren't tied, and Mr. Schrader if we are looking at that. We will keep you updated."

Leslie Grashel, 301 South Street. My inquiry is regarding (h) and (g) about the trees and sidewalks. My inquiry was I had previously spoken with Terri and someone was going to come out to assess the trees in May, and so I never saw anybody. I am not quite sure how one progresses into sidewalk repair when you have 150-year-old trees that are in your tree lawn. As it's an inherited problem, it is a little bit cumbersome and extremely costly, so I would like to know what the options are before things happen, who is selected, what is the course. Even when trees are removed from said tree lawn, it takes 5-10 years for the tree roots to dissolve. Then you are going to have buckled sidewalks again. So, are we weighing all these things into the thought process and weighing things out prior to taking any action in the Old Plat? Everybody knows what they bought into. It is what it is. I have spent 20 years having the trees trimmed with Barnes. I am not sure everybody does that, but I know that my trees are probably some of the oldest in the neighborhood. I have a question as well, is it an ordinance, or is the Charter that's in place for the tree lawn and the sidewalks? Members of Council answered that it is an ordinance. Mr. Grashel asked, can you petition said ordinance what's in place. Mr. Schrader answered that you would have to seek the advice of legal counsel, but after the ordinance is passed, there is a period of time where the public can challenge that ordinance. What you can do from here, you get to consult with your own independent legal counsel. Ms. Grashel continued, previously there was discussion about having it put against your taxes, but you can't call in and say I've got somebody to give me this quote, it's got to go on a bulk order, and a bulk order must get to \$50,000 or better in order for that to be enacted. So what if it doesn't get to \$50,000? I would like to have sheet of paper that says what this is all about because there seems to be a lot of rules and if I have to play, I need to know what the rules are. Mr. Schrader answered that they should be in a position to be able to provide you.... To make a very long story short, since he has been here as Law

Director, they have tried to make our sidewalk and tree ordinances similar, so the staff knows the process and the procedure. For example, whether we are talking about sidewalks for trees because our generally match. There's an inspection that's done annually in various quadrants. Then, before they can go out and do anything they have to have an estimate on file with the Clerk. It's mandatory. I don't know the policy reason for that, but I suspect over time that instead of the City saying, well call this vendor and call that vendor and the pricing being uneven.... Ms. Grashel asked if the vendor have to be on file with the City. Mr. Schrader continued, there is a process where a vendor is selected and they go out and they give us an idea of what all these costs are going to be, whether it's for sidewalks or for trees. Then correspondence goes out to residents to say these are the concerns relative to your property and you have so much time to either address it or if you don't (there are multiple notices, this isn't one time) and then if it's not, you can then say you would like to have this done by the City and would like to voluntarily have it put on the tax duplicate. The City will work with you, it's all part of that package. What may be beneficial for you is to see that first so that you can see generally (and it's also codified by ordinance) what the process is and how it works, and then you back into, what are my options with the expense. Should I pay for it, should I let the City do it, do I put it on the tax duplicate? There's a process that you could really benefit from by reviewing. I am happy to provide it to you. If you give the Clerk your email address, he would be happy to provide that to you and then answer any questions you have. Ms. Grashel continued, is there a timeframe for what's happening in our area? Mr. Hamilton answered that they will start looking at Old Plat this year. The intention is once they get through this process, probably in the next month or so, we will do the preliminary inspection through that area and will mark all the sidewalks and trees. An arborist will do the trees and staff will do the sidewalks. They will send a courtesy notice out to the owners letting them know if their property is on that list. They will then have the remainder of that year to either address it. They will then reinspect in the spring to see what work has been done, and that that point they will get the pricing (engineer's estimate) and then that's when you will get a notice that you have to do that work or the City will do that work for you. They will do a lot of communication. Ms. Grashel asked when the ordinance for this was instilled at what juncture, what year. Mr. Schrader answered that it has been years. He has been here 5 years. It started during the Mike Spafford era. It follows the Ohio Revised Code. It's state law that the City has adopted. Ms. Grashel asked if there is any implementation for assistance for residential people in your call or approach to get increased taxes. Mr. Schrader said he thinks there was a threshold in there that if it's under a certain amount there's a certain timeframe and over another amount that it gets spread out over time on the tax duplicate. Mr. Hamilton said that does not apply for the trees. Even if the City carries out the work, you still have an option to pay that invoice to the City, or at that point you can choose to either have it go on your tax duplicate or if you don't pay, it will be put on your tax duplicate. Ms. Grashel said that she is going with "send my kid to college" right now.

Mac Lehrer, 132 Center St., Huron, OH – I have been a resident there for about 33/34 years on the corner, so I am just going to echo a little bit on what Leslie had mentioned. We have been keeping an eye on the sidewalk/tree issue since we've moved in there. As Leslie said, it's an inherited problem. These trees go back probably to when Sam Artino was in school. Going back that long ago, the trees were just fine. As they have gotten older, they have heaved up the sidewalks and created disrepair and issues, and it's an ongoing thing. These trees still grow and still have active root systems. You can fix it, but again, it eventually comes back to where they are going to push those sidewalks back up. It's an ongoing thing. We will keep an eye on what's coming, but I think everyone was not taken aback, but there were orange paint marks all through the neighborhood, but no follow-up letter or communications. We weren't sure where that was coming from or how that was going to be addressed. That's what prompted me coming tonight

– just to see what’s going on tonight with the resolution. I appreciate everyone looking at that, and we will keep an eye on that, as well. Mr. Artino said that we would keep him in the loop.

Oath of Office

Mr. Lasko stated that Officer Dusza has a bachelor’s degree in criminology from the University of Toledo. From a professional experience standpoint, he has 4 years of experience with the Virginia Beach Police Department, and most recently, 4 years of experience with the Sandusky Police Department. Officer Dusza resides in Huron with his wife. He has completed his field training, and he is currently assigned to the night shift in the Patrol Division.

City Manager Matt Lasko then administered the Oath of Office to Officer John Dusza of the Huron Police Department.

(Applause).

Photographs with the City Manager, Mayor, Chief Graham and various family members were then taken.

Presentation

Presentation to Council by Tom Harris of five (5) recommended amendments to the Charter of the City of Huron by the Charter Review Commission for consideration at the Public Hearing to be held on June 25, 2024 at 6:30pm.

Mr. Lasko said that he will ultimately be turning things over to the Commission Chair, Mr. Tom Harris. On behalf of Council and this entire community, I want to express our gratitude. As I mentioned to them when I was at their last meeting, it is certainly not one of the most exciting board or commission to be on, but it is certainly one of the most important. They were the inaugural Charter Review Commission for the City, as we had never had one. He appreciates, as does Council, all the time, effort and thoughtfulness that went into the process. They thought it would be helpful prior to a first reading or consideration to have the Commission here to at least give a little bit of background as to their thinking for some of their recommendations. He then turned the floor over to Mr. Harris.

Mr. Harris said:

I will start off with the five (5) changes they came up with, but first things first. There were a lot of things they considered. We have three pages worth of changes that they came up with that were possible, and of those, future Charter Review Commissions can go through those. They came up with five (5) they thought would actually be able to make it onto the ballot, and from there, possibly even be voted in. They were pretty important. We went through them and decided that these were the ones that were crucial to really address.

I will start off with the first one, which is Section 2.08, under the Powers of the Council. We suggested a modification to permit the establishment of the internal organization of the City administration be done by Council, and to eliminate the staffing departments because that is the job of the City Manager. We felt that was probably an inconsistency, something that now is no longer necessary. Maybe back when they started the Charter before these rules, maybe it was the Council’s job to do that, but at this point, it really

falls under the job description of the City Manager. That's where that particular change came from. All this does is eliminate the reference to "staffing of the departments." Everything else is left the same.

The second recommendation was under Article IV, Section 4.02(2), and is a suggestion to modify the merit system. As it is currently written, everybody who is hired has to go through a merit system (basically, a test), and we thought that other than police officers and firefighters, there is no necessity for that. That was recommended to them by Attorney Rocco. They came to the conclusion that that makes a lot of sense – other than fire department members and police officers, there is no need to have that in there. That was one of the more minor changes out of the five, but we still thought it was important enough to make it onto the list. Mr. Hagy asked if we were giving a test to everyone we hired. Mr. Lasko answered, no, but the way the Charter reads, even administrative employees looking for promotion would have to be subject to a test. It doesn't seem relevant, and it isn't happening practically. Mr. Hagy asked if the City is not under the rules of civil service. Mr. Lasko answered, no. If we had an opening for the Planning Director, they would have to give a test to any employee that wants to do it, rather than either deciding to hire from outside or promoting from within based on experience and track record. Mr. Harris added that was they were coming from on that. It was something that is old and outdated in terms of how the real world works.

The third recommendation was under Section V – Qualifications of the Law Director. Right now, under ORC 3313.35, the city law director shall be the attorney for the Huron City School District, for no additional compensation. That's pretty problematic because (1) it's unfair as it's written; and (2) we probably end up losing our Law Director, to be quite frank, whoever that might be. That could be very problematic. They are already tasked with what they need to be doing here in the City, and they would have to cover the schools for no additional fee. I doubt we'd have a Law Director for very long. That's the reasoning for the change in that particular Section. Mr. Hagy asked if the Charter currently says that the Law Director would serve as attorney for the schools. Mr. Harris answered that the ORC says that they shall. The way they would rewrite it is the city law director shall not be permitted to serve as the legal advisor, nor attorney, for the Huron City School District. That would preclude him from what it says in the ORC. The Clerk advised that the ORC language is currently in the Charter. Mr. Schrader explained that they did some research, and the Ohio Attorney General effectively says because of our home rule authority, even though the statute was passed earlier in time, the city is permitted to have its Charter control, and if the Charter says that the Law Director shall not serve, it will supersede the Ohio Revised Code in that regard. There are a lot of municipalities that have undertaken this type of step, largely because you are assuming that your Director of Law is also competent in school law. The School Board already has their own legal counsel, and to have it for no compensation.... He thinks it is going to be a rare person that would be schooled in municipal law, land use, zoning, things of that sort and all that comes with it, and then also then be competent in school matters. That would be a challenge for many attorneys. He is not supposed to undertake anything that he is not competent to do. You can't force somebody to do something they are not equipped to do.

The fourth recommendation is, in his opinion, a pretty big deal. They are recommending eliminating Section 6.09. It comes down to the Finance Director is responsible for quarterly reports and right now, that's not the way it is being done. From Mr. Swaisgood's recommendation and oversight, they came to the conclusion that that should be eliminated because it does not fall in line with the way things are currently done. If the Charter were to be enforced as written, it would be extraordinarily cumbersome, redundant and difficult to accomplish while doing the regular job they have. Mayor Tapp said the City is following the ORC laws right now. Mr. Lasko added that the way it is written is that on a quarterly basis,

every department head is supposed to present a plan to the Finance Director as to whether they are going to need more money or less money, and basically make a case for that. The way they practically operate presently is that if there is a change to the budget, we can't just unilaterally do it. They come to Council for an appropriations measure. That is how it has functioned forever, versus this quarterly check-in, which is truly cumbersome not only on the Finance Department, but also for the department heads. They are certainly tracking their budget daily, but it seems an unnecessary burden to have to follow.

The final recommendation is the biggest one. We basically gutted Article VIII. To start off, Article VIII is improperly labeled as Article VII. It's funny how that made it through all of these years. That would be the first thing to be changed. Attorney Rocco should do the talking relating to the changes made in this Article. Basically, we gutted the Article. Five sections were deleted, and made the final paragraph (9) the new paragraph (4). I believe it was that it is unconstitutional as written. I think she should do the overview for Council. That was the recommendation. There's a lot in that, and it is the largest change because we are not just going in to make one or two small sections. The entire section must be modified. This is the section that had the most issues in it. I am not as versed in that as Attorney Rocco would be. Mr. Lasko said they have confirmed with Ms. Rocco that she will be here when Council has their first reading to go into depth on the changes, specifically as relates to Article VIII. She will be at the June 25th meeting.

Mr. Harris continued: there is a lot more small stuff, some of which is still very important, but a lot of it's just "the devil's in the details." This is what we came up with this time and the next Charter Review Commission can take our notes and go from there. Council can decide amongst yourselves if you like these five changes and if you want all five to proceed, or none of them to proceed, that's up to you. These are our recommendations.

Mayor Tapp thanked Mr. Harris and on behalf of Council he said that they can't thank the Commission enough. It is kind of a thankless job. They were the start-up group and did a tremendous job getting together. There was a lot of time put in, and he knows everybody's busy. Mr. Claus asked Mr. Harris to introduce the Charter Review Commission members present at the meeting. Mr. Harris introduced, Cindy Miglietti, Melissa Fries, John Ruf and Terry Graham, Sr.

(Applause).

Mr. Hagy asked if, procedurally, Council wants all five issues to go on the ballot. Do all five show up on a ballot separately? Mr. Lasko answered, yes. Mr. Schrader added that when these issues are discussed on the 25th, they will be separate ordinances to allow Council to decide – one, all, some, none. Mr. Claus asked who would prepare the written statement for the ballot to make it somehow understandable for the public. Mr. Schrader answered that SSEG will take a first crack and that and then run it by the Board of Elections.

Old Business

Ordinance No. 2024-18

Motion by Mr. Tapp that Ordinance No. 2024-18 (AN ORDINANCE ESTABLISHING EMERGENCY MEDICAL SERVICES FEES) be placed on its second reading.

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

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

There being a majority in favor, the motion passed and Ordinance No. 2024-18 was placed upon second reading. The Law Director read the Ordinance by its title only.

Captain Nash explained that their third-party billing company recommended the fee updates before Council to bring them up to date.

The Mayor asked if there were any questions on the motion. There were none.

New Business

Ordinance No. 2024-20

Motion by Mr. Artino that Ordinance No. 2024-20 (AN ORDINANCE REPEALING AND AMENDING AND RESTATING SUBSECTION 1126.15(d)(1) (SETBACKS) UNDER SECTION 1126.15 (SELF-SERVICE STORAGE AND MINI-STORAGE) OF CHAPTER 1126 (SPECIAL PROVISIONS) OF THE CODIFIED ORDINANCES OF HURON, OHIO TO ESTABLISH A NEW SUBSECTION 1126.15(d)(1)(D)) be placed on its first reading.

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

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

There being a majority in favor, the motion passed and Ordinance No. 2024-20 was placed upon its first reading. The Law Director read the Ordinance by its title only.

Mr. Lasko stated that this came to their attention as the result of a recent project that got submitted to the City for the construction of self-storage facilities on Sawmill Parkway. The self-storage/mini-storage code was created in 2017 and requires 30' front and back setback, and 15' setbacks on either side. Secondly, we have industrial zoning, both light and heavy, which require no setbacks for any type of facility. This proposed project, which brought this semi-conflict to their attention, is going in an industrial zoning area. What they are proposing is to do a slight amendment to the mini-storage/self-storage code to create an exception if you are in either light industrial or industrial, you will follow those setbacks in that district, with one big caveat. Police or fire have the ability to change those setbacks no matter what if they need room for safety vehicles or whatever it may be. We are just trying to carve out an exception for self-storage that may get built in one of those two industrial districts so that they can follow those districts' setbacks, with the safety services caveat that they can change those. Mr. Hagy asked if they were looking to change the ordinance before it gets built. Mr. Lasko answered that is correct, likely during the plan review process. Mayor Tapp said when this first came up, there was a question because where this person wants to build in back section of Sawmill Parkway. There are already storage buildings there and it threw him off that there was this big discrepancy. This was in 2017. Mr. Lasko said the ordinance was

more geared toward self-storage that may not be in an industrial setting because there was also a limit in there that you must be 500' feet away from a residential district. Mr. Artino said that it was geared toward keeping it out of residential.

The Mayor asked if there were any questions on the motion. There were none.

Ordinance No. 2024-21

Motion by Mr. Hagy that the three-reading rule be waived, and Ordinance No. 2024-21 (AN ORDINANCE ESTABLISHING FUND 652 – ELECTRIC DEBT RETIREMENT FUND AND DECLARING AN EMERGENCY) be placed on its first reading.

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

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

There being a majority in favor, the motion passed and Ordinance No. 2024-21 was placed upon its first reading. The Law Director read the Ordinance by its title only.

Motion by Mr. Hagy to place Ordinance No. 2024-21 as an emergency measure.

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

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

There being more than five (5) votes in favor, the motion passed and Ordinance No. 2024-21 was placed as an emergency measure.

Mr. Hamilton asked that he be allowed to cover Ordinance Nos. 2024-22 and 2024-22 at the same time. Huron Public Power ("HPP") currently operates out of a single fund. Debt and general expenses all come out of that one fund. The other utilities are set up with three funds. One is for loans and debt, and the other one is for capital expenses. It gives more control over those accounts and it gives oversight to make sure those accounts are budgeted for correctly, instead of being in one central account. Ordinance 2024-21 would create Fund 652, which would be the loan and debt fund, and Fund 653 would be the capital expenses fund. This would put HPP back in line with the rest of our utility and other accounts to better manage money and the flowing of the different types of cash and money.

Mr. Hagy asked why HPP is the last one. Water had capital and debt retirement, but HPP didn't? Mr. Hamilton said "because it's always been that way." He doesn't think when it was first set up they really envisioned HPP growing, and now as they try to get HPP moving and expanding, they must to start with the fund structure so that they can better manage the money.

The Mayor asked if there were any further questions. There being none, the Mayor directed the Clerk to call the roll on final adoption of Ordinance No. 2024-21. Members of Council voted as follows:

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

There being more than a majority in favor of adoption, Ordinance No. 2024-21 was adopted. The Ordinance as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Ordinance No. 2024-22

Motion by Mr. Hagy that the three-reading rule be waived, and Ordinance No. 2024-22 (AN ORDINANCE ESTABLISHING FUND 653 – ELECTRIC CAPITAL FUND AND DECLARING AN EMERGENCY) be placed on its first reading.

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

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

There being a majority in favor, the motion passed and Ordinance No. 2024-22 was placed upon its first reading. The Law Director read the Ordinance by its title only.

Motion by Mr. Hagy to place Ordinance No. 2024-22 as an emergency measure.

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

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

There five or more votes in favor, the motion passed and Ordinance No. 2024-22 was placed as an emergency measure.

The Mayor asked if there were any further questions. There being none, the Mayor directed the Clerk to call the roll on final adoption of Ordinance No. 2024-22. Members of Council voted as follows:

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

There being more than a majority in favor of adoption, Ordinance No. 2024-22 was adopted. The Ordinance as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Ordinance No. 2024-23

Motion by Mr. Claus that the three-reading rule be waived, and Ordinance No. 2024-23 (AN ORDINANCE AMENDING ORDINANCE NO. 2023-49, ADOPTED ON DECEMBER 12, 2023, TO PROVIDE FOR SUPPLEMENTAL APPROPRIATIONS FROM THE GENERAL FUND AND OTHER FUNDING SOURCES AND TO PROVIDE FOR CASH TRANSFERS) be placed on its first reading.

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

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

There being a majority in favor, the motion passed and Ordinance No. 2024-23 was placed upon its first reading. The Law Director read the Ordinance by its title only.

Mr. Lasko said he would do his best to fill in for Mr. Swaisgood. A couple are happening on this cash transfer/budget appropriation adjustment. The first few items on the sheet are related to increases in budget for personnel expenses. This is primarily related to the new structure we have with the SSEG contract in which part of Mr. Schrader's compensation will be on the City's payroll. What subsequently will come is a reduction in the legal services budget, which Mr. Swaisgood will eventually bring to Council at the next meeting or two so that will ultimately be cash neutral to the City. We needed to up the departmental personnel expenses in the interim.

We also have an increase to the Property Maintenance Fund, which is for the two demolitions the City has undertaken thus far on Berlin Road and Center Street. They are also showing an increase to the Fire Department's budget, which is really just a pass-through and has no effect on the City's budget. This is related to Huron Township's portion of the Sawmill Creek Resort property taxes, which flow through the City and they pay to the Township.

They are showing a pretty significant reduction of \$250,000 to the Capital Improvement Fund for 2024, which is because what they had budgeted for part of the South Main Street Streetscape project will be pushed into 2025. They were able to reduce that expense by \$250,000. Net impact on total appropriations is a reduction of just about \$61,000.

They are proposing one cash transfer from the General Fund to the Property Maintenance Fund of \$22,500 to cover part of those demolition expenses. He wants to share with Council that they have been reimbursed 100% for the demolition of the Center Street property already, which is very good news. That has been returned to the City's coffers, as well.

The Mayor asked if there were any further questions. There being none, the Mayor directed the Clerk to call the roll on final adoption of Ordinance No. 2024-23. Members of Council voted as follows:

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

There being more than a majority in favor of adoption, Ordinance No. 2024-23 was adopted. The Ordinance as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution No. 50-2024

Motion by Mr. Biddlecombe that the three-reading rule be waived, and Resolution No. 50-2024 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL AND ENTER INTO AN AGREEMENT WITH TRANSYSTEMS FOR PROFESSIONAL PLANNING, ENGINEERING AND BIDDING

SERVICES RELATING TO THE US 6 PHASE II PROJECT (ERI US 00006 16.07) IN THE AMOUNT OF THREE HUNDRED SIXTY-NINE THOUSAND FOUR HUNDRED SIXTY-NINE AND XX/100 DOLLARS (\$369,469.00)) be placed on its first reading.

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

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

There being more than five votes in favor, the motion suspending the three-reading rule passed, and Resolution 50-2024 was placed upon its first reading. The Law Director read the Resolution by its title only.

Mr. Hamilton explained that an RFQ was issued earlier this year services related to the US-6 Phase II Project. They receives a single response, which was from TranSystems. At that point, he entered into negotiations with them. Their original bid was over \$700,000. After working with them over a month or so, they got it down to the proposed amount before Council. This agreement is for design bidding services for the Phase II Project, which will remove the unwanted light at Center Street, construct a single-lane roundabout adjacent to Liberty Drive, and resurface Route 6 from Center Street out to the merge.

Mayor Tapp said that when he saw these numbers, he was initially shocked. He was going to say something in the negative before he found out that they dropped it almost 50%. Mr. Hamilton said he actually had the chair in his hand....

The Mayor asked if there were any further questions on the motion. There being none, the Mayor directed the Clerk to call the roll on final adoption of Resolution No. 50-2024. Members of Council voted as follows:

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

There being more than a majority in favor of adoption, Resolution No. 50-2024 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution No. 51-2024

Motion by Mr. Grieves that the three-reading rule be waived, and Resolution No. 51-2024 (A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT CONFIRMING THE JOINT ACQUISITION, OPERATION AND/OR MAINTENANCE OF RECREATIONAL FACILITIES AND AN AGREEMENT FOR THE OPERATION AND MAINTENANCE OF SUCH FACILITIES AND PROGRAMS ESTABLISHED BY THE HURON JOINT RECREATION PROGRAM) be placed on its first reading.

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

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

There being more than five votes in favor, the motion suspending the three-reading rule passed, and Resolution 51-2024 was placed upon its first reading. The Law Director read the Resolution by its title only.

Mr. Steinwart explained that this agreement is by and among the City, Township and School District for 2024. The contribution from the City of Huron would be \$329,875 (2.8% increase over last year) and Huron Township would be \$123,367, which remains the same as 2023, and 0% contribution from the Schools, which remains the same as 2023. The amounts were determined based on the 2024 budget and were included with the appropriations approved by Council in December of 2023. The City's portion will be paid from the General Fund.

Mr. Hagy asked if the total of \$453,000 the same as it was 3 years ago. In other words, when the Schools pulled out, did the amount go down by the amount they pulled out, or did they or the Township plus-it-up? Mr. Steinwart said the City was increased at that time to cover the Schools. They also used some of their carryover to do that, as well. Other than that, the only change to the amount of compensation paid by the City was an additional 2.8% over the past 2 years.

Mr. Artino asked Mr. Steinwart if there were any changes to the services that the Schools are benefitting from. Mr. Steinwart answered that they are still operating the same shared facilities as they provide them, and the Schools provide us.

The Mayor asked if there were any further questions on the motion. There being none, the Mayor directed the Clerk to call the roll on final adoption of Resolution No. 51-2024. Members of Council voted as follows:

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

There being more than a majority in favor of adoption, Resolution No. 51-2024 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution No. 52-2024

Motion by Mr. Artino that the three-reading rule be waived, and Resolution No. 52-2024 (A RESOLUTION ORDERING THE PLANTING, MAINTAINING, TRIMMING AND/OR REMOVAL OF ONE OR MORE TREES ABUTTING CERTAIN PREMISES IN THE CITY OF HURON) be placed on its first reading.

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

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

There being more than five votes in favor, the motion suspending the three-reading rule passed, and Resolution 52-2024 was placed upon its first reading. The Law Director read the Resolution by its title only.

Mr. Hamilton stated that this is another step in the long process of going through these assessments. This is the Oklahoma neighborhood (District 2 as it's known on the map). Originally, an arborist was hired to go out and inspect the trees, and a list of trees that were deemed to be dying or dangerous was given to staff. A letter was sent out last year to the residents (it could have been worded a little better) saying our intent to have them fix their trees, or the City will step in and fix them. We are now at the step where they have been back out to see what was done from the original notices, and this is the final list that needs to be done. They will send out a notice giving the residents a list of what needs to be done on each property and the amount of time to have it rectified before the City will step in and carry out that work on their behalf. At that point, if the City steps in and does the work, the resident still has the option to pay the City for that work. It doesn't directly go to their assessment. If the invoice the City creates for this work is not paid, then that is when the City would assess the property to recoup the money spent on the work.

Mr. Grieves asked how many people actually did the work. Mr. Hamilton answered that relating to the trees, he would say there were 6-8 people that carried out the work. Some of these are stump removal and some are just trimming, so these were easily to take care of themselves. For the bigger trees, he thinks people are waiting to see what happens. Mr. Grieves asked if the City is able to get better pricing since it's a larger ask than an individual with only one tree to remove. Mr. Hamilton answered that he would say yes and no. They will get better pricing because they can offer more trees; however, when this goes out to bid, they can't guarantee them all of these trees because up until the time they carry the work out, the owners can still do the work. He may bid on 25 trees but may only end up with 15. They won't get the best pricing, but they will get better pricing than an individual. The City is obligated to use a registered contractor, while the homeowner can sometimes get good pricing themselves. Unfortunately, you never know until you ask.

Mr. Hagy asked about the two options owners have, one being have the City do the work and put it on their taxes, and the other is to pay the City. Is there a third option where they can hire the work to be done and pay the contractor themselves. Mr. Hamilton answered that the homeowner can do that anytime up until the City carries out the work. The contractor won't know what trees he has to do until the day he starts. Mayor Tapp said that they are going to do the best they can and will keep the homeowners updated. Mr. Hamilton added that when it comes to the sidewalks and the trees, for the sidewalks that are shoved up by the trees, they won't force removal of those. What they will probably do is have the owners just grind them so they are not trip hazards. The main point of this, especially the sidewalks, is safety. That's coming from the Old Plat neighborhood when you saw the orange paint down last year. That was our Street Department showing pedestrians where the trip hazards are located. Mr. Artino said that part of this effort came from general concerns over the years, and going back and forth with this. Council wanted to make this as easy as possible for the residents. Safety is the first concern. Mayor Tapp said that they do get feedback and comments of why are we doing this, and the next phone call will be why hasn't this been done already, because I tripped over the sidewalk? (From the audience): If you go to some of the historic cities like Charleston, South Carolina, you can't touch a tree, sidewalk or building because it's in a historic district. Now that we are at 200 years, as the City's oldest neighborhood, a nice sign of "Walk at Your Own Risk" right there.... Mr. Schrader explained that the City has undertaken efforts to make the process for trees and the process for sidewalks identical so that the residents can anticipate what happens after they get the letters. (From the audience): Perhaps there could be some literature available for people to come and pick up here at this establishment if they have further questions. Mr. Hamilton said Jen Kilbury is currently working on a flyer.

The Mayor asked if there were any further questions on the motion. There being none, the Mayor directed the Clerk to call the roll on final adoption of Resolution No. 52-2024. Members of Council voted as follows:

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

There being more than a majority in favor of adoption, Resolution No. 52-2024 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution No. 53-2024

Motion by Mr. Artino that the three-reading rule be waived, and Resolution No. 53-2024 (A RESOLUTION ORDERING THE REPAIR OF THE PUBLIC SIDEWALKS ABUTTING CERTAIN PREMISES IN THE CITY OF HURON) be placed on its first reading.

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

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

There being more than five votes in favor, the motion suspending the three-reading rule passed, and Resolution 53-2024 was placed upon its first reading. The Law Director read the Resolution by its title only.

Mr. Hamilton said that the process for sidewalks is the same as it is for trees. The sidewalk portion comes in at \$32,410. They have done multiple inspections on the sidewalks as well to try to figure out if they can save them by grinding them, or if they need replacement. This is the final list, and the residents will have all the same choices on the way through as they do the trees.

Mayor Tapp asked about doing the sidewalks and trees in two different areas. Mr. Hamilton answered that they are doing them in the same neighborhood. The reason or that is sometimes the tree must come out for the sidewalk, or the sidewalk has to come out for the tree. A lot of times, the damage is caused one to the other so doing them independently you don't as much bang for your buck. Mr. Lasko added that as they are going back and following up with reinspection on one district to see which ones we are doing work on, they are inspecting the next district. There is overlap as they go through the years.

The Mayor asked if there were any further questions on the motion. There being none, the Mayor directed the Clerk to call the roll on final adoption of Resolution No. 53-2024. Members of Council voted as follows:

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

There being more than a majority in favor of adoption, Resolution No. 53-2024 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution No. 54-2024

Motion by Mr. Claus that the three-reading rule be waived, and Resolution No. 54-2024 (A RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE ONEOHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE MARCH 22, 2024 KROGER MULTISTATE OPIOID SETTLEMENT AGREEMENT) be placed on its first reading.

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

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

NAYS: None (0)

There being five or more votes in favor, the motion suspending the three-reading rule passed, and Resolution 54-2024 was placed upon its first reading. The Law Director read the Resolution by its title only.

Mr. Lasko believes this is the sixth national settlement that has occurred with pharmaceutical or related companies, with this one being specific to Kroger. The City agreed to be part of the OneOhio Subdivision Settlement pursuant to the OneOhio Memorandum of Understanding. To receive funding through each and every one of these settlement agreements, every municipality must opt-in, which they have done previously with the other settlements, and they have started receiving revenue as it relates to some of those settlement agreements. In 2022, they created a new fund specific to receipt of these funds, as well. What they don't know yet is what this settlement will bring into the City on an annual basis, but they do know those payments will be made over the course of 11 years as part of the \$1.2 Billion settlement. What they are doing here is opting-in to receive those future amounts as they are determined. Mayor Tapp asked if those funds are earmarked. Mr. Lasko answered that all of these funds have to be explicitly related to the opioid epidemic. These funds have been historically used to purchase Narcan, to undergo trainings, etc. There are very restrictive uses for these funds.

The Mayor asked if there were any further questions on the motion. There being none, the Mayor directed the Clerk to call the roll on final adoption of Resolution No. 54-2024. Members of Council voted as follows:

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

NAYS: None (0)

There being more than a majority in favor of adoption, Resolution No. 54-2024 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution No. 55-2024

Motion by Mr. Grievess that the three-reading rule be waived, and Resolution No. 55-2024 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF HURON, OHIO WITH HURON RIVER FEST, INC. TO HOLD ITS ANNUAL RIVER FEST EVENT IN THE CITY OF HURON, OHIO DURING THE PERIOD OF JULY 12, 2024 THROUGH JULY 14, 2024) be placed on its first reading.

Mr. Biddlecombe recused himself and left the meeting at 7:34pm.

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

YEAS: Grieves, Hagy, Artino, Claus, Tapp (5)
RECUSE: Biddlecombe (1)
NAYS: None (0)

There being five or more votes in favor, the motion suspending the three-reading rule passed, and Resolution 55-2024 was placed upon its first reading. The Law Director read the Resolution by its title only.

Mr. Steinwart stated that this resolution authorizes an agreement with Huron River Fest, Inc. to use City property, specifically the Boat Basin and Amphitheater on July 12, 13 and 14. The River Fest Committee is requesting closures of Main Street from First Merit Bank north to South Street at 2:00pm on Thursday, July 11th through 8:00am on Monday, July 15th. The event will use the same footprint as in previous years, and the same times as well. The one change is a request from the Huron Lion's Club to expand the controlled beer consumption area. In prior years it was a fenced-in area near the clock tower. The request was made to still use fencing, but to also include the Amphitheater itself. Many of the other festivals do that. He spoke with Police Chief Graham and he was fine with trying that. There haven't been any incidents in the last 15+ years. Copies of the request and diagram are in the agenda packets.

Mr. Hagy asked if enclosing the amphitheater would make it difficult to navigate the festival if that entire area is fenced off. Mr. Steinwart answered that it will be the Amphitheater itself, like at the Rotary Festival and some other festivals. It would include the clock tower flat area on the north side of the amphitheater and including the amphitheater itself. It will actually allow for better flow than herding everyone in the fenced-in area. Mr. Claus said it looks like the fence is just inside the sidewalk of Main Street. Aren't there usually a few little booths on the sidewalk side? Mr. Steinwart answered that depending on how many vendors come in, they would not be enclosed in that area and the fencing would be relocated behind them.

The Mayor asked if there were any further questions on the motion. There being none, the Mayor directed the Clerk to call the roll on final adoption of Resolution No. 55-2024. Members of Council voted as follows:

YEAS: Grieves, Hagy, Artino, Claus, Tapp (5)
RECUSE: Biddlecombe (1)
NAYS: None (0)

There being more than a majority in favor of adoption, Resolution No. 55-2024 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Mr. Biddlecombe returned to the meeting at 7:38nmpm.

Resolution No. 56-2024

Motion by Mr. Hagy that the three-reading rule be waived, and Resolution No. 56-2024 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT (WSRLA) AGREEMENT IN AN AMOUNT NOT TO EXCEED THREE MILLION TWENTY THOUSAND

AND XX/100 DOLLARS (\$3,020,000.00) ON BEHALF OF THE CITY OF HURON RELATING TO THE SOUTH MAIN STREET WATER MAIN REPLACEMENT PROJECT; AND AUTHORIZING AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN) be placed on its first reading.

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

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

There being more than five votes in favor, the motion suspending the three-reading rule passed, and Resolution 56-2024 was placed upon its first reading. The Law Director read the Resolution by its title only.

Mr. Hamilton explained that prior to this legislation coming before Council, they got approval to apply for the loan from OWDA for the S. Main Water Main Project, which is currently underway. These are the next parts of the legislation, which is to accept the funds and to state how the loan will be repaid. This is part of the OWDA process. They expect this loan to come in with a rate around 3.8%, but they won't know exactly know what it is going to be until they actually draw it down. They are hoping it will go down to 3.3%-3.4% by the time they get there. Mr. Hagy asked if the Moody's rating helped with the interest rate. Mr. Hamilton answered that the Moody's rating does not help with OWDA loans.

The Mayor asked if there were any further questions on the motion. There being none, the Mayor directed the Clerk to call the roll on final adoption of Resolution No. 56-2024. Members of Council voted as follows:

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

There being more than a majority in favor of adoption, Resolution No. 56-2024 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

The Mayor asked if there is any other new business.

Mr. Biddlecombe said that he received another resident comment about feral cats around town.

Motion by Mr. Biddlecombe to officially ask staff to look at a trap, neuter and release program in the City of Huron.

The Mayor asked if there were any questions on the motion or anything Mr. Schrader would like to add.

Mr. Hagy asked if this would have the City doing that work. Mr. Biddlecombe answered that it depends on what staff would recommend. Mr. Hagy asked if animal control is a county function. Mr. Lasko answered that it can be a county function, but they are terribly overwhelmed and have lack of space. He candidly doesn't envision the City being able to lean on them, particularly as it relates to feral cats. They have traditionally proven to be useful if there is a dog issue but the cat issue, specifically with some of the other cities in the County, would totally overwhelm them. With that said, they can explore whether that

is something the City does with our own staff, or contract a third-party, as well. They can certainly look into the question. Mayor Tapp added that the City did contract with somebody to do that years ago.

Mayor Tapp seconded the motion.

Mr. Artino asked if we need a motion, or if we can just ask for direction. Mr. Schrader answered that that was his initial reaction, because the request is likely satisfactory to have the staff look into it and report back. There is a motion and a second on the floor. In order to obviate that, they will need to take a vote or they can make a motion to withdraw and permit the staff to look into it.

Mayor Tapp asked for a roll call on the motion. Members of Council voted as follows:

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

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

City Manager's Discussion

The City Manager spoke on several topics:

Reminder to Council about Humanetics Tour – There will be a tour held tomorrow at 1:00pm in recognition of the 15th Anniversary of Humanetics in the City of Huron. There are several Councilmembers signed up to join that tour. If there is anyone that wants to get in last-second, please let Ms. Welkener know that we can let the folks at Humanetics know.

Crosswalks at Forest Hills and Valley View – I wanted to provide a quick update on the new crosswalks that will ultimately be installed at Forest Hills and Valley View. We have submitted the final design package to ODOT for approval. As soon as that is approved, we will put the project out to bid. We are still hoping to contract this out in 2024.

Lake Front Market Event – I want to give a huge thank you and acknowledgement to all of the volunteers and organizations and our Parks & Recreation Department for putting on another successful Lake Front Market this past weekend. I know it was very well attended and we had remarkable weather. Good job to everyone involved in that event.

Credit Rating – Speaking about the City's credit rating, if everyone will remember, Mr. Swaisgood and I made a trip up to Chicago last September to give a presentation to Moody's for a potential credit rating increase. We came out of that meeting with a positive outlook but remained the same credit rating. I am happy to report that, as of last week, Moody's did upgrade the City's credit rating from AA3 to AA2, which happened on May 31st. That is almost unheard of for a City of our size and is a testament to not just our Finance Department, but also the stewardship of our Finance Committee and our Council. In the press release, Moody's referenced the City's strong operating reserve and liquidity, which have improved over the past several years, conservative budgeting, and a growing revenue base over the last 2 or 3 years. The upgrade should lower interest rates on the upcoming \$2 Million bond issuance that we did for Chaska and Old Homestead roadwork. To answer Mr. Hagy's question, before that rating increase, we were

anticipating interest rates in the high 4%'s. They sold the bonds this morning, and they came in under 4% at 3.9%. We are almost a whole percentage point reduced, which they significantly attribute to that rating increase. Great job to everyone involved in that.

Water Department – We again had the highest single month on record in May for water production, setting the record of 92.363 million gallons for the month. We continue to be in contact with the Ohio EPA regarding the urgency for the plant rerating. Fortunately, in the interim, they are allowing us to exceed our maximum daily output as we are waiting for that plant rerating.

Water Filtration Plan Tour – This is a final reminder that we will be hosting an Open House and tour of the Water Plant on June 18, 2024 at 6:30pm. This is on a first-come, first-served basis maxing out at 20 residents. Depending on the response, we will organize a second Open House.

Northwest Ohio AWWA Conference – Huron is hosting the Northwest Ohio American Water Works Association Summer Meeting on Thursday, June 20, 2024. This will be held at Mesenberg's and a plant tour will follow after that meeting.

Congressional Directed Spending Requests - If everyone will remember, we sought Council approval in March to submit 2 Congressional directed spending requests to Senator Sherrod Brown. One was for \$1.5 million to assist with the secondary intake, and the second was for \$1.75 million to assist with the Boat Basin renovations. I am amazingly happy to report that both of those requests have been submitted by Senator Sherrod Brown to the Senate Appropriations Committee on interior, environment and related agencies. This is a major hurdle in hopes of eventually securing funding later in the year through the final federal appropriations measure. We are so appreciative of Senator Sherrod Brown's support of the City of Huron for these critical projects. We will keep Council updated as those funding announcements are made later on in the year.

Upcoming Meetings – Council Work Session on Tuesday, June 25th at 5:30pm in the Council Chambers (specifically related to the ConAgra Redevelopment); that will be followed by the regular City Council Meeting on June 25th at 6:30pm in the Council Chambers. During that meeting, we will have three public hearings to start the meeting: (1) Public Hearing on the Tax Budget for Fiscal Year 2025; (2) Firelands Scientific's Petition to Rescind Ordinance 1121.08 and update other sections of the Huron Codified Ordinances to align with ORC Chapter 3780. In layman's terms, that is to allow Firelands Scientific to cultivate and dispense recreational marijuana in line with the State budget measure last year; and (3) there will be a Public Hearing on proposed revisions to Chapter 185 related to local income tax; there will be a Planning Commission meeting on Wednesday, June 26th at 5pm in the Council Chambers.

REMINDER: City offices will be closed on June 19th in observance of Juneteenth.

REMINDER: The Huron Public Library will be celebrating the completed renovation of the Children & Teen Area with a ribbon cutting on Friday, June 21st at noon. Musician Zach Morgan will kick off the celebration with a concert at 11am.

That concludes my remarks and I am happy to answer any questions.

Mr. Biddlecombe said he received a message from a resident tonight, and he talked to Mr. Hamilton about it earlier. Over at the corner of Williams Street and Cleveland Road West, this guy lives over there and he has witnessed a bunch of near-miss accidents related to the stop sign. There is a tree that might be partially blocking it by 202 Williams Street. He thinks that we also need a sign that says "Cross Traffic Does Not Stop" because there are a lot of out-of-town people that think it's a 4-way stop. He hasn't gone over there himself, but he wanted to bring that to staff's attention.

Mr. Biddlecombe asked if Mr. Lasko can give them any more insight on all of the "booms" he has been reading about. Mr. Lasko answered that he has heard them the last couple of weekends, but he doesn't think they have a verified report of who it is or anyone that is willing to state who it is. He knows the police department has looked into it, but without evidence they haven't been able to track down who is doing it. Chief Graham added there is a current police investigation into the matter, but he won't comment on it now. He will report to the City Manager at the conclusion.

Regarding the water plant's record water production, Mr. Claus wanted to know why. Do we have more outside sales to the County or is the City using a lot more water? Mr. Lasko answered that while there has been some internal organic growth, the increase is overwhelmingly the result of Erie County purchasing significantly more water on a monthly basis.

Mr. Grieves asked about the status of the DORA, and if there is a financial cost to the City for creating the district. Mr. Lasko answered that he doesn't know that they were specifically waiting for Main Street to be done. They talked about it pretty aggressively 1-2 years ago and wanted to fold it in right after adopting of the Main Street Plan. That has fallen down in terms of staff priority and ability to tackle it. He knows that they still want to explore the implementation of it. They have met internally multiple times with Police and Fire talking about boundaries, etc. He thinks once we have the Planning Director position filled, they will re-up that conversation. They would not be doing so in a vacuum. They are going to be very cognizant of what the boundaries are. To create a DORA, there really isn't a cost to the City. What there will be a cost for (because he has seen a lot of cities have to be the one to do it) is you generally have to create a specific cup that the bars and restaurants will use. You may also have to increase the amount of trash receptacles, as well. The City doesn't have to be the one to pay for those cups – you could always make the business be the ones to do it – but there have been cities that incurred that cost for the economic benefit of the DORA. There may be a cost, but there doesn't have to be. Mayor Tapp added that one of the questions they were looking into was the boundaries because you have the north side and then you have to cross the state highway and there are people on the south side that would also benefit from a DORA. He thinks that would be a police issue too, as far as crossing the state highway. Those are all things we have to take into consideration. Mr. Lasko said that he thinks we do have the added complication of having Cleveland Road going through town. If you look at some of the other cities that have DORA's (Sandusky, Milan and Vermilion), their downtown layout is so much denser and easier to make sense of from a boundary standpoint. That is a complication we would have to work around – whether we just do one district and allow that pedestrian to traverse Cleveland Road, or create two. The problem with creating two is that you would have to set your cup down when you leave one and get a new cup in the second. We would have to figure that out and make sure it's done properly. Mr. Artino ask, based on that, would they have to work with the State on that. Mr. Lasko answered that they would not have to work with the State to cross Cleveland Road. They are permitted to do it, it's just whether we are okay with that from a safety standpoint.

Mr. Artino wanted to make a comment about the City's new Moody's rating. He believes this is a testament to the hard work by our staff, it is also a testament to long-term planning and short-term planning that included our citizens. We had several citizens' groups involved in that and he thinks that you don't get there by accident. The City has come a long way in the last 15-20 years. 20 years ago we were not sitting so well and that was no fault of anybody. Economics were a big part of that. To get to where we are today took quite a bit of work and sacrifice by our employees and by our citizens putting up with some bad streaks and some other issues for a few years. I commend everybody – the city staff and our citizens for working along with us to reach that accomplishment.

Mayor's Discussion

Mayor Tapp said:

To piggyback off Mr. Artino, I was not educated on how important this Moody's rating was. I could tell by the excitement in texts I received from Mr. Lasko that it was pretty important. Like Mr. Artino and Mr. Lasko both said, a city of this size getting that kind of rating is pretty much unheard of. I am pretty proud of that, and as Mr. Artino said, the staff and community go with us throughout the years in getting this built to that level. That does nothing but help us down the road. It is a great achievement.

Secondly, Mr. Grashel and Mr. Lehrer, thank you for coming in. I try to tell people to just come in and ask questions. You are not always going to like our answers, but we want to work with you and want to know what you have to say. We are trying our best to get things taken care of in a good way, and that is to communicate in the right way. Believe me, we all make mistakes, and if we are doing something wrong, all you have got to do is ask and call. If I don't know the answer, believe me, some of these guys will know the answer – Stu, Matt, legal counsel – we will find out for you. Just come in and ask or get a hold of us.

Mr. DeLuca, we are working on that. I have learned since being on Council and trying to get stuff done, and I am not the most patient person and think things that should take a week, when it's in government, it usually takes 3 months. It's just the way it is and I am on that learning curve right now. We do stay on each other, you can ask Matt. If I don't hear something in a week I will call him – did you forget or what's going on? They are working on it, believe me, and we will stay in communication with you. Thanks for coming in.

Congratulations to Mr. Dusza. We've got one of the finest police departments/safety services in the area. I will take that to my grave. I don't know, and this is to the folks in the audience here and those who are watching us on the internet, as far as the police force – there are things that happen in the City people don't know about or don't hear about or they try not to make a big deal about it. Within the last month, there have been a couple incidents within the City that the police department has taken care of with professionalism and with nobody getting injured or hurt. Not everybody hears about the stuff, but these guys are there, and I just want to thank you, Chief, your Patrolmen and your Sergeants. There are people who say Huron is too small and stuff doesn't happen here, and I say it will happen here. It's not if it is going to happen, it is just when. We hope it doesn't, but it does, and I think we have been made aware of that within the last month. Thanks to the Chief and his staff.

Thank you to the Charter Review Commission. It was tough for us to put this together, trying to find people. You were dedicated, took on the task and you did a great job. I don't know if I agree with everything you did, but....

For the Good of the Order

Sam Artino – I would like to welcome Officer Dusza as well, and congratulations to him. I think I am a little biased, but I think he has joined one of the best police forces in the area, probably the whole country as far as I'm concerned. Welcome. I would also like to thank the Charter Review Commission. I think Mr. Graham, as a former Councilman and Mayor, can tell you that there were some things in that Charter that needed to get looked at. I am glad we are going through this process. I know it was quite a bit of time and a lot of reading. I appreciate your efforts and your involvement. As Mr. Hagy said, thank you to everybody that came in to comment. We are only as good as our citizens.

Mark Claus – Thank you, Mr. Mayor. I also want to say a big thank you to Tom, since you are the only one left here, but to the Charter Review Commission as a whole, for all your hard work and time put in. My other thing was also to reiterate what the Mayor said, talking about things that happen in our little sleepy town that most people don't think or want to happen. Thanks to the Huron Police Department and the Erie County Sheriff's Department SWAT Team for safely and efficiently defusing a situation that hit really close to home for several people in this room. Just hats off to safety services, Terry, his team and Erie County for making that go away with relatively zero problems or issues other than a bunch of your time and resources. That's what you're here for and it just makes us feel really good about what kind of community we have and what kind of services and the fire department was on call, there and ready to go, as well. I really appreciate that. I also want to thank Jen Kilbury for all her hard work and everything with communications and how it has improved so much, I believe at least, within the City. I am sure she would appreciate anybody's input if citizens like what they are seeing, what else do they want to see (within reason)? We can continue to improve that and once our new website gets up, that will help even more. I think it's been a tremendous improvement in our ability to get the word out there. Any other modes other than normal social media that people are looking for, let us know.

Joel Hagy – I just want to say welcome to Officer Dusza. I actually hope I won't be seeing him very much. And Tom, thanks to the Charter Review Committee. You guys put in the time and please pass it on to your cohorts. Thank you very much, I really appreciate it. Thanks to everybody who showed up today to make comments. This is really an anomaly for us, so thank you very much to be able to hear it directly from you. Just a quick idea, and I won't take credit for it as somebody smarter than me came up with it, we have a new school in our community and maybe they would like to become a part of the HJRD, and maybe even put some money in, you know what I mean?

Matt Grieves – I have nothing for the good of the order.

William Biddlecombe – I would like to thank all our staff for their hard work. Congratulations to Officer Dusza and thank you to our safety services. Thank you for coming in and speaking today to all of our citizens that came in and thank you to the Charter Review Commission. I would like to let everyone know that the next School Board meeting is on Monday, June 17th at 6:0pm at the High School. A huge congratulations to all of our State track athletes, especially the Boy's Track Team that did win State this year.

(Applause.)

I would have liked to have been at their banquet. That would have been a lot of fun, but I definitely congratulate them, and I hear they are going to be in the River Fest Parade this year. That's going to be great. Some Boat Basin events coming up: The Band Town Line is June 15th at 7:00pm. Based on the thing that was put out by Parks & Rec, it looks like it's going to be parents and their kids. That should be neat. Leading Edge is on June 22nd at 7:00pm. Some other Parks & Rec stuff we've got going on are Safety Town (June 17-19), Golf Camp (June 17-19), Baseball Camp (June 26-28). River Fest is still in need of some volunteers to join our committee this year and going forward, so if you are interested, please reach out to me or Mr. Steinwart. Please come out and support our local events, programs and student athletes, and Go Tigers!

Mayor Tapp asked is we have a date for the website. Mr. Hamilton said once we get the first draft, we still have to rewrite all of the content. These two great ladies here will work on that... I am hoping in 2-3 months we should start getting some portions online. Mayor Tapp said this reiterates what he said before, things he thinks should take a couple of weeks take 2-3 months.

Executive Session

None.

Adjournment

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

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

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

NAYS: None (0)

There being a majority in favor of the motion, the regular Council meeting of June 11, 2024 was adjourned at 8:09pm.

Terri S. Welkener, Clerk of Council

Adopted: _____



TO: Mayor Tapp and City Council
FROM: Matthew Lasko
RE: Ordinance No. 2024-24 (**TABLED 6/25/24**) (*submitted by Cory Swaisgood*)
DATE: July 23, 2024

Subject Matter/Background

This ordinance amends the City's tax code in sections 185.01, 185.03, 185.04 and 185.06 of the codified ordinances. The ordinance provides for the levy of an additional income tax of 0.75% beginning January 1, 2025. This legislation also provides for a credit on income earned in other income tax paying jurisdiction, up to 1.75%.

The administration was tasked with researching additional revenue sources following approval of the 2024 budget in December of 2023. The administration is recommending an income tax increase from 1% to 1.75%, allowing for a credit up to 1.75% for residents that work in another income tax paying jurisdiction. Currently, the City does not offer a credit. Over the last few months, the administration has held multiple public meetings to educate residents on the potential income tax increase. Following those meetings, the administrative still feels confident this income tax increase is the best long-term solution for the City's forecasted budget deficits.

This ordinance is expected to go three readings and tabled until after the election on November 5, 2024, if Council puts the income tax increase on the ballot. Resolution 57-2024 is a resolution of necessity to put a City income tax increase on the November ballot.

Financial Review

There is no financial impact to the City for this legislation. If the income tax increase is passed by the voters, the City is expected to receive an additional \$1.8M in income tax revenue per year. The increase is expected to provide long-term budget stabilization for essential services and continue quality of life improvements for City residents. Resolution 57-2024 would put the increase on the November ballot if passed by Council prior to August 7, 2024.

Legal Review

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

Recommendation

This matter has been tabled.

[Ordinance No. 2024-24 Amending Sections 185.01 .03 and .04 of the Codified Ordinances to Increase the Income Tax Rate.docx](#)

ORDINANCE NO. 2024-24
Introduced by Mark Claus

AN ORDINANCE AMENDING SECTIONS 185.01, 185.03, 185.04 AND 185.06 OF THE CODIFIED ORDINANCES OF THE CITY OF HURON, OHIO, TO PROVIDE FOR THE LEVY OF AN ADDITIONAL SEVENTY-FIVE ONE-HUNDREDTHS PERCENT (0.75%) INCOME TAX BEGINNING JANUARY 1, 2025, AND PROVIDING A CREDIT UP TO 1.75% FOR INCOME TAX PAID TO OTHER MUNICIPALITIES; AND DECLARING AN EMERGENCY.

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

Section 1. Section 185.01 of the Codified Ordinances of the City of Huron, Ohio, as established by Ordinance No. 2015-30, passed November 10, 2015, is hereby further amended to read as follows:

“185.01 AUTHORITY TO LEVY TAX; PURPOSE OF TAX.

(A) To provide funds for the purposes of general municipal operations and services, maintenance, new equipment, extension and enlargement of municipal services and facilities, permanent improvements, and capital improvements, the Municipality hereby levies an annual tax on the income of every person residing in or earning or receiving income in the Municipality as measured by each such person's municipal taxable income, all as hereinafter provided.

(B) (1) The annual tax is levied at a rate of 1.75% (one and seventy-five one-hundredths percent). The tax is levied at a uniform rate on all persons residing in or earning or receiving income in the Municipality. The tax is levied on municipal taxable income as hereinafter provided in Section 185.03 of this Chapter and other sections as they may apply.

(2) The funds collected under the provisions of this Chapter 185 shall be applied for the following purposes and in the following order: (i) such part thereof as is necessary to defray all costs of collecting the taxes levied by this Chapter and the cost of administering and enforcing the provisions hereof; (ii) after providing for the allocation of funds set forth in division (B)(2)(i) of this Section, funds shall be set aside, appropriated and paid into the General Bond Retirement Fund or another fund specified by ordinance of the Council, in an amount equal to the annual principal and interest payments due (within that year) on all bonds, notes or other obligations for which income tax revenues have been pledged; (iii) after providing for the allocation of funds set forth in division (B)(2)(i) and (ii) of this Section, not less than seven percent (7%) of the remaining funds shall be set aside, appropriated and paid into the Capital Improvement Fund; and (iv) after providing for the allocation of funds set forth in division (B)(2)(i), (ii), and (iii) of this Section, the balance of the funds remaining shall be used for any purpose as may be determined by ordinance of the Council.

(C) The taxes levied under this Chapter 185 shall be levied in accordance with the provisions and limitations set forth in Chapter 718 of the Ohio Revised Code to the fullest extent required for the Municipality to continue to levy those taxes. The required provisions and limitations of Chapter 718 of the Ohio Revised Code are hereby incorporated into this Chapter 185, and those required provisions or limitations of Chapter 718 of the Ohio Revised Code shall control to the extent there is a conflict between a provision or limitation of this Chapter 185 and an express provision or limitation of Chapter 718 of the Ohio Revised Code.

(D) As used herein, all references in this Chapter 185 to provisions or limitations of Chapter 718 of the Ohio Revised Code and to any Section of that Chapter 718 shall include those provisions or limitations of that Chapter or Section as in effect on January 1, 2016, of any successor statute, and of any

subsequent amendment to that Chapter or Section or a successor statute in effect from time to time to the fullest possible extent required for the Municipality to continue to levy the taxes specified under this Chapter 185. All references in this Chapter 185 to "ORC" are to the Ohio Revised Code."

Section 2. Section 185.03 of the Codified Ordinances of the City of Huron, Ohio, as established by Ordinance No. Ordinance No. 2015-30, passed November 10, 2015, as amended by Ordinance No. 2024-4, passed on February 13, 2024, is hereby further amended to read as follows:

"185.03 IMPOSITION OF TAX.

The income tax levied by the Municipality at a rate of one and seventy-five one-hundredths percent (1.75%) is levied on the municipal taxable income of every person who resides in or who earns or receives income in the Municipality.

Individuals.

(A) For residents, the income tax levied herein shall be on all municipal taxable income, as set forth in Section 185.02(C)(21)(a)(ii)(a).

(B) For nonresidents, the income tax levied herein shall be on all municipal taxable income, as set forth in Section 185.02(C)(21)(a)(ii)(b).

(C) For a person other than an individual, the income tax levied herein shall be on all municipal taxable income, as set forth in Section 185.02(C)(21)(a)(i).

Refundable credit for Nonqualified Deferred Compensation Plan.

(D) (1) As used in this division:

(a) "Nonqualified deferred compensation plan" means a compensation plan described in Section 3121(v)(2)(C) of the Internal Revenue Code.

(b) "Qualifying loss" means the amount of compensation attributable to a taxpayer's nonqualified deferred compensation plan, less the receipt of money and property attributable to distributions from the nonqualified deferred compensation plan. Full loss is sustained if no distribution of money and property is made by the nonqualified deferred compensation plan. The taxpayer sustains a qualifying loss only in the taxable year in which the taxpayer receives the final distribution of money and property pursuant to that nonqualified deferred compensation plan.

(c) (i) "Qualifying tax rate" means the applicable tax rate for the taxable year for the which the taxpayer paid income tax to the Municipality with respect to any portion of the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan.

(ii) If different tax rates applied for different taxable years, then the "qualifying tax rate" is a weighted average of those different tax rates. The weighted average shall be based upon the tax paid to the Municipality each year with respect to the nonqualified deferred compensation plan.

(d) "Refundable credit" means the amount of the Municipality's income tax that was paid on the non-distributed portion, if any, of a nonqualified deferred compensation plan.

(2) If, in addition to the income tax levied by the Municipality, a taxpayer has paid tax to other municipal corporations with respect to the nonqualified deferred compensation plan, the amount of the credit that a taxpayer may claim from each municipal corporation shall be calculated on the basis of each municipal corporation's proportionate share of the total municipal corporation income

tax paid by the taxpayer to all municipal corporations with respect to the nonqualified deferred compensation plan.

(3) In no case shall the amount of the credit allowed under this Section exceed the cumulative income tax that a taxpayer has paid to the Municipality for all taxable years with respect to the nonqualified deferred compensation plan.

(4) The credit allowed under this division is allowed only to the extent the taxpayer's qualifying loss is attributable to:

(a) The insolvency or bankruptcy of the employer who had established the nonqualified deferred compensation plan; or

(b) The employee's failure or inability to satisfy all of the employer's terms and conditions necessary to receive the nonqualified deferred compensation.

Domicile.

(E) (1) (a) An individual is presumed to be domiciled in the Municipality for all or part of a taxable year if the individual was domiciled in the Municipality on the last day of the immediately preceding taxable year or if the Tax Administrator reasonably concludes that the individual is domiciled in the Municipality for all or part of the taxable year.

(b) An individual may rebut the presumption of domicile described in division (E)(1)(a) of this Section if the individual establishes by a preponderance of the evidence that the individual was not domiciled in the Municipality for all or part of the taxable year.

(2) For the purpose of determining whether an individual is domiciled in the Municipality for all or part of a taxable year, factors that may be considered include, but are not limited to, the following:

- (a) The individual's domicile in other taxable years;
- (b) The location at which the individual is registered to vote;
- (c) The address on the individual's driver's license;
- (d) The location of real estate for which the individual claimed a property tax exemption or reduction allowed on the basis of the individual's residence or domicile;
- (e) The location and value of abodes owned or leased by the individual;
- (f) Declarations, written or oral, made by the individual regarding the individual's residency;
- (g) The primary location at which the individual is employed.
- (h) The location of educational institutions attended by the individual's dependents as defined in Section 152 of the Internal Revenue Code, to the extent that tuition paid to such educational institution is based on the residency of the individual or the individual's spouse in the municipal corporation where the educational institution is located;
- (i) The number of contact periods the individual has with the Municipality. For the purposes of this division, an individual has one "contact period" with the Municipality if the individual is away overnight from the individual's abode located outside of the Municipality and while away overnight from that abode spends at least some portion, however minimal, of each of two consecutive days in the Municipality.

(3) All additional applicable factors are provided in the Rules and Regulations.

Businesses.

(F) This division applies to any taxpayer engaged in a business or profession in the Municipality, unless the taxpayer is an individual who is a resident or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745. of the ORC.

(1) Except as otherwise provided in divisions (F)(2) and (G) of this Section, net profit from a business or profession conducted both within and without the boundaries of the Municipality shall be considered as having a taxable situs in the Municipality for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(a) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the Municipality during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(b) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the Municipality to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under Section 185.04(C);

(c) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the Municipality to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.

(2) (a) If the apportionment factors described in division (F)(1) of this Section do not fairly represent the extent of a taxpayer's business activity in the Municipality, the taxpayer may request, or the Tax Administrator of the Municipality may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

(i) Separate accounting;

(ii) The exclusion of one or more of the factors;

(iii) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;

(iv) A modification of one or more of the factors.

(b) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the Tax Administrator denies the request in an assessment issued within the period prescribed by Section 185.12(A).

(c) The Tax Administrator may require a taxpayer to use an alternative apportionment method as described in division (F)(2)(a) of this Section, but only by issuing an assessment to the taxpayer within the period prescribed by Section 185.12(A).

(d) Nothing in division (F)(2) of this Section nullifies or otherwise affects any alternative apportionment arrangement approved by the Tax Administrator or otherwise agreed upon by both the Tax Administrator and taxpayer before January 1, 2016.

(3) As used in division (F)(1)(b) of this Section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(a) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

(i) The employer;

(ii) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

(iii) A vendor, customer, client, or patient of a person described in (F)(3)(a)(ii) of this Section, or a related member of such a vendor, customer, client, or patient.

(b) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(c) Any other location, if the Tax Administrator determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (F) (3)(a) or (b) of this Section solely in order to avoid or reduce the employer's municipal income tax liability. If the Tax Administrator makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the Tax Administrator's determination was unreasonable.

(4) For the purposes of division (F)(1)(c) of this Section, and except as provided in division (G) of this section, receipts from sales and rentals made and services performed shall be situated to a municipal corporation as follows:

(a) Gross receipts from the sale of tangible personal property shall be situated to the municipal corporation in which the sale originated. For the purposes of this division, a sale of property originates in the Municipality if, regardless of where title passes, the property meets any of the following criteria:

(i) The property is shipped to or delivered within the Municipality from a stock of goods located within the Municipality.

(ii) The property is delivered within the Municipality from a location outside the Municipality, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the Municipality and the sales result from such solicitation or promotion.

(iii) The property is shipped from a place within the Municipality to purchasers outside the Municipality, provided that the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

(b) Gross receipts from the sale of services shall be situated to the Municipality to the extent that such services are performed in the Municipality.

(c) To the extent included in income, gross receipts from the sale of real property located in the Municipality shall be situated to the Municipality.

(d) To the extent included in income, gross receipts from rents and royalties from real property located in the Municipality shall be situated to the Municipality.

(e) Gross receipts from rents and royalties from tangible personal property shall be situated to the Municipality based upon the extent to which the tangible personal property is used in the Municipality.

(5) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual, or by a disregarded entity owned by the individual, shall be subject to the Municipality's tax only if the property generating the net profit is located in the Municipality or if the individual taxpayer that receives the net profit is a resident of the Municipality. the Municipality shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit situated under this division to the municipal corporation in which the property is located.

(6) (a) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be situated to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to the Municipality, if applicable, based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the Municipality to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(b) An individual who is a resident of the Municipality shall report the individual's net profit from all real estate activity on the individual's annual income tax return filed with the Municipality. The individual may claim a credit for taxes the individual paid on such net profit to another municipal corporation to the extent that such a credit is allowed under this Chapter.

(7) When calculating the ratios described in division (F)(1) of this Section for the purposes of that division or division (F)(2) of this Section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

(8) Intentionally left blank.

(9) Intentionally left blank.

(G) (1) As used in this division:

(a) "Qualifying remote employee or owner" means an individual who is an employee of a taxpayer or who is a partner or member holding an ownership interest in a taxpayer that is treated as a partnership for federal income tax purposes, provided that the individual meets both of the following criteria:

(i) The taxpayer has assigned the individual to a qualifying reporting location.

(ii) The individual is permitted or required to perform services for the taxpayer at a qualifying remote work location.

(b) "Qualifying remote work location" means a permanent or temporary location at which an employee or owner chooses or is required to perform services for the taxpayer, other than a reporting location of the taxpayer or any other location owned or

controlled by a customer or client of the taxpayer. "Qualifying remote work location" may include the residence of an employee or owner and may be located outside of a municipal corporation that imposes an income tax in accordance with this chapter. An employee or owner may have more than one qualifying remote work location during a taxable year.

(c) "Reporting location" means either of the following:

(i) A permanent or temporary place of doing business, such as an office, warehouse, storefront, construction site, or similar location, that is owned or controlled directly or indirectly by the taxpayer;

(ii) Any location in this state owned or controlled by a customer or client of the taxpayer, provided that the taxpayer is required to withhold taxes under Section 185.04 of this Chapter, on qualifying wages paid to an employee for the performance of personal services at that location.

(d) "Qualifying reporting location" means one of the following:

(i) The reporting location in this state at which an employee or owner performs services for the taxpayer on a regular or periodic basis during the taxable year;

(ii) If no reporting location exists in this state for an employee or owner under division (G)(1)(d)(i) of this section, the reporting location in this state at which the employee's or owner's supervisor regularly or periodically reports during the taxable year;

(iii) If no reporting location exists in this state for an employee or owner under division (G)(1)(d)(i) or (ii) of this section, the location that the taxpayer otherwise assigns as the employee's or owner's qualifying reporting location, provided the assignment is made in good faith and is recorded and maintained in the taxpayer's business records. A taxpayer may change the qualifying reporting location designated for an employee or owner under this division at any time.

(2) For tax years ending on or after December 31, 2023, a taxpayer may elect to apply the provisions of this division to the apportionment of its net profit from a business or profession. For taxpayers that make this election, the provisions of division (F) of this section apply to such apportionment except as otherwise provided in this division.

A taxpayer shall make the election allowed under this division in writing on or with the taxpayer's net profit return or, if applicable, a timely filed amended net profit return or a timely filed appeal of an assessment. The election applies to the taxable year for which that return or appeal is filed and for all subsequent taxable years, until the taxpayer revokes the election.

The taxpayer shall make the initial election with the tax administrator of each municipal corporation with which, after applying the apportionment provisions authorized in this division, the taxpayer is required to file a net profit tax return for that taxable year. A taxpayer shall not be required to notify the tax administrator of a municipal corporation in which a qualifying remote employee's or owner's qualifying remote work location is located, unless the taxpayer is otherwise required to file a net profit return with that municipal corporation due to business operations that are unrelated to the employee's or owner's activity at the qualifying remote work location.

After the taxpayer makes the initial election, the election applies to every municipal corporation in which the taxpayer conducts business. The taxpayer shall not be

required to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in such municipal corporation.

Nothing in this division prohibits a taxpayer from making a new election under this division after properly revoking a prior election.

(3) For the purpose of calculating the ratios described in division (F)(1) of this section, all of the following apply to a taxpayer that has made the election described in division (G)(2):

(a) For the purpose of division (F)(1)(a) of this section, the average original cost of any tangible personal property used by a qualifying remote employee or owner at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(b) For the purpose of division (F)(1)(b) of this section, any wages, salaries, and other compensation paid during the taxable period to a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(c) For the purpose of division (F)(1)(c) of this section, and notwithstanding division (F)(4) of this section, any gross receipts of the business or profession from services performed during the taxable period by a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(4) Nothing in this division prevents a taxpayer from requesting, or a tax administrator from requiring, that the taxpayer use, with respect to all or a portion of the income of the taxpayer, an alternative apportionment method as described in division (F)(2) of this section. However, a tax administrator shall not require an alternative apportionment method in such a manner that it would require a taxpayer to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in that municipal corporation.

(5) Except as otherwise provided in this division, nothing in this division is intended to affect the withholding of taxes on qualifying wages pursuant to Section 185.04 of this Chapter."

Section 3. Section 185.04 of the Codified Ordinances of the City of Huron, Ohio, as established by Ordinance No. Ordinance No. 2015-30, passed November 10, 2015, is hereby further amended to read as follows:

"185.04 COLLECTION AT SOURCE.

Withholding provisions.

(A) Each employer, agent of an employer, or other payer located or doing business in the Municipality shall withhold an income tax from the qualifying wages earned and/or received by each employee in the Municipality. Except for qualifying wages for which withholding is not required under Section 185.03 or division (B)(4) or (6) of this Section, the tax shall be withheld at the rate, specified in Section 185.03 of this Chapter, of one and seventy-five one-hundredths percent (1.75%). An employer, agent of an employer, or other payer shall deduct and withhold the tax from qualifying wages on the date that the employer, agent, or other payer directly, indirectly, or constructively pays the qualifying wages to, or credits the qualifying wages to the benefit of, the employee.

(B) (1) Except as provided in division (B)(2) of this Section, an employer, agent of an employer, or other payer shall remit to the Tax Administrator of the Municipality the greater of the income taxes deducted and withheld or the income taxes required to be deducted and withheld by the employer, agent, or other payer according to the following schedule:

(a) Taxes required to be deducted and withheld shall be remitted monthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld by the employer, agent, or other payer on behalf of the Municipality in the preceding calendar year exceeded \$2,399, or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the Municipality in any month of the preceding calendar quarter exceeded \$200.

Payment under division (B)(1)(a) of this Section shall be made so that the payment is received by the Tax Administrator not later than 15 days after the last day of each month for which the tax was withheld.

(b) Any employer, agent of an employer, or other payer not required to make payments under division (B)(1)(a) of this Section of taxes required to be deducted and withheld shall make quarterly payments to the Tax Administrator not later than the 15th day of the month following the end of each calendar quarter.

(c) Notwithstanding the provisions of (B)(1)(a) and (b) of this Section, taxes required to be deducted and withheld shall be remitted semimonthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld on behalf of the Municipality in the preceding calendar year exceeded \$11,999, or if in any month of the preceding calendar year exceeded \$1,000. Payment under division (B)(1)(c) of this Section shall be made so that the payment is received by the Tax Administrator not later than one of the following: (i) if the taxes were deducted and withheld or required to be deducted and withheld during the first fifteen days of a month, the third banking day after the fifteenth day of that month; or (ii) if the taxes were deducted and withheld or required to be deducted and withheld after the fifteenth day of a month and before the first day of the immediately following month, the third banking day after the last day of the month.

(2) If the employer, agent of an employer, or other payer is required to make payments electronically for the purpose of paying federal taxes withheld on payments to employees under Section 6302 of the Internal Revenue Code, 26 C.F.R. 31.6302-1, or any other federal statute or regulation, the payment shall be made by electronic funds transfer to the Tax Administrator of all taxes deducted and withheld on behalf of the Municipality. The payment of tax by electronic funds transfer under this division does not affect an employer's, agent's, or other payer's obligation to file any return as required under this Section.

(3) An employer, agent of an employer, or other payer shall make and file a return showing the amount of tax withheld by the employer, agent, or other payer from the qualifying wages of each employee and remitted to the Tax Administrator. A return filed by an employer, agent, or other payer under this division shall be accepted by the Tax Administrator and the Municipality as the return required of a non-resident employee whose sole income subject to the tax under this Chapter is the qualifying wages reported by the employee's employer, agent of an employer, or other payer.

(4) An employer, agent of an employer, or other payer is not required to withhold the Municipality's income tax with respect to an individual's disqualifying disposition of an incentive stock option if, at the time of the disqualifying disposition, the individual is not an employee of either the corporation with respect to whose stock the option has been issued or of such corporation's successor entity.

(5) (a) An employee is not relieved from liability for a tax by the failure of the employer, agent of an employer, or other payer to withhold the tax as required under this Chapter or by the employer's, agent's, or other payer's exemption from the requirement to withhold the tax.

(b) The failure of an employer, agent of an employer, or other payer to remit to the Municipality the tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer, agent, or other payer in connection with the failure to remit the tax withheld.

(6) Compensation deferred before June 26, 2003, is not subject to the income tax or income tax withholding requirement imposed by this Chapter to the extent the deferred compensation does not constitute qualifying wages at the time the deferred compensation is paid or distributed.

(7) Each employer, agent of an employer, or other payer required to withhold taxes is liable for the payment of that amount required to be withheld, whether or not such taxes have been withheld, and such amount shall be deemed to be held in trust for the Municipality until such time as the withheld amount is remitted to the Tax Administrator.

(8) On or before the last day of February of each year, an employer shall file a withholding reconciliation return with the Tax Administrator listing:

(a) The names, addresses, and social security numbers of all employees from whose qualifying wages the tax levied by this Chapter was withheld or should have been withheld during the preceding calendar year;

(b) The amount of tax withheld, if any, from each such employee, the total amount of qualifying wages paid to such employee during the preceding calendar year;

(c) The name of every other municipal corporation for which tax was withheld or should have been withheld from such employee during the preceding calendar year;

(d) Any other information required for federal income tax reporting purposes on Internal Revenue Service form W-2 or its equivalent form with respect to such employee;

(e) Other information as may be required by the Tax Administrator.

(9) The officer or the employee of the employer, agent of an employer, or other payer with control or direct supervision of or charged with the responsibility for withholding the tax or filing the reports and making payments as required by this Section, shall be personally liable for a failure to file a report or pay the tax due as required by this Section. The dissolution of an employer, agent of an employer, or other payer does not discharge the officer's or employee's liability for a failure of the employer, agent of an employer, or other payer to file returns or pay any tax due.

(10) An employer is required to deduct and withhold the Municipality's income tax on tips and gratuities received by the employer's employees and constituting qualifying wages, but only to the extent that the tips and gratuities are under the employer's control. For the purposes of this division, a tip or gratuity is under the employer's control if the tip or gratuity is paid by the customer to the employer for subsequent remittance to the employee, or if the customer pays the tip or gratuity by credit card, debit card, or other electronic means.

(11) The Tax Administrator shall consider any tax withheld by an employer at the request of an employee, when such tax is not otherwise required to be withheld by this Chapter, to be tax required to be withheld and remitted for the purposes of this Section.

Occasional Entrant - Withholding.

(C) (1) As used in this division:

(a) "Employer" includes a person that is a related member to or of an employer.

(b) "Fixed location" means a permanent place of doing business in this state, such as an office, warehouse, storefront, or similar location owned or controlled by an employer.

(c) "Principal place of work" means the fixed location to which an employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location, "principal place of work" means the worksite location in this state to which the employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location or worksite location, "principal place of work" means the location in this state at which the employee spends the greatest number of days in a calendar year performing services for or on behalf of the employee's employer.

If there is not a single municipal corporation in which the employee spent the "greatest number of days in a calendar year" performing services for or on behalf of the employer, but instead there are two or more municipal corporations in which the employee spent an identical number of days that is greater than the number of days the employee spent in any other municipal corporation, the employer shall allocate any of the employee's qualifying wages subject to division (C)(2)(a)(i) of this Section among those two or more municipal corporations. The allocation shall be made using any fair and reasonable method, including, but not limited to, an equal allocation among such municipal corporations or an allocation based upon the time spent or sales made by the employee in each such municipal corporation. A municipal corporation to which qualifying wages are allocated under this division shall be the employee's "principal place of work" with respect to those qualifying wages for the purposes of this Section.

For the purposes of this division, the location at which an employee spends a particular day shall be determined in accordance with division (C)(2)(b) of this Section, except that "location" shall be substituted for "municipal corporation" wherever "municipal corporation" appears in that division.

(d) "Professional athlete" means an athlete who performs services in a professional athletic event for wages or other remuneration.

(e) "Professional entertainer" means a person who performs services in the professional performing arts for wages or other remuneration on a per-event basis.

(f) "Public figure" means a person of prominence who performs services at discrete events, such as speeches, public appearances, or similar events, for wages or other remuneration on a per-event basis.

(g) "Worksite location" means a construction site or other temporary worksite in this state at which the employer provides services for more than 20 days during the calendar year. "Worksite location" does not include the home of an employee.

(2) (a) Subject to divisions (C)(3), (5), (6), and (7) of this Section, an employer is not required to withhold the Municipality's income tax on qualifying wages paid to an employee for the performance of personal services in the Municipality if the employee performed such services in the Municipality on 20 or fewer days in a calendar year, unless one of the following conditions applies:

(i) The employee's principal place of work is located in the Municipality.

(ii) The employee performed services at one or more presumed worksite locations in the Municipality. For the purposes of this division, "presumed worksite location" means a

construction site or other temporary worksite in the Municipality at which the employer provides or provided services that can reasonably be, or would have been, expected by the employer to last more than 20 days in a calendar year. Services can "reasonably be expected by the employer to last more than 20 days" if either of the following applies at the time the services commence:

(a) The nature of the services is such that it will require more than 20 days of the services to complete the services;

(b) The agreement between the employer and its customer to perform services at a location requires the employer to perform the services at the location for more than 20 days.

(iii) The employee is a resident of the Municipality and has requested that the employer withhold tax from the employee's qualifying wages as provided in Section 185.04.

(iv) The employee is a professional athlete, professional entertainer, or public figure, and the qualifying wages are paid for the performance of services in the employee's capacity as a professional athlete, professional entertainer, or public figure.

(b) For the purposes of division (C)(2)(a) of this Section, an employee shall be considered to have spent a day performing services in the Municipality only if the employee spent more time performing services for or on behalf of the employer in the Municipality than in any other municipal corporation on that day. For the purposes of determining the amount of time an employee spent in a particular location, the time spent performing one or more of the following activities shall be considered to have been spent at the employee's principal place of work:

(i) Traveling to the location at which the employee will first perform services for the employer for the day;

(ii) Traveling from a location at which the employee was performing services for the employer to any other location;

(iii) Traveling from any location to another location in order to pick up or load, for the purpose of transportation or delivery, property that has been purchased, sold, assembled, fabricated, repaired, refurbished, processed, remanufactured, or improved by the employee's employer;

(iv) Transporting or delivering property described in division (C)(2)(b)(iii) of this Section, provided that, upon delivery of the property, the employee does not temporarily or permanently affix the property to real estate owned, used, or controlled by a person other than the employee's employer;

(v) Traveling from the location at which the employee makes the employee's final delivery or pick-up for the day to either the employee's principal place of work or a location at which the employee will not perform services for the employer.

(3) If the principal place of work of an employee is located in another Ohio municipal corporation that imposes an income tax, the exception from withholding requirements described in division (C)(2)(a) of this Section shall apply only if, with respect to the employee's qualifying wages described in that division, the employer withholds and remits tax on such qualifying wages to that municipal corporation.

(4) (a) Except as provided in division (C)(4)(b) of this Section, if, during a calendar year, the number of days an employee spends performing personal services in the Municipality exceeds the 20-day threshold, the employer shall withhold and remit tax to the Municipality for any subsequent

days in that calendar year on which the employer pays qualifying wages to the employee for personal services performed in the Municipality.

(b) An employer required to begin withholding tax for the Municipality under division (C)(4)(a) of this Section may elect to withhold tax for the Municipality for the first 20 days on which the employer paid qualifying wages to the employee for personal services performed in the Municipality.

(5) If an employer's fixed location is in the Municipality and the employer qualifies as a small employer as defined in Section 185.02, the employer shall withhold the income tax imposed under this Chapter on all of the employee's qualifying wages for a taxable year and remit that tax only to the Municipality, regardless of the number of days which the employee worked outside the corporate boundaries of the Municipality.

To determine whether an employer qualifies as a small employer for a taxable year, the employer will be required to provide the Tax Administrator with the employer's federal income tax return for the preceding taxable year.

(6) Divisions (C)(2)(a) and (4) of this Section shall not apply to the extent that the Tax Administrator and an employer enter into an agreement regarding the manner in which the employer shall comply with the requirements of Section 185.04."

Section 4. Section 185.06 of the Codified Ordinances of the City of Huron, Ohio, as established by Ordinance No. Ordinance No. 2015-30, passed November 10, 2015, is hereby further amended to read as follows:

"185.06 CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES.

(A) Every individual taxpayer domiciled in the City who is required to and does pay, or has acknowledged liability for, a municipal tax to another municipality on or measured by the same income, qualifying wages, commissions, net profits or other compensation taxable under this chapter may claim a non-refundable credit upon satisfactory evidence of the tax paid to the other municipality. Subject to division (c) of this section, the credit shall not exceed the tax due the City under this chapter. If the tax rate of the other municipality is less than one and seventy-five one-hundredths percent (1.75%), the credit shall be limited to the tax due at the lower rate.

(B) The City shall grant a credit against its tax on income to a resident of the City who works in a joint economic development zone created under Ohio R.C. 715.691 or a joint economic development district created under Ohio R.C. 715.70, 715.71, or 715.72 to the same extent that it grants a credit against its tax on income to its residents who are employed in another municipal corporation.

(C) If the amount of tax withheld or paid to the other municipality is less than the amount of tax required to be withheld or paid to the other municipality, then for purposes of division (a) of this section, "the income, qualifying wages, commissions, net profits or other compensation" subject to tax in the other municipality shall be limited to the amount computed by dividing the tax withheld or paid to the other municipality by the tax rate for that municipality."

Section 5. Effective January 1, 2025, Sections 185.01, 185.03, 185.04 and 185.06 of the Codified Ordinances of the City of Huron, Ohio, as they have heretofore existed, are hereby repealed. Provided, however, that no provision of this ordinance, including the repeal of Sections 185.01, 185.03, 185.04 and 185.06 of the Codified Ordinances of the City of Huron, Ohio, as they have heretofore existed, shall in any way affect any rights or obligations of the City, any taxpayer, or any other person, official or

entity, with respect to the one percent municipal income tax assessed by Chapter 185 of the Codified Ordinances of the City of Huron, Ohio, as it has heretofore existed and shall remain in effect until January 1, 2025.

Section 6. The Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this ordinance were taken, and all deliberations of this Council and of any of its committees that resulted in such formal action were held, in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 7. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this City, and for the further reason that this ordinance is required to be immediately effective in order to enable the City to timely commence collection of the City's income tax at the increased rate provided for in this ordinance commencing January 1, 2025 and thereby to provide services and permanent improvements critical to the safety and well-being of the residents of the City; wherefore, this ordinance shall be in full force and effect immediately upon its passage.

Passed: _____, 2024

Mayor

Attest: _____
Clerk of Council



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2024-25 **(third and final reading)** *(submitted by Charter Review Commission)*
DATE: July 23, 2024

Subject Matter/Background

The Huron Charter Commission held its organizational meeting on March 7, 2024, to discuss the procedure for reviewing the Charter for the City of Huron. At the meeting on March 14, 2024, the Commission discussed Articles II and IV. The next meeting was on March 28, 2024, and the Commission discussed Articles III and misnumbered Article VII (should be VIII). At the meeting on April 11, 2024, the Commission discussed Articles V and VI. The Commission discussed Articles VII , IX and X at the meeting on April 25, 2024. At the meeting on May 9, 2024, the Commission discussed Articles XI, XII and XIII.

The Commission met on May 23, 2024 to determine the ten (10) most important items that are outdated in the Charter. Of those ten (10) items, the Commission selected five (5) they would like to suggest that the Huron City Council consider for the November 2024 ballot to be voted on by the citizens of Huron. A list of these five (5) items is attached hereto as Exhibit 1 and included herein by reference.

Ordinance No. 2024-25 would authorize and direct the submission to the electors of a proposed amendment to Article II, Section 2.08(2) of the Charter of the City of Huron, Ohio relating to Powers of Council. A redlined copy of all five (5) proposed Charter amendments is attached hereto as Exhibit 2 and included herein by reference.

This Ordinance will go through three (3) readings before a final vote of Council is taken to determine which is the five (5) proposed Charter amendments will be placed on the ballot for the November 2024 election.

Financial Review

If approved by Council and put on the November ballot, the City may be charged by the Board of Elections. The Board of Elections estimates the cost will be approximately \$2,000. The cost will be deducted from the City's property tax distribution in 2025.

The charter change recommendations to Council do not have a significant financial impact on the City. The recommended changes are intended to eliminate outdated items in the current charter.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2024-25 on its third and final reading is in order.

[Final CRC Recommendations to Council \(May 2024\).docx](#)

[Ordinances 2024-25 through 2024-29 REDLINE Charter Amendments \(1\).docx](#)

[Ordinance No. 2024-25 Charter Amendment Amending Article II Section 2.08\(a\).pdf](#)

Final Charter Review Committee Recommendations to Huron City Council

1 – Eliminate current Section 2.08(2) of the Charter and amend and restate same to state as follows:

Section 2.08 POWERS OF THE COUNCIL

Among other powers, the council shall have authority to:

“(2) Establish the internal organization of the departments, boards, and commissions created by this Charter, set up such additional departments, boards or commissions as it may deem necessary, and determine their powers and duties.”

2 – Eliminate current 4.02(2) of the Charter and amend and restate same to state as follows:

Section 4.02 DUTIES OF THE CITY MANAGER

The city manager shall be the chief executive and administrative officer of the city. He shall be responsible to the council for the proper administration of all affairs of the city and, to that end, subject to the provisions of this charter, he shall have authority and shall be required to:

“(2) Appoint, and when necessary for the good of the service, remove all officers and employees of the city, not selected or appointed by the council, including the merit system as provided in Article VIII of this charter.”

3 – Add an additional sentence at the end of Section 5.10 of the Charter, which shall state as follows:

Section 5.10 QUALIFICATIONS OF DIRECTOR OF LAW

“The City Law Director shall not be permitted to serve as the legal adviser nor attorney for the Huron City School District.” (ORC. 3313.35)

4 – Eliminate Section 6.09 (“Allotments”) of the Charter in its entirety and replace same with the words “Intentionally omitted – Section Available for Future Use”

5 – Correct erroneous reference as “Article VII” in Article VIII to “Article VIII”, and eliminate all of Article VIII in its entirety and replace same with the following:

“ARTICLE VIII

SECTION 8.01. MERIT SYSTEM ESTABLISHED.

Appointments and promotions in the police and fire departments shall be made according to merit, to be ascertained, so far as practicable, by open competitive examinations.

SECTION 8.02. UNCLASSIFIED POSITIONS.

Unclassified positions include:

- (1) Members of the council;
- (2) The clerk of council;
- (3) The city manager;
- (4) The directors of departments;
- (5) Members of boards and commissions appointed by the council, and advisory committees appointed by the city manager;
- (6) Temporary employees of exceptional, professional, or scientific qualifications engaged as consultants; and
- (7) All employees who are not police officers, firefighters/paramedics and or other full-time sworn officers of the police and fire departments.

SECTION 8.03. PERSONNEL OFFICER.

The City Manager shall appoint a suitably qualified person to serve part or full time as personnel officer. The City Manager shall:

- (1) Conduct recruitment of qualified persons for classified and unclassified positions;
- (2) Prepare, schedule and hold examinations;
- (3) Create eligible lists from results of examinations;
- (4) Certify eligible persons to appointing officers;
- (5) Classify positions and establish job specifications;
- (6) Certify payrolls;
- (7) Prepare and recommend to the city manager for approval and publication, necessary rules to establish and maintain the merit system in the city;
- (8) Develop and conduct training programs; and
- (9) Perform such other duties relating to personnel as the city manager may direct.

SECTION 8.04. PROMOTIONAL EXAMINATIONS.

Whenever a vacancy occurs in the police or fire department, which is not exempted under the provisions of Section 8.02 of this charter it shall be filled in the manner provided in the personnel ordinance. Promotional examinations may be restricted to present employees, or if recommended by the city manager, they may be opened to qualified candidates from outside the city service, by resolution of the council. The names of the three eligibles standing highest on the promotional eligible list shall be certified to the appointing authority and he/she shall appoint one of the three so certified, as may be provided by ordinance.”

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ORDINANCE NO. 2024-25**SECTION 2.08 POWERS OF THE COUNCIL**

Among other powers the council shall have authority to: ...

- (2) Establish the internal organization of the city administration ~~and staffing of the departments, boards and commissions created by this eCharter~~; set up such additional departments, boards or commissions as it may deem necessary and determine their powers and duties;

ORDINANCE NO. 2024-26**~~SECTION 6.09 ALLOTMENTS~~**

~~Appropriations for current operation of the organization units of the city government shall become available for encumbrance only when allotted by the city manager, based on currently valid work plans for each agency made in conformity with the appropriation ordinance and submitted to the city manager by the agency head at least five days before the end of each calendar quarter for the succeeding calendar quarter. The allotments made by the city manager shall be filed with the director of finance on or before the first day of the quarter to which they relate and shall authorize the director of finance to accept, from the organization units involved, purchase orders, contracts and payrolls for encumbrance, and payment to an aggregate amount not exceeding the quarterly allotment for each item. The total annual allotment to any agency may not exceed the total amount appropriated for the use of such agency during the fiscal year. Any unallotted balance of any appropriation item and any unencumbered balance of any allotment at the end of the fiscal year shall be lapsed into the municipal treasury.~~

ORDINANCE NO. 2024-27**SEC. 4.02. DUTIES OF THE CITY MANAGER.**

The city manager shall be the chief executive and administrative officer of the city. He shall be responsible to the council for the proper administration of all affairs of the city and, to that end, subject to the provisions of this charter, he shall have authority and shall be required to: ...

- (2) Appoint, and when necessary for the good of the service, remove all officers and employees of the city, not selected or appointed by the council, under the merit system as provided in this in accordance with this eCharter and generally applicable law;

ORDINANCE NO. 2024-28

ARTICLE VIII

PERSONNEL

SECTION 8.01. MERIT SYSTEM ESTABLISHED.

Appointments and promotions ~~in the administrative service of the city~~ in the police and fire departments shall be made according to merit, to be ascertained, so far as practicable, by open competitive examinations.

SECTION 8.02. ~~EXEMPT~~ UNCLASSIFIED POSITIONS.

~~All Unclassified positions in the service of the city shall be filled pursuant to open competitive examinations except~~ include:

- (1) Members of the council
- (2) The clerk of council
- (3) The city manager
- (4) The directors of departments
- (5) Members of boards and commissions appointed by the council, and advisory committees appointed by the city manager.
- ~~(6) Temporary employees of exceptional, professional, or scientific qualifications engaged as consultants.~~
- ~~(7) All employees who are not police officers, firefighters/paramedics and/or other full-time sworn officers of the police and fire departments.~~

SECTION 8.03. PERSONNEL OFFICER.

The city manager shall appoint a suitably qualified person to serve part or full time as personnel officer. He/She shall:

- (1) Conduct recruitment of qualified persons for classified and unclassified positions;
- (2) Prepare, schedule and hold examinations;
- (3) Create eligible lists from results of examinations;
- (4) Certify eligibles to appointing officers;
- (5) Classify positions and establish job specifications;
- (6) Certify payrolls;
- (7) Prepare and recommend to the city manager for approval and publication, necessary rules to establish and maintain the merit system in the city;
- (8) Develop and conduct training programs;
- (9) Perform such other duties relating to personnel as the city manager may direct.

~~SECTION 8.04. PERSONNEL APPEALS BOARD~~

~~There shall be a personnel appeals board consisting of three members who shall be selected by the council, one each year for an overlapping term of three years. Each member of the personnel appeals board shall be a qualified elector, known to be in sympathy with the merit principle as applied to the civil service, shall neither hold or be a candidate for any public office or employment and shall not be a member of any local, state or national committee of a political party or an officer in any partisan political club or organization. Its members shall serve without compensation.~~

~~SECTION 8.05. DUTIES OF PERSONNEL APPEALS BOARD~~

~~The personnel appeals board shall hear appeals when any officer or employee of the city in the non-exempt service feels aggrieved by any action of the personnel director or the city manager or any department head, or is suspended, reduced, or removed, and requests such hearing. The board shall make its own rules, choose its own officers, and have authority to subpoena witnesses and to require the production of records.~~

~~SECTION 8.06. CANDIDACY FOR PARTISAN OFFICE~~

~~No officer or employee in the non-exempt service of the city shall continue therein after becoming a candidate for nomination or election to any partisan public office.~~

~~SECTION 8.07. PARTISAN POLITICAL ACTIVITY~~

~~No person holding a position in the non-exempt service of the city shall take any part in the management, affairs or campaign of any political party further than in the exercise of his rights as a citizen to express his opinion and cast his vote.~~

SECTION 8.049. PROMOTIONAL EXAMINATIONS.

Whenever a vacancy occurs in the police or fire department ~~any position in the service of the city~~, which is not exempted under the provisions of Section 8.02 of this charter it shall be filled in the manner provided in the personnel ordinance. Promotional examinations may be restricted to present employees, or if recommended by the city manager, they may be opened to qualified candidates from outside the city service, by resolution of the council. The names of the three eligibles standing highest on the promotional eligible list shall be certified to the appointing authority and he/she shall appoint one of the three so certified, as may be provided by ordinance.

ORDINANCE NO. 2024-29

SECTION 5.10. QUALIFICATIONS OF THE DIRECTOR OF LAW.

The director of the department of law shall be an attorney-at-law, admitted to practice before the Supreme Court of Ohio, and in good professional standing. He shall perform such duties as may be assigned to the office of city solicitor by law, as well as those imposed by the administrative code. The City Law Director shall not be permitted to serve as the legal adviser nor attorney for the Huron City School District.

ORDINANCE NO. 2024-25

Introduced by: William Biddlecombe

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF A PROPOSED AMENDMENT TO ARTICLE II, SECTION 2.08(2) OF THE CHARTER OF THE CITY OF HURON RELATING TO POWERS OF THE COUNCIL.

WHEREAS, Article XII, Section 12.06 of the Charter for the City of Huron ("City") provides that amendments to the Charter may be initiated either by a five-sevenths vote of the council, or by petition to the council signed by ten per cent of the electors; and

WHEREAS, the Charter Review Commission was established by the electorate of the City in November 2023 to review the Charter and recommend changes; and

WHEREAS, Article II, Section 2.08(2) *Powers of the Council* currently reads:

"Among other powers the council shall have authority to: ...

- (2) Establish the internal organization and staffing of the departments, boards and commissions created by this charter; set up such additional departments, boards or commissions as it may deem necessary and determine their powers and duties;"

WHEREAS, the Charter Review Commission has met and recommends that certain changes be submitted to the electorate for the November 2024 general election; and

WHEREAS, the Charter Review Commission has requested that this Council initiate an amendment to the Charter Article II, Section 2.08(2) *Powers of the Council*.

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

Section 1: That Council hereby authorizes and directs the submission to the electors of the City of Huron at the general election to be held at the usual places of voting in said City on Tuesday, November 5, 2024, between the hours as provided by law, of the following proposal to amend Article II, Section 2.08(2) *Powers of the Council* of the Charter of the City of Huron to read (new language underlined; deleted language ~~struck through~~):

"Among other powers the ~~c~~Council shall have authority to:...

- (2) Establish the internal organization of the city administration ~~and staffing of the departments~~, boards and commissions created by this ~~c~~Charter; set up such additional departments, boards or commissions as it may deem necessary and determine their powers and duties;"

Section 2: Subject to final approval by the Erie County Board of Election and any changes and/or modifications recommended by same, the ballot submitting the question of the adoption of the proposed amendment to the Charter shall read substantially as follows:

**PROPOSED CHARTER AMENDMENT
CITY OF HURON, OHIO**

A majority affirmative vote is necessary for passage.

Shall Article II, Section 2.08(2) of the Charter of the City of Huron be amended to clarify the duties of the Council of the City of Huron with respect to its oversight of the organization of city administration?

Yes

No

Section 3: The foregoing proposed amendment, upon receiving at least a majority of the votes cast thereon at the November 5, 2024 general election, shall become effective as of January 1, 2025.

Section 4: The Clerk of this Council is hereby authorized and directed promptly to forward a certified copy of this Ordinance to the Board of Elections of Erie County, Ohio.

Section 5: The Board of Elections of Erie County, Ohio shall cause an appropriate notice to be duly given of the general election to be held on November 5, 2024, on the foregoing amendment to the Charter of this City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

Section 6: The Clerk of Council is hereby authorized and directed to cause the full text of such proposed charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of Huron, with the first publication to be made at least fifteen days prior to the general election to be held on November 5, 2024, as provided by Article XVIII, Section 9 of the Constitution of the State of Ohio.

Section 7: Unless expenses associated with this Ordinance are already contained within the City's budgeted expenses, there is hereby appropriated from the general fund a sufficient sum of money to pay the costs of carrying out the authorizations and directions of this Ordinance.

Section 8: That it is 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 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.

ADOPTED: _____

Monty Tapp, Mayor

ATTEST: _____

Clerk of Council



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2024-26 **(third and final reading)** *(submitted by Charter Review Commission)*
DATE: July 23, 2024

Subject Matter/Background

The Huron Charter Commission held its organizational meeting on March 7, 2024, to discuss the procedure for reviewing the Charter for the City of Huron. At the meeting on March 14, 2024, the Commission discussed Articles II and IV. The next meeting was on March 28, 2024, and the Commission discussed Articles III and misnumbered Article VII (should be VIII). At the meeting on April 11, 2024, the Commission discussed Articles V and VI. The Commission discussed Articles VII , IX and X at the meeting on April 25, 2024. At the meeting on May 9, 2024, the Commission discussed Articles XI, XII and XIII.

The Commission met on May 23, 2024 to determine the ten (10) most important items that are outdated in the Charter. Of those ten (10) items, the Commission selected five (5) they would like to suggest that the Huron City Council consider for the November 2024 ballot to be voted on by the citizens of Huron. A list of these five (5) items is attached hereto as Exhibit 1 and included herein by reference.

Ordinance No. 2024-26 would authorize and direct the submission to the electors of a proposed amendment to Article VI of the Charter of the City of Huron, Ohio to delete Section 6.09 relating to Allotments. A redlined copy of all five (5) proposed Charter amendments is attached hereto as Exhibit 2 and included herein by reference.

This Ordinance will go through three (3) readings before a final vote of Council is taken to determine which is the five (5) proposed Charter amendments will be placed on the ballot for the November 2024 election.

Financial Review

If approved by Council and put on the November ballot, the City may be charged by the Board of Elections. The Board of Elections estimates the cost will be approximately \$2,000. The cost will be deducted from the City's property tax distribution in 2025.

The charter change recommendations to Council do not have a significant financial impact on the City. The recommended changes are intended to eliminate outdated items in the current charter. Allotments is an administrative process when the City was a village. Currently, the City's annual budget process through the Finance Committee and Council warrants this quarterly process an unnecessary and inefficient use of City resources.

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. 2024-26 on its third and final reading

is in order.

[Final CRC Recommendations to Council \(May 2024\).docx](#)

[Ordinances 2024-25 through 2024-29 REDLINE Charter Amendments \(1\).docx](#)

[Ordinance No. 2024-26 Charter Amendment Authorizing Deletion of Art VI Sec 6.09.pdf](#)

Final Charter Review Committee Recommendations to Huron City Council

1 – Eliminate current Section 2.08(2) of the Charter and amend and restate same to state as follows:

Section 2.08 POWERS OF THE COUNCIL

Among other powers, the council shall have authority to:

“(2) Establish the internal organization of the departments, boards, and commissions created by this Charter, set up such additional departments, boards or commissions as it may deem necessary, and determine their powers and duties.”

2 – Eliminate current 4.02(2) of the Charter and amend and restate same to state as follows:

Section 4.02 DUTIES OF THE CITY MANAGER

The city manager shall be the chief executive and administrative officer of the city. He shall be responsible to the council for the proper administration of all affairs of the city and, to that end, subject to the provisions of this charter, he shall have authority and shall be required to:

“(2) Appoint, and when necessary for the good of the service, remove all officers and employees of the city, not selected or appointed by the council, including the merit system as provided in Article VIII of this charter.”

3 – Add an additional sentence at the end of Section 5.10 of the Charter, which shall state as follows:

Section 5.10 QUALIFICATIONS OF DIRECTOR OF LAW

“The City Law Director shall not be permitted to serve as the legal adviser nor attorney for the Huron City School District.” (ORC. 3313.35)

4 – Eliminate Section 6.09 (“Allotments”) of the Charter in its entirety and replace same with the words “Intentionally omitted – Section Available for Future Use”

5 – Correct erroneous reference as “Article VII” in Article VIII to “Article VIII”, and eliminate all of Article VIII in its entirety and replace same with the following:

“ARTICLE VIII

SECTION 8.01. MERIT SYSTEM ESTABLISHED.

Appointments and promotions in the police and fire departments shall be made according to merit, to be ascertained, so far as practicable, by open competitive examinations.

SECTION 8.02. UNCLASSIFIED POSITIONS.

Unclassified positions include:

- (1) Members of the council;
- (2) The clerk of council;
- (3) The city manager;
- (4) The directors of departments;
- (5) Members of boards and commissions appointed by the council, and advisory committees appointed by the city manager;
- (6) Temporary employees of exceptional, professional, or scientific qualifications engaged as consultants; and
- (7) All employees who are not police officers, firefighters/paramedics and or other full-time sworn officers of the police and fire departments.

SECTION 8.03. PERSONNEL OFFICER.

The City Manager shall appoint a suitably qualified person to serve part or full time as personnel officer. The City Manager shall:

- (1) Conduct recruitment of qualified persons for classified and unclassified positions;
- (2) Prepare, schedule and hold examinations;
- (3) Create eligible lists from results of examinations;
- (4) Certify eligible persons to appointing officers;
- (5) Classify positions and establish job specifications;
- (6) Certify payrolls;
- (7) Prepare and recommend to the city manager for approval and publication, necessary rules to establish and maintain the merit system in the city;
- (8) Develop and conduct training programs; and
- (9) Perform such other duties relating to personnel as the city manager may direct.

SECTION 8.04. PROMOTIONAL EXAMINATIONS.

Whenever a vacancy occurs in the police or fire department, which is not exempted under the provisions of Section 8.02 of this charter it shall be filled in the manner provided in the personnel ordinance. Promotional examinations may be restricted to present employees, or if recommended by the city manager, they may be opened to qualified candidates from outside the city service, by resolution of the council. The names of the three eligibles standing highest on the promotional eligible list shall be certified to the appointing authority and he/she shall appoint one of the three so certified, as may be provided by ordinance.”

DRAFT

ORDINANCE NO. 2024-25

SECTION 2.08 POWERS OF THE COUNCIL

Among other powers the council shall have authority to: ...

- (2) Establish the internal organization of the city administration ~~and staffing of the departments, boards and commissions created by this eCharter~~; set up such additional departments, boards or commissions as it may deem necessary and determine their powers and duties;

ORDINANCE NO. 2024-26

~~SECTION 6.09 ALLOTMENTS~~

~~Appropriations for current operation of the organization units of the city government shall become available for encumbrance only when allotted by the city manager, based on currently valid work plans for each agency made in conformity with the appropriation ordinance and submitted to the city manager by the agency head at least five days before the end of each calendar quarter for the succeeding calendar quarter. The allotments made by the city manager shall be filed with the director of finance on or before the first day of the quarter to which they relate and shall authorize the director of finance to accept, from the organization units involved, purchase orders, contracts and payrolls for encumbrance, and payment to an aggregate amount not exceeding the quarterly allotment for each item. The total annual allotment to any agency may not exceed the total amount appropriated for the use of such agency during the fiscal year. Any unallotted balance of any appropriation item and any unencumbered balance of any allotment at the end of the fiscal year shall be lapsed into the municipal treasury.~~

ORDINANCE NO. 2024-27

SEC. 4.02. DUTIES OF THE CITY MANAGER.

The city manager shall be the chief executive and administrative officer of the city. He shall be responsible to the council for the proper administration of all affairs of the city and, to that end, subject to the provisions of this charter, he shall have authority and shall be required to: ...

- (2) Appoint, and when necessary for the good of the service, remove all officers and employees of the city, not selected or appointed by the council, under the merit system as provided in this in accordance with this eCharter and generally applicable law;

ORDINANCE NO. 2024-28

ARTICLE VIII

PERSONNEL

SECTION 8.01. MERIT SYSTEM ESTABLISHED.

Appointments and promotions ~~in the administrative service of the city~~ in the police and fire departments shall be made according to merit, to be ascertained, so far as practicable, by open competitive examinations.

SECTION 8.02. ~~EXEMPT~~ UNCLASSIFIED POSITIONS.

~~All Unclassified positions in the service of the city shall be filled pursuant to open competitive examinations except~~ include:

- (1) Members of the council
- (2) The clerk of council
- (3) The city manager
- (4) The directors of departments
- (5) Members of boards and commissions appointed by the council, and advisory committees appointed by the city manager.
- ~~(6) Temporary employees of exceptional, professional, or scientific qualifications engaged as consultants.~~
- ~~(7) All employees who are not police officers, firefighters/paramedics and/or other full-time sworn officers of the police and fire departments.~~

SECTION 8.03. PERSONNEL OFFICER.

The city manager shall appoint a suitably qualified person to serve part or full time as personnel officer. He/She shall:

- (1) Conduct recruitment of qualified persons for classified and unclassified positions;
- (2) Prepare, schedule and hold examinations;
- (3) Create eligible lists from results of examinations;
- (4) Certify eligibles to appointing officers;
- (5) Classify positions and establish job specifications;
- (6) Certify payrolls;
- (7) Prepare and recommend to the city manager for approval and publication, necessary rules to establish and maintain the merit system in the city;
- (8) Develop and conduct training programs;
- (9) Perform such other duties relating to personnel as the city manager may direct.

~~SECTION 8.04. PERSONNEL APPEALS BOARD~~

~~There shall be a personnel appeals board consisting of three members who shall be selected by the council, one each year for an overlapping term of three years. Each member of the personnel appeals board shall be a qualified elector, known to be in sympathy with the merit principle as applied to the civil service, shall neither hold or be a candidate for any public office or employment and shall not be a member of any local, state or national committee of a political party or an officer in any partisan political club or organization. Its members shall serve without compensation.~~

~~SECTION 8.05. DUTIES OF PERSONNEL APPEALS BOARD~~

~~The personnel appeals board shall hear appeals when any officer or employee of the city in the non-exempt service feels aggrieved by any action of the personnel director or the city manager or any department head, or is suspended, reduced, or removed, and requests such hearing. The board shall make its own rules, choose its own officers, and have authority to subpoena witnesses and to require the production of records.~~

~~SECTION 8.06. CANDIDACY FOR PARTISAN OFFICE~~

~~No officer or employee in the non-exempt service of the city shall continue therein after becoming a candidate for nomination or election to any partisan public office.~~

~~SECTION 8.07. PARTISAN POLITICAL ACTIVITY~~

~~No person holding a position in the non-exempt service of the city shall take any part in the management, affairs or campaign of any political party further than in the exercise of his rights as a citizen to express his opinion and cast his vote.~~

SECTION 8.049. PROMOTIONAL EXAMINATIONS.

Whenever a vacancy occurs in the police or fire department ~~any position in the service of the city~~, which is not exempted under the provisions of Section 8.02 of this charter it shall be filled in the manner provided in the personnel ordinance. Promotional examinations may be restricted to present employees, or if recommended by the city manager, they may be opened to qualified candidates from outside the city service, by resolution of the council. The names of the three eligibles standing highest on the promotional eligible list shall be certified to the appointing authority and he/she shall appoint one of the three so certified, as may be provided by ordinance.

ORDINANCE NO. 2024-29

SECTION 5.10. QUALIFICATIONS OF THE DIRECTOR OF LAW.

The director of the department of law shall be an attorney-at-law, admitted to practice before the Supreme Court of Ohio, and in good professional standing. He shall perform such duties as may be assigned to the office of city solicitor by law, as well as those imposed by the administrative code. The City Law Director shall not be permitted to serve as the legal adviser nor attorney for the Huron City School District.

ORDINANCE NO. 2024-26

Introduced by: Sam Artino

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF A PROPOSED AMENDMENT TO ARTICLE VI OF THE CHARTER OF THE CITY OF HURON TO DELETE SECTION 6.09 RELATING TO ALLOTMENTS.

WHEREAS, Article XII, Section 12.06 of the Charter for the City of Huron ("City") provides that amendments to the Charter may be initiated either by a five-sevenths vote of the council, or by petition to the council signed by ten per cent of the electors; and

WHEREAS, the Charter Review Commission was established by the electorate of the City in November 2023 to review the Charter and recommend changes; and

WHEREAS, Article VI, Section 6.09 *Allotments* currently reads

"Appropriations for current operation of the organization units of the city government shall become available for encumbrance only when allotted by the city manager, based on currently valid work plans for each agency made in conformity with the appropriation ordinance and submitted to the city manager by the agency head at least five days before the end of each calendar quarter for the succeeding calendar quarter. The allotments made by the city manager shall be filed with the director of finance on or before the first day of the quarter to which they relate and shall authorize the director of finance to accept, from the organization units involved, purchase orders, contracts and payrolls for encumbrance, and payment to an aggregate amount not exceeding the quarterly allotment for each item. The total annual allotment to any agency may not exceed the total amount appropriated for the use of such agency during the fiscal year. Any unallotted balance of any appropriation item and any unencumbered balance of any allotment at the end of the fiscal year shall be lapsed into the municipal treasury."

WHEREAS, the Charter Review Commission has met and recommends that certain changes be submitted to the electorate for the November 2024 general election; and

WHEREAS, the Charter Review Commission has requested that this Council initiate an amendment to the Charter Article VI, by deleting Section 6.09 *Allotments* in its entirety as such provision is not consistent with the method and manner of current City operations.

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

Section 1: That Council hereby authorizes and directs the submission to the electors of the City of Huron at the general election to be held at the usual places of voting in said City on Tuesday, November 5, 2024, between the hours as provided by law, of the following proposal to amend Charter Article VI, by deleting Section 6.09 *Allotments* of the Charter of the City of Huron in its entirety as such provision is not consistent with the method and manner of current City operations.

Section 2: Subject to final approval by the Erie County Board of Election and any changes and/or modifications recommended by same, the ballot submitting the question of the adoption of the proposed amendment to the Charter shall read substantially as follows:

**PROPOSED CHARTER AMENDMENT
CITY OF HURON, OHIO**

A majority affirmative vote is necessary for passage. s

Shall Section 6.09 of Article VI of the Charter of the City of Huron (pertaining to "Allotments") be deleted?

Yes

No

Section 3: The foregoing proposed amendment, upon receiving at least a majority of the votes cast thereon at the November 5, 2024 general election, shall become effective as of January 1, 2025.

Section 4: The Clerk of this Council is hereby authorized and directed promptly to forward a certified copy of this Ordinance to the Board of Elections of Erie County, Ohio.

Section 5: The Board of Elections of Erie County, Ohio shall cause an appropriate notice to be duly given of the general election to be held on November 5, 2024, on the foregoing amendment to the Charter of this City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

Section 6: The Clerk of Council is hereby authorized and directed to cause the full text of such proposed charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of Huron, with the first publication to be made at least fifteen days prior to the general election to be held on November 5, 2024, as provided by Article XVIII, Section 9 of the Constitution of the State of Ohio.

Section 7: Unless expenses associated with this Ordinance are already contained within the City's budgeted expenses, there is hereby appropriated from the general fund a sufficient sum of money to pay the costs of carrying out the authorizations and directions of this Ordinance.

Section 8: That it is 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 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.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2024-27 (**third and final reading**) (*submitted by Charter Review Commission*)
DATE: July 23, 2024

Subject Matter/Background

The Huron Charter Commission held its organizational meeting on March 7, 2024, to discuss the procedure for reviewing the Charter for the City of Huron. At the meeting on March 14, 2024, the Commission discussed Articles II and IV. The next meeting was on March 28, 2024, and the Commission discussed Articles III and misnumbered Article VII (should be VIII). At the meeting on April 11, 2024, the Commission discussed Articles V and VI. The Commission discussed Articles VII , IX and X at the meeting on April 25, 2024. At the meeting on May 9, 2024, the Commission discussed Articles XI, XII and XIII.

The Commission met on May 23, 2024 to determine the ten (10) most important items that are outdated in the Charter. Of those ten (10) items, the Commission selected five (5) they would like to suggest that the Huron City Council consider for the November 2024 ballot to be voted on by the citizens of Huron. A list of these five (5) items is attached hereto as Exhibit 1 and included herein by reference.

Ordinance No. 2024-27 would authorize and direct the submission to the electors of a proposed amendment to Article IV, Section 4.02(2) of the Charter of the City of Huron relating to duties of the City Manager. A redlined copy of all five (5) proposed Charter amendments is attached hereto as Exhibit 2 and included herein by reference.

This Ordinance will go through three (3) readings before a final vote of Council is taken to determine which is the five (5) proposed Charter amendments will be placed on the ballot for the November 2024 election.

Financial Review

If approved by Council and put on the November ballot, the City may be charged by the Board of Elections. The Board of Elections estimates the cost will be approximately \$2,000. The cost will be deducted from the City's property tax distribution in 2025.

The charter change recommendations to Council do not have a significant financial impact on the City. The recommended changes are intended to eliminate outdated items in the current charter.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2024-27 on its third and final reading is in order.

[Final CRC Recommendations to Council \(May 2024\).docx](#)

[Ordinances 2024-25 through 2024-29 REDLINE Charter Amendments \(1\).docx](#)

[Ordinance No. 2024-27 Charter Amendment Amend Art IV Sec 4.02.pdf](#)

Final Charter Review Committee Recommendations to Huron City Council

1 – Eliminate current Section 2.08(2) of the Charter and amend and restate same to state as follows:

Section 2.08 POWERS OF THE COUNCIL

Among other powers, the council shall have authority to:

“(2) Establish the internal organization of the departments, boards, and commissions created by this Charter, set up such additional departments, boards or commissions as it may deem necessary, and determine their powers and duties.”

2 – Eliminate current 4.02(2) of the Charter and amend and restate same to state as follows:

Section 4.02 DUTIES OF THE CITY MANAGER

The city manager shall be the chief executive and administrative officer of the city. He shall be responsible to the council for the proper administration of all affairs of the city and, to that end, subject to the provisions of this charter, he shall have authority and shall be required to:

“(2) Appoint, and when necessary for the good of the service, remove all officers and employees of the city, not selected or appointed by the council, including the merit system as provided in Article VIII of this charter.”

3 – Add an additional sentence at the end of Section 5.10 of the Charter, which shall state as follows:

Section 5.10 QUALIFICATIONS OF DIRECTOR OF LAW

“The City Law Director shall not be permitted to serve as the legal adviser nor attorney for the Huron City School District.” (ORC. 3313.35)

4 – Eliminate Section 6.09 (“Allotments”) of the Charter in its entirety and replace same with the words “Intentionally omitted – Section Available for Future Use”

5 – Correct erroneous reference as “Article VII” in Article VIII to “Article VIII”, and eliminate all of Article VIII in its entirety and replace same with the following:

“ARTICLE VIII

SECTION 8.01. MERIT SYSTEM ESTABLISHED.

Appointments and promotions in the police and fire departments shall be made according to merit, to be ascertained, so far as practicable, by open competitive examinations.

SECTION 8.02. UNCLASSIFIED POSITIONS.

Unclassified positions include:

- (1) Members of the council;
- (2) The clerk of council;
- (3) The city manager;
- (4) The directors of departments;
- (5) Members of boards and commissions appointed by the council, and advisory committees appointed by the city manager;
- (6) Temporary employees of exceptional, professional, or scientific qualifications engaged as consultants; and
- (7) All employees who are not police officers, firefighters/paramedics and or other full-time sworn officers of the police and fire departments.

SECTION 8.03. PERSONNEL OFFICER.

The City Manager shall appoint a suitably qualified person to serve part or full time as personnel officer. The City Manager shall:

- (1) Conduct recruitment of qualified persons for classified and unclassified positions;
- (2) Prepare, schedule and hold examinations;
- (3) Create eligible lists from results of examinations;
- (4) Certify eligible persons to appointing officers;
- (5) Classify positions and establish job specifications;
- (6) Certify payrolls;
- (7) Prepare and recommend to the city manager for approval and publication, necessary rules to establish and maintain the merit system in the city;
- (8) Develop and conduct training programs; and
- (9) Perform such other duties relating to personnel as the city manager may direct.

SECTION 8.04. PROMOTIONAL EXAMINATIONS.

Whenever a vacancy occurs in the police or fire department, which is not exempted under the provisions of Section 8.02 of this charter it shall be filled in the manner provided in the personnel ordinance. Promotional examinations may be restricted to present employees, or if recommended by the city manager, they may be opened to qualified candidates from outside the city service, by resolution of the council. The names of the three eligibles standing highest on the promotional eligible list shall be certified to the appointing authority and he/she shall appoint one of the three so certified, as may be provided by ordinance.”

DRAFT

ORDINANCE NO. 2024-25**SECTION 2.08 POWERS OF THE COUNCIL**

Among other powers the council shall have authority to: ...

- (2) Establish the internal organization of the city administration ~~and staffing of the departments, boards and commissions created by this eCharter~~; set up such additional departments, boards or commissions as it may deem necessary and determine their powers and duties;

ORDINANCE NO. 2024-26**~~SECTION 6.09 ALLOTMENTS~~**

~~Appropriations for current operation of the organization units of the city government shall become available for encumbrance only when allotted by the city manager, based on currently valid work plans for each agency made in conformity with the appropriation ordinance and submitted to the city manager by the agency head at least five days before the end of each calendar quarter for the succeeding calendar quarter. The allotments made by the city manager shall be filed with the director of finance on or before the first day of the quarter to which they relate and shall authorize the director of finance to accept, from the organization units involved, purchase orders, contracts and payrolls for encumbrance, and payment to an aggregate amount not exceeding the quarterly allotment for each item. The total annual allotment to any agency may not exceed the total amount appropriated for the use of such agency during the fiscal year. Any unallotted balance of any appropriation item and any unencumbered balance of any allotment at the end of the fiscal year shall be lapsed into the municipal treasury.~~

ORDINANCE NO. 2024-27**SEC. 4.02. DUTIES OF THE CITY MANAGER.**

The city manager shall be the chief executive and administrative officer of the city. He shall be responsible to the council for the proper administration of all affairs of the city and, to that end, subject to the provisions of this charter, he shall have authority and shall be required to: ...

- (2) Appoint, and when necessary for the good of the service, remove all officers and employees of the city, not selected or appointed by the council, under the merit system as provided in this in accordance with this eCharter and generally applicable law;

ORDINANCE NO. 2024-28

ARTICLE VIII

PERSONNEL

SECTION 8.01. MERIT SYSTEM ESTABLISHED.

Appointments and promotions ~~in the administrative service of the city~~ in the police and fire departments shall be made according to merit, to be ascertained, so far as practicable, by open competitive examinations.

SECTION 8.02. ~~EXEMPT~~ UNCLASSIFIED POSITIONS.

~~All Unclassified positions in the service of the city shall be filled pursuant to open competitive examinations except~~ include:

- (1) Members of the council
- (2) The clerk of council
- (3) The city manager
- (4) The directors of departments
- (5) Members of boards and commissions appointed by the council, and advisory committees appointed by the city manager.
- ~~(6) Temporary employees of exceptional, professional, or scientific qualifications engaged as consultants.~~
- ~~(7) All employees who are not police officers, firefighters/paramedics and/or other full-time sworn officers of the police and fire departments.~~

SECTION 8.03. PERSONNEL OFFICER.

The city manager shall appoint a suitably qualified person to serve part or full time as personnel officer. He/She shall:

- (1) Conduct recruitment of qualified persons for classified and unclassified positions;
- (2) Prepare, schedule and hold examinations;
- (3) Create eligible lists from results of examinations;
- (4) Certify eligibles to appointing officers;
- (5) Classify positions and establish job specifications;
- (6) Certify payrolls;
- (7) Prepare and recommend to the city manager for approval and publication, necessary rules to establish and maintain the merit system in the city;
- (8) Develop and conduct training programs;
- (9) Perform such other duties relating to personnel as the city manager may direct.

~~SECTION 8.04. PERSONNEL APPEALS BOARD~~

~~There shall be a personnel appeals board consisting of three members who shall be selected by the council, one each year for an overlapping term of three years. Each member of the personnel appeals board shall be a qualified elector, known to be in sympathy with the merit principle as applied to the civil service, shall neither hold or be a candidate for any public office or employment and shall not be a member of any local, state or national committee of a political party or an officer in any partisan political club or organization. Its members shall serve without compensation.~~

~~SECTION 8.05. DUTIES OF PERSONNEL APPEALS BOARD~~

~~The personnel appeals board shall hear appeals when any officer or employee of the city in the non-exempt service feels aggrieved by any action of the personnel director or the city manager or any department head, or is suspended, reduced, or removed, and requests such hearing. The board shall make its own rules, choose its own officers, and have authority to subpoena witnesses and to require the production of records.~~

~~SECTION 8.06. CANDIDACY FOR PARTISAN OFFICE~~

~~No officer or employee in the non-exempt service of the city shall continue therein after becoming a candidate for nomination or election to any partisan public office.~~

~~SECTION 8.07. PARTISAN POLITICAL ACTIVITY~~

~~No person holding a position in the non-exempt service of the city shall take any part in the management, affairs or campaign of any political party further than in the exercise of his rights as a citizen to express his opinion and cast his vote.~~

SECTION 8.049. PROMOTIONAL EXAMINATIONS.

Whenever a vacancy occurs in the police or fire department ~~any position in the service of the city~~, which is not exempted under the provisions of Section 8.02 of this charter it shall be filled in the manner provided in the personnel ordinance. Promotional examinations may be restricted to present employees, or if recommended by the city manager, they may be opened to qualified candidates from outside the city service, by resolution of the council. The names of the three eligibles standing highest on the promotional eligible list shall be certified to the appointing authority and he/she shall appoint one of the three so certified, as may be provided by ordinance.

ORDINANCE NO. 2024-29

SECTION 5.10. QUALIFICATIONS OF THE DIRECTOR OF LAW.

The director of the department of law shall be an attorney-at-law, admitted to practice before the Supreme Court of Ohio, and in good professional standing. He shall perform such duties as may be assigned to the office of city solicitor by law, as well as those imposed by the administrative code. The City Law Director shall not be permitted to serve as the legal adviser nor attorney for the Huron City School District.

ORDINANCE NO. 2024-27

Introduced by: Joe Dike

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF A PROPOSED AMENDMENT TO ARTICLE IV, SECTION 4.02(2) OF THE CHARTER OF THE CITY OF HURON RELATING TO DUTIES OF THE CITY MANAGER.

WHEREAS, Article XII, Section 12.06 of the Charter for the City of Huron ("City") provides that amendments to the Charter may be initiated either by a five-sevenths vote of the council, or by petition to the council signed by ten per cent of the electors; and

WHEREAS, the Charter Review Commission was established by the electorate of the City in November 2023 to review the Charter and recommend changes; and

WHEREAS, Article IV, Section 4.02(2) *Duties of the City Manager* currently reads:

"SEC. 4.02. DUTIES OF THE CITY MANAGER.

The city manager shall be the chief executive and administrative officer of the city. He shall be responsible to the council for the proper administration of all affairs of the city and, to that end, subject to the provisions of this charter, he shall have authority and shall be required to: ...

- (2) Appoint, and when necessary for the good of the service, remove all officers and employees of the city, not selected or appointed by the council, under the merit system as provided in this charter;"

WHEREAS, the Charter Review Commission has met and recommends that certain changes be submitted to the electorate for the November 2024 general election; and

WHEREAS, the Charter Review Commission has requested that this Council initiate an amendment to the Charter Article IV, Section 4.02(2) *Duties of the City Manager*.

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

Section 1: That Council hereby authorizes and directs the submission to the electors of the City of Huron at the general election to be held at the usual places of voting in said City on Tuesday, November 5, 2024, between the hours as provided by law, of the following proposal to amend Article IV, Section 4.02(2) *Duties of the City Manager* of the Charter of the City of Huron to read (new language underlined; deleted language ~~struck through~~):

"SEC. 4.02. DUTIES OF THE CITY MANAGER.

The city manager shall be the chief executive and administrative officer of the city. He shall be responsible to the council for the proper administration of all affairs of the city and, to that end, subject to the provisions of this charter, he shall have authority and shall be required to: ...

- (2) Appoint, and when necessary for the good of the service, remove all officers and employees of the city, not selected or appointed by the council, ~~under the merit system as provided in this~~ in accordance with this eCharter and generally applicable law;

Section 2: Subject to final approval by the Erie County Board of Election and any changes and/or modifications recommended by same, the ballot submitting the question of the adoption of the proposed amendment to the Charter shall read substantially as follows:

**PROPOSED CHARTER AMENDMENT
CITY OF HURON, OHIO**

A majority affirmative vote is necessary for passage.

Shall Article IV, Section 4.02(2) of the Charter of the City of Huron be amended to update the duties of the City Manager with respect to the City Manager's supervision of city employees and update the language consistent with other provisions of the Charter and Codified Ordinances?

Yes

No

Section 3: The foregoing proposed amendment, upon receiving at least a majority of the votes cast thereon at the November 5, 2024 general election, shall become effective as of January 1, 2025.

Section 4: The Clerk of this Council is hereby authorized and directed promptly to forward a certified copy of this Ordinance to the Board of Elections of Erie County, Ohio.

Section 5: The Board of Elections of Erie County, Ohio shall cause an appropriate notice to be duly given of the general election to be held on November 5, 2024, on the foregoing amendment to the Charter of this City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

Section 6: The Clerk of Council is hereby authorized and directed to cause the full text of such proposed charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of Huron, with the first publication to be made at least fifteen days prior to the general election to be held on November 5, 2024, as provided by Article XVIII, Section 9 of the Constitution of the State of Ohio.

Section 7: Unless expenses associated with this Ordinance are already contained within the City's budgeted expenses, there is hereby appropriated from the general fund a sufficient sum of money to pay the costs of carrying out the authorizations and directions of this Ordinance.

Section 8: That it is 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 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.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2024-28 **(third and final reading)** *(submitted by Charter Review Commission)*
DATE: July 23, 2024

Subject Matter/Background

The Huron Charter Commission held its organizational meeting on March 7, 2024, to discuss the procedure for reviewing the Charter for the City of Huron. At the meeting on March 14, 2024, the Commission discussed Articles II and IV. The next meeting was on March 28, 2024, and the Commission discussed Articles III and misnumbered Article VII (should be VIII). At the meeting on April 11, 2024, the Commission discussed Articles V and VI. The Commission discussed Articles VII , IX and X at the meeting on April 25, 2024. At the meeting on May 9, 2024, the Commission discussed Articles XI, XII and XIII.

The Commission met on May 23, 2024 to determine the ten (10) most important items that are outdated in the Charter. Of those ten (10) items, the Commission selected five (5) they would like to suggest that the Huron City Council consider for the November 2024 ballot to be voted on by the citizens of Huron. A list of these five (5) items is attached hereto as Exhibit 1 and included herein by reference.

Ordinance No. 2024-28 would authorize and direct the submission to the electors of a proposed amendment of Article VIII of the Charter of the City of Huron by replacing Article VIII relating to Personnel in its entirety. A redlined copy of all five (5) proposed Charter amendments is attached hereto as Exhibit 2 and included herein by reference.

This Ordinance will go through three (3) readings before a final vote of Council is taken to determine which is the five (5) proposed Charter amendments will be placed on the ballot for the November 2024 election.

Financial Review

If approved by Council and put on the November ballot, the City may be charged by the Board of Elections. The Board of Elections estimates the cost will be approximately \$2,000. The cost will be deducted from the City's property tax distribution in 2025.

The charter change recommendations to Council do not have a significant financial impact on the City. The recommended changes are intended to eliminate outdated items in the current charter.

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. 2024-28 on its third and final reading is in order.

[Final CRC Recommendations to Council \(May 2024\).docx](#)

[Ordinances 2024-25 through 2024-29 REDLINE Charter Amendments \(1\).docx](#)

[Ordinance No. 2024-28 Charter Amendment Amending Article VIII in its entirety.pdf](#)

Final Charter Review Committee Recommendations to Huron City Council

1 – Eliminate current Section 2.08(2) of the Charter and amend and restate same to state as follows:

Section 2.08 POWERS OF THE COUNCIL

Among other powers, the council shall have authority to:

“(2) Establish the internal organization of the departments, boards, and commissions created by this Charter, set up such additional departments, boards or commissions as it may deem necessary, and determine their powers and duties.”

2 – Eliminate current 4.02(2) of the Charter and amend and restate same to state as follows:

Section 4.02 DUTIES OF THE CITY MANAGER

The city manager shall be the chief executive and administrative officer of the city. He shall be responsible to the council for the proper administration of all affairs of the city and, to that end, subject to the provisions of this charter, he shall have authority and shall be required to:

“(2) Appoint, and when necessary for the good of the service, remove all officers and employees of the city, not selected or appointed by the council, including the merit system as provided in Article VIII of this charter.”

3 – Add an additional sentence at the end of Section 5.10 of the Charter, which shall state as follows:

Section 5.10 QUALIFICATIONS OF DIRECTOR OF LAW

“The City Law Director shall not be permitted to serve as the legal adviser nor attorney for the Huron City School District.” (ORC. 3313.35)

4 – Eliminate Section 6.09 (“Allotments”) of the Charter in its entirety and replace same with the words “Intentionally omitted – Section Available for Future Use”

5 – Correct erroneous reference as “Article VII” in Article VIII to “Article VIII”, and eliminate all of Article VIII in its entirety and replace same with the following:

“ARTICLE VIII

SECTION 8.01. MERIT SYSTEM ESTABLISHED.

Appointments and promotions in the police and fire departments shall be made according to merit, to be ascertained, so far as practicable, by open competitive examinations.

SECTION 8.02. UNCLASSIFIED POSITIONS.

Unclassified positions include:

- (1) Members of the council;
- (2) The clerk of council;
- (3) The city manager;
- (4) The directors of departments;
- (5) Members of boards and commissions appointed by the council, and advisory committees appointed by the city manager;
- (6) Temporary employees of exceptional, professional, or scientific qualifications engaged as consultants; and
- (7) All employees who are not police officers, firefighters/paramedics and or other full-time sworn officers of the police and fire departments.

SECTION 8.03. PERSONNEL OFFICER.

The City Manager shall appoint a suitably qualified person to serve part or full time as personnel officer. The City Manager shall:

- (1) Conduct recruitment of qualified persons for classified and unclassified positions;
- (2) Prepare, schedule and hold examinations;
- (3) Create eligible lists from results of examinations;
- (4) Certify eligible persons to appointing officers;
- (5) Classify positions and establish job specifications;
- (6) Certify payrolls;
- (7) Prepare and recommend to the city manager for approval and publication, necessary rules to establish and maintain the merit system in the city;
- (8) Develop and conduct training programs; and
- (9) Perform such other duties relating to personnel as the city manager may direct.

SECTION 8.04. PROMOTIONAL EXAMINATIONS.

Whenever a vacancy occurs in the police or fire department, which is not exempted under the provisions of Section 8.02 of this charter it shall be filled in the manner provided in the personnel ordinance. Promotional examinations may be restricted to present employees, or if recommended by the city manager, they may be opened to qualified candidates from outside the city service, by resolution of the council. The names of the three eligibles standing highest on the promotional eligible list shall be certified to the appointing authority and he/she shall appoint one of the three so certified, as may be provided by ordinance.”

DRAFT

ORDINANCE NO. 2024-25**SECTION 2.08 POWERS OF THE COUNCIL**

Among other powers the council shall have authority to: ...

- (2) Establish the internal organization of the city administration ~~and staffing of the departments, boards and commissions created by this eCharter~~; set up such additional departments, boards or commissions as it may deem necessary and determine their powers and duties;

ORDINANCE NO. 2024-26**SECTION 6.09 ~~ALLOTMENTS~~**

~~Appropriations for current operation of the organization units of the city government shall become available for encumbrance only when allotted by the city manager, based on currently valid work plans for each agency made in conformity with the appropriation ordinance and submitted to the city manager by the agency head at least five days before the end of each calendar quarter for the succeeding calendar quarter. The allotments made by the city manager shall be filed with the director of finance on or before the first day of the quarter to which they relate and shall authorize the director of finance to accept, from the organization units involved, purchase orders, contracts and payrolls for encumbrance, and payment to an aggregate amount not exceeding the quarterly allotment for each item. The total annual allotment to any agency may not exceed the total amount appropriated for the use of such agency during the fiscal year. Any unallotted balance of any appropriation item and any unencumbered balance of any allotment at the end of the fiscal year shall be lapsed into the municipal treasury.~~

ORDINANCE NO. 2024-27**SEC. 4.02. DUTIES OF THE CITY MANAGER.**

The city manager shall be the chief executive and administrative officer of the city. He shall be responsible to the council for the proper administration of all affairs of the city and, to that end, subject to the provisions of this charter, he shall have authority and shall be required to: ...

- (2) Appoint, and when necessary for the good of the service, remove all officers and employees of the city, not selected or appointed by the council, under the merit system as provided in this in accordance with this eCharter and generally applicable law;

ORDINANCE NO. 2024-28

ARTICLE VIII

PERSONNEL

SECTION 8.01. MERIT SYSTEM ESTABLISHED.

Appointments and promotions ~~in the administrative service of the city~~ in the police and fire departments shall be made according to merit, to be ascertained, so far as practicable, by open competitive examinations.

SECTION 8.02. ~~EXEMPT~~ UNCLASSIFIED POSITIONS.

~~All Unclassified positions in the service of the city shall be filled pursuant to open competitive examinations except~~ include:

- (1) Members of the council
- (2) The clerk of council
- (3) The city manager
- (4) The directors of departments
- (5) Members of boards and commissions appointed by the council, and advisory committees appointed by the city manager.
- ~~(6) Temporary employees of exceptional, professional, or scientific qualifications engaged as consultants.~~
- ~~(7) All employees who are not police officers, firefighters/paramedics and/or other full-time sworn officers of the police and fire departments.~~

SECTION 8.03. PERSONNEL OFFICER.

The city manager shall appoint a suitably qualified person to serve part or full time as personnel officer. He/She shall:

- (1) Conduct recruitment of qualified persons for classified and unclassified positions;
- (2) Prepare, schedule and hold examinations;
- (3) Create eligible lists from results of examinations;
- (4) Certify eligibles to appointing officers;
- (5) Classify positions and establish job specifications;
- (6) Certify payrolls;
- (7) Prepare and recommend to the city manager for approval and publication, necessary rules to establish and maintain the merit system in the city;
- (8) Develop and conduct training programs;
- (9) Perform such other duties relating to personnel as the city manager may direct.

~~SECTION 8.04. PERSONNEL APPEALS BOARD~~

~~There shall be a personnel appeals board consisting of three members who shall be selected by the council, one each year for an overlapping term of three years. Each member of the personnel appeals board shall be a qualified elector, known to be in sympathy with the merit principle as applied to the civil service, shall neither hold or be a candidate for any public office or employment and shall not be a member of any local, state or national committee of a political party or an officer in any partisan political club or organization. Its members shall serve without compensation.~~

~~SECTION 8.05. DUTIES OF PERSONNEL APPEALS BOARD~~

~~The personnel appeals board shall hear appeals when any officer or employee of the city in the non-exempt service feels aggrieved by any action of the personnel director or the city manager or any department head, or is suspended, reduced, or removed, and requests such hearing. The board shall make its own rules, choose its own officers, and have authority to subpoena witnesses and to require the production of records.~~

~~SECTION 8.06. CANDIDACY FOR PARTISAN OFFICE~~

~~No officer or employee in the non-exempt service of the city shall continue therein after becoming a candidate for nomination or election to any partisan public office.~~

~~SECTION 8.07. PARTISAN POLITICAL ACTIVITY~~

~~No person holding a position in the non-exempt service of the city shall take any part in the management, affairs or campaign of any political party further than in the exercise of his rights as a citizen to express his opinion and cast his vote.~~

SECTION 8.049. PROMOTIONAL EXAMINATIONS.

Whenever a vacancy occurs in the police or fire department ~~any position in the service of the city~~, which is not exempted under the provisions of Section 8.02 of this charter it shall be filled in the manner provided in the personnel ordinance. Promotional examinations may be restricted to present employees, or if recommended by the city manager, they may be opened to qualified candidates from outside the city service, by resolution of the council. The names of the three eligibles standing highest on the promotional eligible list shall be certified to the appointing authority and he/she shall appoint one of the three so certified, as may be provided by ordinance.

ORDINANCE NO. 2024-29

SECTION 5.10. QUALIFICATIONS OF THE DIRECTOR OF LAW.

The director of the department of law shall be an attorney-at-law, admitted to practice before the Supreme Court of Ohio, and in good professional standing. He shall perform such duties as may be assigned to the office of city solicitor by law, as well as those imposed by the administrative code. The City Law Director shall not be permitted to serve as the legal adviser nor attorney for the Huron City School District.

ORDINANCE NO. 2024-28

Introduced by: Matt Grieves

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF A PROPOSED AMENDMENT OF ARTICLE VIII OF THE CHARTER OF THE CITY OF HURON BY REPLACING ARTICLE VIII RELATING TO PERSONNEL IN ITS ENTIRETY.

WHEREAS, Article XII, Section 12.06 of the Charter for the City of Huron ("City") provides that amendments to the Charter may be initiated either by a five-sevenths vote of the council, or by petition to the council signed by ten per cent of the electors; and

WHEREAS, the Charter Review Commission was established by the electorate of the City in November 2023 to review the Charter and recommend changes; and

WHEREAS, Article VIII *Personnel*, erroneously numbered in the Charter as "Article VII *Personnel*," currently reads as set forth on Exhibit A.

WHEREAS, the Charter Review Commission has met and recommends that certain changes be submitted to the electorate for the November 2024 general election; and

WHEREAS, the Charter Review Commission has requested that this Council initiate an amendment to the Charter "Article VII *Personnel*," by replacing it in its entirety with the language set forth on Exhibit B to update Article VIII in accordance with the employment practices of the City and current, generally applicable laws of the State of Ohio, and to correct the number of the Article to reflect its proper placement within the Charter.

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

Section 1: That Council hereby authorizes and directs the submission to the electors of the City of Huron at the general election to be held at the usual places of voting in said City on Tuesday, November 5, 2024, between the hours as provided by law, of the following proposal to amend erroneously numbered "Article VII *Personnel*" of the Charter of the City of Huron by replacing it in its entirety with the language set forth on Exhibit B (new language underlined; deleted language ~~struck through~~).

Section 2: Subject to final approval by the Erie County Board of Election and any changes and/or modifications recommended by same, the ballot submitting the question of the adoption of the proposed amendment to the Charter shall read substantially as follows:

**PROPOSED CHARTER AMENDMENT
CITY OF HURON, OHIO**

A majority affirmative vote is necessary for passage.

Shall Article VIII (currently erroneously identified as "Article VII") of the Charter of the City of Huron be amended by replacing it in its entirety to better align with the employment practices of the City and the current, generally applicable laws of the State of Ohio?

Yes

No

Section 3: The foregoing proposed amendment, upon receiving at least a majority of the votes cast thereon at the November 5, 2024 general election, shall become effective as of January 1, 2025.

Section 4: The Clerk of this Council is hereby authorized and directed promptly to forward a certified copy of this Ordinance to the Board of Elections of Erie County, Ohio.

Section 5: The Board of Elections of Erie County, Ohio shall cause an appropriate notice to be duly given of the general election to be held on November 5, 2024, on the foregoing amendment to the Charter of this City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

Section 6: The Clerk of Council is hereby authorized and directed to cause the full text of such proposed charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of Huron, with the first publication to be made at least fifteen days prior to the general election to be held on November 5, 2024, as provided by Article XVIII, Section 9 of the Constitution of the State of Ohio.

Section 7: Unless expenses associated with this Ordinance are already contained within the City's budgeted expenses, there is hereby appropriated from the general fund a sufficient sum of money to pay the costs of carrying out the authorizations and directions of this Ordinance.

Section 8: That it is 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 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.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

Exhibit A

ARTICLE VII

PERSONNEL

SECTION 8.01. MERIT SYSTEM ESTABLISHED.

Appointments and promotions in the administrative service of the city shall be made according to merit, to be ascertained, so far as practicable, by open competitive examinations.

SECTION 8.02. EXEMPT POSITIONS.

All positions in the service of the city shall be filled pursuant to open competitive examinations except:

- (1) Members of the council
- (2) The clerk of council
- (3) The city manager
- (4) The directors of departments
- (5) Members of boards and commissions appointed by the council, and advisory committees appointed by the city manager.
- (6) Temporary employees of exceptional, professional, or scientific qualifications engaged as consultants.

SECTION 8.03. PERSONNEL OFFICER.

The city manager shall appoint a suitably qualified person to serve part or full time as personnel officer. He shall:

- (1) Conduct recruitment of qualified persons;
- (2) Prepare, schedule and hold examinations;
- (3) Create eligible lists from results of examinations;
- (4) Certify eligibles to appointing officers;
- (5) Classify positions and establish job specifications;
- (6) Certify payrolls;
- (7) Prepare and recommend to the city manager for approval and publication, necessary rules to establish and maintain the merit system in the city;
- (8) Develop and conduct training programs;
- (9) Perform such other duties relating to personnel as the city manager may direct.

SECTION 8.04. PERSONNEL APPEALS BOARD.

There shall be a personnel appeals board consisting of three members who shall be selected by the council, one each year for an overlapping term of three years. Each member of the personnel appeals board shall be a qualified elector, known to be in sympathy with the merit principle as applied to the civil service, shall neither hold nor be a candidate for any public office or employment and shall not be a member of any local, state or national committee of a political party or an officer in any partisan political club or organization. Its members shall serve without compensation.

SECTION 8.05. DUTIES OF PERSONNEL APPEALS BOARD.

The personnel appeals board shall hear appeals when any officer or employee of the city in the non-exempt service feels aggrieved by any action of the personnel director or the city manager or of any department head, or is suspended, reduced, or removed, and requests such hearing. The board shall make its own rules, choose its own officers, and have authority to subpoena witnesses and to require the production of records.

SECTION 8.06. CANDIDACY FOR PARTISAN OFFICE.

No officer or employee in the non-exempt service of the city shall continue therein after becoming a candidate for nomination or election to any partisan public office.

SECTION 8.07. PARTISAN POLITICAL ACTIVITY.

No person holding a position in the non-exempt service of the city shall take any part in the management, affairs or campaign of any political party further than in the exercise of his rights as a citizen to express his opinion and cast his vote.

SECTION 8.08. PENALTIES.

Any person who violates the provisions of Section 8.06 or 8.07 of this charter shall be guilty of a misdemeanor and shall, if an officer or employee of the city, be guilty of malfeasance in office and upon conviction shall be removed from the office or position he holds and shall be ineligible for election or appointment to any position in the city service for a period of five years.

SECTION 8.09. PROMOTIONAL EXAMINATIONS.

Whenever a vacancy occurs in any position in the service of the city, which is not exempted under the provisions of Section 8.02 of this charter it shall be filled in the manner provided in the personnel ordinance. Promotional examinations may be restricted to present employees, or if recommended by the city manager, they may be opened to qualified candidates from outside the city service, by resolution of the council. The names of the three eligibles standing highest on the promotional eligible list shall be certified to the appointing authority and he shall appoint one of the three so certified, as may be provided by ordinance.

Exhibit B

ARTICLE VIII

PERSONNEL

SECTION 8.01. MERIT SYSTEM ESTABLISHED.

Appointments and promotions in the police and fire departments shall be made according to merit, to be ascertained, so far as practicable, by open competitive examinations.

SECTION 8.02. UNCLASSIFIED POSITIONS.

Unclassified positions include:

- (7) Members of the council
- (8) The clerk of council
- (9) The city manager
- (10) The directors of departments
- (11) Members of boards and commissions appointed by the council, and advisory committees appointed by the city manager.
- (12) Temporary employees of exceptional, professional, or scientific qualifications engaged as consultants.
- (13) All employees who are not police officers, firefighters/paramedics and or other full-time sworn officers of the police and fire departments

SECTION 8.03. PERSONNEL OFFICER.

The city manager shall appoint a suitably qualified person to serve part or full time as personnel officer. He/She shall:

- (10) Conduct recruitment of qualified persons for classified and unclassified positions;
- (11) Prepare, schedule and hold examinations;
- (12) Create eligible lists from results of examinations;
- (13) Certify eligibles to appointing officers;
- (14) Classify positions and establish job specifications;
- (15) Certify payrolls;
- (16) Prepare and recommend to the city manager for approval and publication, necessary rules to establish and maintain the merit system in the city;
- (17) Develop and conduct training programs;
- (18) Perform such other duties relating to personnel as the city manager may direct.

SECTION 8.04. PROMOTIONAL EXAMINATIONS.

Whenever a vacancy occurs in the police or fire department, which is not exempted under the provisions of Section 8.02 of this charter it shall be filled in the manner provided in the personnel ordinance. Promotional examinations may be restricted to present employees, or if recommended by the city manager, they may be opened to qualified candidates from outside the city service, by resolution of the council. The names of the three eligibles standing highest on the promotional eligible list shall be certified to the appointing authority and he shall appoint one of the three so certified, as may be provided by ordinance.



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2024-29 **(third and final reading)** *(submitted by Charter Review Commission)*
DATE: July 23, 2024

Subject Matter/Background

The Huron Charter Commission held its organizational meeting on March 7, 2024, to discuss the procedure for reviewing the Charter for the City of Huron. At the meeting on March 14, 2024, the Commission discussed Articles II and IV. The next meeting was on March 28, 2024, and the Commission discussed Articles III and misnumbered Article VII (should be VIII). At the meeting on April 11, 2024, the Commission discussed Articles V and VI. The Commission discussed Articles VII , IX and X at the meeting on April 25, 2024. At the meeting on May 9, 2024, the Commission discussed Articles XI, XII and XIII.

The Commission met on May 23, 2024 to determine the ten (10) most important items that are outdated in the Charter. Of those ten (10) items, the Commission selected five (5) they would like to suggest that the Huron City Council consider for the November 2024 ballot to be voted on by the citizens of Huron. A list of these five (5) items is attached hereto as Exhibit 1 and included herein by reference.

Ordinance No. 2024-29 would authorize and direct the submission to the electors of a proposed amendment to Article V, Section 5.10 of the Charter of the City of Huron, Ohio relating to Qualifications of the Director of Law. A redlined copy of all five (5) proposed Charter amendments is attached hereto as Exhibit 2 and included herein by reference.

This Ordinance will go through three (3) readings before a final vote of Council is taken to determine which is the five (5) proposed Charter amendments will be placed on the ballot for the November 2024 election.

Financial Review

If approved by Council and put on the November ballot, the City may be charged by the Board of Elections. The Board of Elections estimates the cost will be approximately \$2,000. The cost will be deducted from the City's property tax distribution in 2025.

The charter change recommendations to Council do not have a significant financial impact on the City. The recommended changes are intended to eliminate outdated items in the current charter.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion placing Ordinance No. 2024-29 on its third and final reading is in order.

[Final CRC Recommendations to Council \(May 2024\).docx](#)

[Ordinances 2024-25 through 2024-29 REDLINE Charter Amendments \(1\).docx](#)

[Ordinance No. 2024-29 Charter Amendment Amend Art V, Section 5.10 Law Director.pdf](#)

Final Charter Review Committee Recommendations to Huron City Council

1 – Eliminate current Section 2.08(2) of the Charter and amend and restate same to state as follows:

Section 2.08 POWERS OF THE COUNCIL

Among other powers, the council shall have authority to:

“(2) Establish the internal organization of the departments, boards, and commissions created by this Charter, set up such additional departments, boards or commissions as it may deem necessary, and determine their powers and duties.”

2 – Eliminate current 4.02(2) of the Charter and amend and restate same to state as follows:

Section 4.02 DUTIES OF THE CITY MANAGER

The city manager shall be the chief executive and administrative officer of the city. He shall be responsible to the council for the proper administration of all affairs of the city and, to that end, subject to the provisions of this charter, he shall have authority and shall be required to:

“(2) Appoint, and when necessary for the good of the service, remove all officers and employees of the city, not selected or appointed by the council, including the merit system as provided in Article VIII of this charter.”

3 – Add an additional sentence at the end of Section 5.10 of the Charter, which shall state as follows:

Section 5.10 QUALIFICATIONS OF DIRECTOR OF LAW

“The City Law Director shall not be permitted to serve as the legal adviser nor attorney for the Huron City School District.” (ORC. 3313.35)

4 – Eliminate Section 6.09 (“Allotments”) of the Charter in its entirety and replace same with the words “Intentionally omitted – Section Available for Future Use”

5 – Correct erroneous reference as “Article VII” in Article VIII to “Article VIII”, and eliminate all of Article VIII in its entirety and replace same with the following:

“ARTICLE VIII

SECTION 8.01. MERIT SYSTEM ESTABLISHED.

Appointments and promotions in the police and fire departments shall be made according to merit, to be ascertained, so far as practicable, by open competitive examinations.

SECTION 8.02. UNCLASSIFIED POSITIONS.

Unclassified positions include:

- (1) Members of the council;
- (2) The clerk of council;
- (3) The city manager;
- (4) The directors of departments;
- (5) Members of boards and commissions appointed by the council, and advisory committees appointed by the city manager;
- (6) Temporary employees of exceptional, professional, or scientific qualifications engaged as consultants; and
- (7) All employees who are not police officers, firefighters/paramedics and or other full-time sworn officers of the police and fire departments.

SECTION 8.03. PERSONNEL OFFICER.

The City Manager shall appoint a suitably qualified person to serve part or full time as personnel officer. The City Manager shall:

- (1) Conduct recruitment of qualified persons for classified and unclassified positions;
- (2) Prepare, schedule and hold examinations;
- (3) Create eligible lists from results of examinations;
- (4) Certify eligible persons to appointing officers;
- (5) Classify positions and establish job specifications;
- (6) Certify payrolls;
- (7) Prepare and recommend to the city manager for approval and publication, necessary rules to establish and maintain the merit system in the city;
- (8) Develop and conduct training programs; and
- (9) Perform such other duties relating to personnel as the city manager may direct.

SECTION 8.04. PROMOTIONAL EXAMINATIONS.

Whenever a vacancy occurs in the police or fire department, which is not exempted under the provisions of Section 8.02 of this charter it shall be filled in the manner provided in the personnel ordinance. Promotional examinations may be restricted to present employees, or if recommended by the city manager, they may be opened to qualified candidates from outside the city service, by resolution of the council. The names of the three eligibles standing highest on the promotional eligible list shall be certified to the appointing authority and he/she shall appoint one of the three so certified, as may be provided by ordinance.”

DRAFT

ORDINANCE NO. 2024-25

SECTION 2.08 POWERS OF THE COUNCIL

Among other powers the council shall have authority to: ...

- (2) Establish the internal organization of the city administration ~~and staffing of the departments, boards and commissions created by this eCharter~~; set up such additional departments, boards or commissions as it may deem necessary and determine their powers and duties;

ORDINANCE NO. 2024-26

~~SECTION 6.09 ALLOTMENTS~~

~~Appropriations for current operation of the organization units of the city government shall become available for encumbrance only when allotted by the city manager, based on currently valid work plans for each agency made in conformity with the appropriation ordinance and submitted to the city manager by the agency head at least five days before the end of each calendar quarter for the succeeding calendar quarter. The allotments made by the city manager shall be filed with the director of finance on or before the first day of the quarter to which they relate and shall authorize the director of finance to accept, from the organization units involved, purchase orders, contracts and payrolls for encumbrance, and payment to an aggregate amount not exceeding the quarterly allotment for each item. The total annual allotment to any agency may not exceed the total amount appropriated for the use of such agency during the fiscal year. Any unallotted balance of any appropriation item and any unencumbered balance of any allotment at the end of the fiscal year shall be lapsed into the municipal treasury.~~

ORDINANCE NO. 2024-27

SEC. 4.02. DUTIES OF THE CITY MANAGER.

The city manager shall be the chief executive and administrative officer of the city. He shall be responsible to the council for the proper administration of all affairs of the city and, to that end, subject to the provisions of this charter, he shall have authority and shall be required to: ...

- (2) Appoint, and when necessary for the good of the service, remove all officers and employees of the city, not selected or appointed by the council, under the merit system as provided in this in accordance with this eCharter and generally applicable law;

ORDINANCE NO. 2024-28

ARTICLE VIII

PERSONNEL

SECTION 8.01. MERIT SYSTEM ESTABLISHED.

Appointments and promotions ~~in the administrative service of the city~~ in the police and fire departments shall be made according to merit, to be ascertained, so far as practicable, by open competitive examinations.

SECTION 8.02. ~~EXEMPT~~ UNCLASSIFIED POSITIONS.

~~All Unclassified positions in the service of the city shall be filled pursuant to open competitive examinations except~~ include:

- (1) Members of the council
- (2) The clerk of council
- (3) The city manager
- (4) The directors of departments
- (5) Members of boards and commissions appointed by the council, and advisory committees appointed by the city manager.
- ~~(6) Temporary employees of exceptional, professional, or scientific qualifications engaged as consultants.~~
- ~~(7) All employees who are not police officers, firefighters/paramedics and/or other full-time sworn officers of the police and fire departments.~~

SECTION 8.03. PERSONNEL OFFICER.

The city manager shall appoint a suitably qualified person to serve part or full time as personnel officer. He/She shall:

- (1) Conduct recruitment of qualified persons for classified and unclassified positions;
- (2) Prepare, schedule and hold examinations;
- (3) Create eligible lists from results of examinations;
- (4) Certify eligibles to appointing officers;
- (5) Classify positions and establish job specifications;
- (6) Certify payrolls;
- (7) Prepare and recommend to the city manager for approval and publication, necessary rules to establish and maintain the merit system in the city;
- (8) Develop and conduct training programs;
- (9) Perform such other duties relating to personnel as the city manager may direct.

~~SECTION 8.04. PERSONNEL APPEALS BOARD~~

~~There shall be a personnel appeals board consisting of three members who shall be selected by the council, one each year for an overlapping term of three years. Each member of the personnel appeals board shall be a qualified elector, known to be in sympathy with the merit principle as applied to the civil service, shall neither hold or be a candidate for any public office or employment and shall not be a member of any local, state or national committee of a political party or an officer in any partisan political club or organization. Its members shall serve without compensation.~~

~~SECTION 8.05. DUTIES OF PERSONNEL APPEALS BOARD~~

~~The personnel appeals board shall hear appeals when any officer or employee of the city in the non-exempt service feels aggrieved by any action of the personnel director or the city manager or any department head, or is suspended, reduced, or removed, and requests such hearing. The board shall make its own rules, choose its own officers, and have authority to subpoena witnesses and to require the production of records.~~

~~SECTION 8.06. CANDIDACY FOR PARTISAN OFFICE~~

~~No officer or employee in the non-exempt service of the city shall continue therein after becoming a candidate for nomination or election to any partisan public office.~~

~~SECTION 8.07. PARTISAN POLITICAL ACTIVITY~~

~~No person holding a position in the non-exempt service of the city shall take any part in the management, affairs or campaign of any political party further than in the exercise of his rights as a citizen to express his opinion and cast his vote.~~

SECTION 8.049. PROMOTIONAL EXAMINATIONS.

Whenever a vacancy occurs in the police or fire department ~~any position in the service of the city~~, which is not exempted under the provisions of Section 8.02 of this charter it shall be filled in the manner provided in the personnel ordinance. Promotional examinations may be restricted to present employees, or if recommended by the city manager, they may be opened to qualified candidates from outside the city service, by resolution of the council. The names of the three eligibles standing highest on the promotional eligible list shall be certified to the appointing authority and he/she shall appoint one of the three so certified, as may be provided by ordinance.

ORDINANCE NO. 2024-29

SECTION 5.10. QUALIFICATIONS OF THE DIRECTOR OF LAW.

The director of the department of law shall be an attorney-at-law, admitted to practice before the Supreme Court of Ohio, and in good professional standing. He shall perform such duties as may be assigned to the office of city solicitor by law, as well as those imposed by the administrative code. The City Law Director shall not be permitted to serve as the legal adviser nor attorney for the Huron City School District.

ORDINANCE NO. 2024-29

Introduced by: William Biddlecombe

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF A PROPOSED AMENDMENT TO ARTICLE V, SECTION 5.10 OF THE CHARTER OF THE CITY OF HURON RELATING TO QUALIFICATIONS OF THE DIRECTOR OF LAW.

WHEREAS, Article XII, Section 12.06 of the Charter for the City of Huron ("City") provides that amendments to the Charter may be initiated either by a five-sevenths vote of the council, or by petition to the council signed by ten per cent of the electors; and

WHEREAS, the Charter Review Commission was established by the electorate of the City in November 2023 to review the Charter and recommend changes; and

WHEREAS, Article V, Section 5.10 *Qualifications of the Director of Law* currently reads

"The director of the department of law shall be an attorney-at-law, admitted to practice before the Supreme Court of Ohio, and in good professional standing. He shall perform such duties as may be assigned to the office of city solicitor by law, as well as those imposed by the administrative code."

WHEREAS, the Charter Review Commission has met and recommends that certain changes be submitted to the electorate for the November 2024 general election; and

WHEREAS, the Charter Review Commission has requested that this Council initiate an amendment to the Charter Article V, Section 5.10 *Qualifications of the Director of Law*.

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

Section 1: That Council hereby authorizes and directs the submission to the electors of the City of Huron at the general election to be held at the usual places of voting in said City on Tuesday, November 5, 2024, between the hours as provided by law, of the following proposal to amend Article V, Section 5.10 *Qualifications of the Director of Law* of the Charter of the City of Huron to read (new language underlined):

"The director of the department of law shall be an attorney-at-law, admitted to practice before the Supreme Court of Ohio, and in good professional standing. He shall perform such duties as may be assigned to the office of city solicitor by law, as well as those imposed by the administrative code. The City Law Director shall not be permitted to serve as the legal adviser nor attorney for the Huron City School District."

Section 2: Subject to final approval by the Erie County Board of Election and any changes and/or modifications recommended by same, the ballot submitting the question of the adoption of the proposed amendment to the Charter shall read substantially similar to what follows:

**PROPOSED CHARTER AMENDMENT
CITY OF HURON, OHIO**

A majority affirmative vote is necessary for passage.

Shall Section 5.10 of Article V of the Charter of the City of Huron be amended to prohibit the City Law Director from serving as the legal advisor or attorney for the Huron City School District?

Yes

No

Section 3: The foregoing proposed amendment, upon receiving at least a majority of the votes cast thereon at the November 5, 2024 general election, shall become effective as of January 1, 2025.

Section 4: The Clerk of this Council is hereby authorized and directed promptly to forward a certified copy of this Ordinance to the Board of Elections of Erie County, Ohio.

Section 5: The Board of Elections of Erie County, Ohio shall cause an appropriate notice to be duly given of the general election to be held on November 5, 2024, on the foregoing amendment to the Charter of this City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

Section 6: The Clerk of Council is hereby authorized and directed to cause the full text of such proposed charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of Huron, with the first publication to be made at least fifteen days prior to the general election to be held on November 5, 2024, as provided by Article XVIII, Section 9 of the Constitution of the State of Ohio.

Section 7: Unless expenses associated with this Ordinance are already contained within the City's budgeted expenses, there is hereby appropriated from the general fund a sufficient sum of money to pay the costs of carrying out the authorizations and directions of this Ordinance.

Section 8: That it is 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 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.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2024-31 (**second reading**) (*submitted by Stuart Hamilton*)
DATE: July 23, 2024

Subject Matter/Background

Ordinance No. 2024-31 is in front of Council for the first of three readings. This ordinance will allow the City to certify the garbage rates to be charged to residents for garbage, yard waste, recycling, and bulk pick-up to the Erie County Auditor. The County will then include the amount on the tax duplicate per eligible parcel (all residential units as defined in the Republic Services contract) for 2025.

In 2024, Council adopted Ordinance No. 2023-19 to set residential garbage rates and to certify them to the Erie County Auditor for collection on property tax bills for the current year. Council is set the rate in July of each for the following year. The monthly rate for 2025 will be \$25.30 (\$303.55 annualized), to be collected in bi-annually.

There have been no changes made to this legislation since its first reading on July 9, 2024.

Financial Review

The City is currently charging \$24.82 a month (\$297.84 annualized) through December 31, 2024. If this legislation is approved on third reading, the new rate charged to residents of \$25.30 a month (\$303.55 annualized - 1.92% increase) per eligible residential unit for 2025 will be included on the property tax bill (billed semi-annually). The City will not charge additional administrative fees.

While this legislation reflects only a 1.92% increase, the actual increase to the City in the current Republic Services Contract is 5%. The reason for the difference relates to savings on fuel recovery costs negotiated by the City in this contract.

Legal Review

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

Recommendation

If Council is in agreement with the same, a motion placing Ordinance No. 2024-31 on its second reading is in order.

[Ordinance No. 2024-31 EMERGENCY Assessment of Trash Rates to Auditor \(3\).docx](#)

ORDINANCE NO. 2024-31

Introduced by Joel Hagy

AN ORDINANCE ESTABLISHING THE RATE TO BE PAID BY RESIDENTIAL PROPERTY OWNERS FOR THE PERIOD OF JANUARY 2025 THROUGH DECEMBER 2025 FOR RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL; AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE TO CERTIFY THE COSTS OF SAME TO THE ERIE COUNTY AUDITOR FOR PLACEMENT ON THE TAX DUPLICATE FOR COLLECTION WITH OTHER CITY TAXES IN 2025; AND DECLARING AN EMERGENCY

WHEREAS, the Huron City Council adopted Ordinance No. 2023-15 on June 27, 2023 enacting new Codified Ordinance 931.04 (Rates for Collection and Disposal), for the collection method for solid waste collection fees by certification of the amounts due for same onto the residential real property tax duplicate for collection by the County Auditor on an annual basis, and

WHEREAS, pursuant to Huron Codified Ordinance Section 931.04, Council seeks to assess the costs of solid waste collection and disposal within the City by certifying said amounts to the County Auditor for collection in 2025; and

WHEREAS, annually, Council is to set the rate to be paid for solid waste collection and disposal pursuant to Codified Ordinance Section 931.04.

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

SECTION 1. For the period of January 2025 through December 2025 each dwelling unit shall be charged the amount of \$303.55 per dwelling unit (\$25.30 per month) for solid waste collection and disposal;

SECTION 2. The Director of Finance is hereby authorized and directed to certify to the County Auditor for each dwelling unit within the City of Huron as determined in the solid waste collection and disposal contract with Republic Services, the assessment shown therein, to be collected in 2025, and the same is hereby ratified and affirmed;

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

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the residents, and to ensure the sound fiscal administration of the City of Huron; WHEREFORE, this Ordinance shall take effect immediately upon its adoption.

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2024-32 (**third and final reading**) (*submitted by Matt Lasko*)
DATE: July 23, 2024

Subject Matter/Background

This summary relates to Ordinance Nos. 2024-32 and 2024-33:

The City has recently been petitioned by Firelands Scientific to modify our Ordinances to permit at least one recreational medical marijuana dispensary in the City (Firelands expects to receive their recreational dispensary license on or about June 15th). Our Ordinances currently prohibit all recreational marijuana dispensaries, no exceptions (1121.08).

Firelands request is governed by the “new” State marijuana law (ORC 3780.25(B)(2)) – they have an existing medical marijuana dispensary license and are going to dispense “on the same parcel or contiguous parcels” as the medical license facility, so the right to open the recreational dispensary appears absolute and, per the new statute, Firelands “**may not be prohibited or limited by any municipal corporation or Township**” from operating a recreational dispensary. This appear to be an absolute right to open a recreational dispensary; there is no case law to assist with further analysis, but the language in the statute is clear and unambiguous.

The City should consider modifying our Ordinances to allow at least one recreational dispensary based on the new ORC 3780.25(B)(2). A modification to the relevant Ordinances serves as confirmation that City is following current law.” Additional Ordinance changes are a step towards combining related regulations as “dual licensure” is anticipated by the State of Ohio.

There have been no changes made to this ordinance since its first reading.

Financial Review

This legislation could result in future revenue opportunities through taxes and the City's electric utility.

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. 2024-32 on its third and final reading is in order.

[Ordinance No. 2024-32 Section 11.21.08 Amend and Restate Recreational Marijuana \(2\).docx](#)

ORDINANCE NO. 2024-32
Introduced by Sam Artino

AN ORDINANCE REPEALING AND AMENDING AND RESTATING SECTION 1121.08 (REGULATIONS APPLYING TO ALL DISTRICTS) OF CHAPTER 1121 (DISTRICTS ESTABLISHED; BOUNDARIES; GENERAL REGULATIONS) 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 Section 1121.08 (Regulations Applying to all Districts) of Chapter 1121 (Districts Established; Boundaries; General Regulations) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows:

"1121.08 REGULATIONS APPLYING TO ALL DISTRICTS

The retail dispensing of marijuana for recreational purposes is prohibited in all zoning districts of the City of Huron."

shall be and hereby is repealed in its entirety.

SECTION 2. That a new revised and restated Section 1121.08 (Regulations Applying to All Districts) of Chapter 1121 (Districts Established; Boundaries; General Regulations) of the Codified Ordinances of the City of Huron, Ohio, shall be amended to read as follows:

"1121.08 REGULATIONS APPLYING TO ALL DISTRICTS

The retail dispensing of marijuana for recreational purposes is limited to one (1) location citywide."

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

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

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

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2024-33 (**third and final reading**) (*submitted by Matt Lasko*)
DATE: July 23, 2024

Subject Matter/Background

This summary relates to Ordinance Nos. 2024-32 and 2024-33:

The City has recently been petitioned by Firelands Scientific to modify our Ordinances to permit at least one recreational medical marijuana dispensary in the City (Firelands expects to receive their recreational dispensary license on or about June 15th). Our Ordinances currently prohibit all recreational marijuana dispensaries, no exceptions (1121.08).

Firelands request is governed by the “new” State marijuana law (ORC 3780.25(B)(2)) – they have an existing medical marijuana dispensary license and are going to dispense “on the same parcel or contiguous parcels” as the medical license facility, so the right to open the recreational dispensary appears absolute and, per the new statute, Firelands “**may not be prohibited or limited by any municipal corporation or Township**” from operating a recreational dispensary. This appear to be an absolute right to open a recreational dispensary; there is no case law to assist with further analysis, but the language in the statute is clear and unambiguous.

The City should consider modifying our Ordinances to allow at least one recreational dispensary based on the new ORC 3780.25(B)(2). A modification to the relevant Ordinances serves as confirmation that City is following current law.” Additional Ordinance changes are a step towards combining related regulations as “dual licensure” is anticipated by the State of Ohio.

There have been no changes to this ordinance since its first reading.

Financial Review

This legislation could result in future revenue opportunities through taxes and the City's electric utility.

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. 2024-33 on its third and final reading is in order.

[Ordinance No. 2024-33 Section 11.21.08 Amend and Restate Recreational Marijuana - Copy \(1\).docx](#)

ORDINANCE NO. 2024-33
Introduced by Sam Artino

AN ORDINANCE REPEALING AND AMENDING AND RESTATING SECTION 1126.16 (MARIJUANA RETAIL DISPENSARIES) OF CHAPTER 1126 (SPECIAL PROVISIONS) 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 Section 1126.16 (Marijuana Retail Dispensaries) of Chapter 1126 (Special Provisions) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows:

"1126.16 MARIJUANA RETAIL DISPENSARIES.

(a) Purpose. To establish limitations on medical marijuana dispensary operations within the City and to establish reasonable and uniform regulations to minimize and control the negative secondary effects of medical marijuana dispensaries within the City, all in order to promote the health, safety, and welfare of the citizens of the City.

(b) Applicability. The development regulations established within this chapter are applicable to the following development criteria:

(1) A facility, building, or group of buildings for the purpose of retail dispensing of medical marijuana.

(c) Location. The following regulations shall be used to regulate the location of medical marijuana retail dispensary facilities:

(1) Medical marijuana retail dispensaries are conditionally permitted within any Industrial district within the city. In addition, no medical marijuana retail dispensary may be within 1000 ft. from any parcel on which sits a school, church, public library, public playground or public park.

(d) Other Requirements. Medical marijuana retail dispensaries shall comply with Chapter [751](#) of these Ordinances and ORC 3796 et seq. Only one medical marijuana retail dispensary shall be permitted within the City limits per this section."

shall be and hereby is repealed in its entirety.

SECTION 2. That a new revised and restated Section 1121.08 (Regulations Applying to All Districts) of Chapter 1121 (Districts Established; Boundaries; General Regulations) of the Codified Ordinances of the City of Huron, Ohio, shall be amended to read as follows:

"1126.16 MARIJUANA RETAIL DISPENSARIES.

(a) Purpose. To establish limitations on any and all marijuana dispensary operations within the City and to establish reasonable and uniform regulations to minimize and control the negative secondary effects of such marijuana dispensaries within the City, all in order to promote the health, safety, and welfare of the citizens of the City.

(b) Applicability. The development regulations established within this chapter are applicable to the following development criteria:

(1) A facility, building, or group of buildings for the purpose of retail dispensing of marijuana in conformity with Chapter 751 of these Ordinances, ORC 3796 et seq., and ORC 3780 et seq.

(c) Location. The following regulations shall be used to regulate the location of any and all marijuana retail dispensary facilities that operate pursuant to and in conformity with Chapter 751 of these Ordinances, ORC 3796 et seq., and ORC 3780 et seq.:

(1) All marijuana retail dispensaries are conditionally permitted within any Industrial district within the city. In addition, no marijuana retail dispensary may be within 1000 ft. from any parcel on which sits a school, church, public library, public playground or public park.

(d) Other Requirements. Any and all marijuana retail dispensaries shall comply with Chapter 751 of these Ordinances, ORC 3796 et seq., and ORC 3780 et seq. Only one marijuana retail dispensary shall be permitted within the City limits per this section."

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

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

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

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Resolution No. 57-2024 **(third and final reading)** *(submitted by Matt Lasko)*
DATE: July 23, 2024

Subject Matter/Background

Resolution 57-2024 is a resolution of necessity in front of Council to put a City income tax increase on the November ballot.

The administration was tasked with researching additional revenue sources following approval of the 2024 budget in December of 2023. The administration is recommending an income tax increase from 1% to 1.75%, allowing for a credit up to 1.75% for residents that work in another income tax paying jurisdiction. Currently, the City does not offer a credit. Over the last few months, the administration has held multiple public meetings to educate residents on the potential income tax increase. Following those meetings, the administrative still feels confident this income tax increase is the best long-term solution for the City's forecasted budget deficits.

In order to be put on the November ballot, Council must approve this resolution prior to August 7, 2024. We are respectfully requesting approval on the third reading in July.

Financial Review

If passed, the Board of Election may charge the City approximately \$2,000 for the election cost. The charge will be deducted from the City's property tax distribution in 2025.

If passed by the voters, the City is expected to receive an additional \$1.8M in income tax revenue per year. The increase is expected to provide long-term budget stabilization for essential services and continue quality of life improvements for City residents.

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, amotion placing Resolution No. 57-2024 on its third and final reading is in order.

[Resolution No. 57-2024 Resolution of Necessity - Income Tax.doc](#)

RESOLUTION NO. 57-2024

Introduced by Mark Claus

A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND SECTIONS 185.01, 185.03, 185.04 AND 185.06 OF THE CODIFIED ORDINANCES OF THE CITY OF HURON, OHIO, IN ORDER TO PROVIDE FOR THE LEVY OF AN ADDITIONAL SEVENTY-FIVE ONE-HUNDREDTHS PERCENT (0.75%) INCOME TAX BEGINNING JANUARY 1, 2025 AND PROVIDING A CREDIT UP TO 1.75% FOR INCOME TAX PAID TO OTHER MUNICIPALITIES, AND DECLARING AN EMERGENCY.

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

Section 1. This Council hereby authorizes and directs the submission to the electors of the City of Huron, Ohio, at an election to be held at the usual places of voting in the City on Tuesday, November 5, 2024, between the hours of 6:30 a.m. and 7:30 p.m. of that day, of the question of approving the passage of an ordinance to amend Sections 185.01, 185.03, 185.04 and 185.06 of the Codified Ordinances of the City of Huron, Ohio, as established by Ordinance No. 2015-30, passed November 10, 2015, as amended by Ordinance No. 2024-4, passed on February 13, 2024, in order to provide for the levy of an additional seventy-five one-hundredths percent (0.75%) income tax and provide for a credit up to 1.75% for income tax paid to other municipalities, which ordinance is set forth in full in Section 2 hereof.

Section 2. The proposed ordinance to be submitted to the electors of the City for their approval hereunder shall be as follows:

ORDINANCE NO. 2024-24

AN ORDINANCE AMENDING SECTIONS 185.01, 185.03, 185.04 AND 185.06 OF THE CODIFIED ORDINANCES OF THE CITY OF HURON, OHIO, TO PROVIDE FOR THE LEVY OF AN ADDITIONAL SEVENTY-FIVE ONE-HUNDREDTHS PERCENT (0.75%) INCOME TAX BEGINNING JANUARY 1, 2025, AND PROVIDING A CREDIT UP TO 1.75% FOR INCOME TAX PAID TO OTHER MUNICIPALITIES; AND DECLARING AN EMERGENCY.

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

Section 1. Section 185.01 of the Codified Ordinances of the City of Huron, Ohio, as established by Ordinance No. 2015-30, passed November 10, 2015, is hereby further amended to read as follows:

"185.01 AUTHORITY TO LEVY TAX; PURPOSE OF TAX.

(A) To provide funds for the purposes of general municipal operations and services, maintenance, new equipment, extension and enlargement of municipal services and facilities, permanent improvements, and capital improvements, the Municipality hereby levies an annual tax on the income of every person residing in or earning or receiving income in the Municipality as measured by each such person's municipal taxable income, all as hereinafter provided.

(B) (1) The annual tax is levied at a rate of 1.75% (one and seventy-five one-hundredths percent). The tax is levied at a uniform rate on all persons residing in or earning or receiving income in

the Municipality. The tax is levied on municipal taxable income as hereinafter provided in Section 185.03 of this Chapter and other sections as they may apply.

(2) The funds collected under the provisions of this Chapter 185 shall be applied for the following purposes and in the following order: (i) such part thereof as is necessary to defray all costs of collecting the taxes levied by this Chapter and the cost of administering and enforcing the provisions hereof; (ii) after providing for the allocation of funds set forth in division (B)(2)(i) of this Section, funds shall be set aside, appropriated and paid into the General Bond Retirement Fund or another fund specified by ordinance of the Council, in an amount equal to the annual principal and interest payments due (within that year) on all bonds, notes or other obligations for which income tax revenues have been pledged; (iii) after providing for the allocation of funds set forth in division (B)(2)(i) and (ii) of this Section, not less than seven percent (7%) of the remaining funds shall be set aside, appropriated and paid into the Capital Improvement Fund; and (iv) after providing for the allocation of funds set forth in division (B)(2)(i), (ii), and (iii) of this Section, the balance of the funds remaining shall be used for any purpose as may be determined by ordinance of the Council.

(C) The taxes levied under this Chapter 185 shall be levied in accordance with the provisions and limitations set forth in Chapter 718 of the Ohio Revised Code to the fullest extent required for the Municipality to continue to levy those taxes. The required provisions and limitations of Chapter 718 of the Ohio Revised Code are hereby incorporated into this Chapter 185, and those required provisions or limitations of Chapter 718 of the Ohio Revised Code shall control to the extent there is a conflict between a provision or limitation of this Chapter 185 and an express provision or limitation of Chapter 718 of the Ohio Revised Code.

(D) As used herein, all references in this Chapter 185 to provisions or limitations of Chapter 718 of the Ohio Revised Code and to any Section of that Chapter 718 shall include those provisions or limitations of that Chapter or Section as in effect on January 1, 2016, of any successor statute, and of any subsequent amendment to that Chapter or Section or a successor statute in effect from time to time to the fullest possible extent required for the Municipality to continue to levy the taxes specified under this Chapter 185. All references in this Chapter 185 to "ORC" are to the Ohio Revised Code."

Section 2. Section 185.03 of the Codified Ordinances of the City of Huron, Ohio, as established by Ordinance No. Ordinance No. 2015-30, passed November 10, 2015, as amended by Ordinance No. 2024-4, passed on February 13, 2024, is hereby further amended to read as follows:

"185.03 IMPOSITION OF TAX.

The income tax levied by the Municipality at a rate of one and seventy-five one-hundredths percent (1.75%) is levied on the municipal taxable income of every person who resides in or who earns or receives income in the Municipality.

Individuals.

(A) For residents, the income tax levied herein shall be on all municipal taxable income, as set forth in Section 185.02(C)(21)(a)(ii)(a).

(B) For nonresidents, the income tax levied herein shall be on all municipal taxable income, as set forth in Section 185.02(C)(21)(a)(ii)(b).

(C) For a person other than an individual, the income tax levied herein shall be on all municipal taxable income, as set forth in Section 185.02(C)(21)(a)(i).

Refundable credit for Nonqualified Deferred Compensation Plan.

(D) (1) As used in this division:

(a) "Nonqualified deferred compensation plan" means a compensation plan described in Section 3121(v)(2)(C) of the Internal Revenue Code.

(b) "Qualifying loss" means the amount of compensation attributable to a taxpayer's nonqualified deferred compensation plan, less the receipt of money and property attributable to distributions from the nonqualified deferred compensation plan. Full loss is sustained if no distribution of money and property is made by the nonqualified deferred compensation plan. The taxpayer sustains a qualifying loss only in the taxable year in which the taxpayer receives the final distribution of money and property pursuant to that nonqualified deferred compensation plan.

(c) (i) "Qualifying tax rate" means the applicable tax rate for the taxable year for the which the taxpayer paid income tax to the Municipality with respect to any portion of the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan.

(ii) If different tax rates applied for different taxable years, then the "qualifying tax rate" is a weighted average of those different tax rates. The weighted average shall be based upon the tax paid to the Municipality each year with respect to the nonqualified deferred compensation plan.

(d) "Refundable credit" means the amount of the Municipality's income tax that was paid on the non-distributed portion, if any, of a nonqualified deferred compensation plan.

(2) If, in addition to the income tax levied by the Municipality, a taxpayer has paid tax to other municipal corporations with respect to the nonqualified deferred compensation plan, the amount of the credit that a taxpayer may claim from each municipal corporation shall be calculated on the basis of each municipal corporation's proportionate share of the total municipal corporation income tax paid by the taxpayer to all municipal corporations with respect to the nonqualified deferred compensation plan.

(3) In no case shall the amount of the credit allowed under this Section exceed the cumulative income tax that a taxpayer has paid to the Municipality for all taxable years with respect to the nonqualified deferred compensation plan.

(4) The credit allowed under this division is allowed only to the extent the taxpayer's qualifying loss is attributable to:

(a) The insolvency or bankruptcy of the employer who had established the nonqualified deferred compensation plan; or

(b) The employee's failure or inability to satisfy all of the employer's terms and conditions necessary to receive the nonqualified deferred compensation.

Domicile.

(E) (1) (a) An individual is presumed to be domiciled in the Municipality for all or part of a taxable year if the individual was domiciled in the Municipality on the last day of the immediately preceding taxable year or if the Tax Administrator reasonably concludes that the individual is domiciled in the Municipality for all or part of the taxable year.

(b) An individual may rebut the presumption of domicile described in division (E)(1)(a) of this Section if the individual establishes by a preponderance of the evidence that the individual was not domiciled in the Municipality for all or part of the taxable year.

(2) For the purpose of determining whether an individual is domiciled in the Municipality for all or part of a taxable year, factors that may be considered include, but are not limited to, the following:

- (a) The individual's domicile in other taxable years;
- (b) The location at which the individual is registered to vote;
- (c) The address on the individual's driver's license;
- (d) The location of real estate for which the individual claimed a property tax exemption or reduction allowed on the basis of the individual's residence or domicile;
- (e) The location and value of abodes owned or leased by the individual;
- (f) Declarations, written or oral, made by the individual regarding the individual's residency;
- (g) The primary location at which the individual is employed.
- (h) The location of educational institutions attended by the individual's dependents as defined in Section 152 of the Internal Revenue Code, to the extent that tuition paid to such educational institution is based on the residency of the individual or the individual's spouse in the municipal corporation where the educational institution is located;
- (i) The number of contact periods the individual has with the Municipality. For the purposes of this division, an individual has one "contact period" with the Municipality if the individual is away overnight from the individual's abode located outside of the Municipality and while away overnight from that abode spends at least some portion, however minimal, of each of two consecutive days in the Municipality.

(3) All additional applicable factors are provided in the Rules and Regulations.

Businesses.

(F) This division applies to any taxpayer engaged in a business or profession in the Municipality, unless the taxpayer is an individual who is a resident or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745. of the ORC.

(1) Except as otherwise provided in divisions (F)(2) and (G) of this Section, net profit from a business or profession conducted both within and without the boundaries of the Municipality shall be considered as having a taxable situs in the Municipality for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(a) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the Municipality during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(b) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the Municipality to wages, salaries, and other compensation paid during the same period to individuals employed in the business or

profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under Section 185.04(C);

(c) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the Municipality to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.

(2) (a) If the apportionment factors described in division (F)(1) of this Section do not fairly represent the extent of a taxpayer's business activity in the Municipality, the taxpayer may request, or the Tax Administrator of the Municipality may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

- (i) Separate accounting;
- (ii) The exclusion of one or more of the factors;
- (iii) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;
- (iv) A modification of one or more of the factors.

(b) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the Tax Administrator denies the request in an assessment issued within the period prescribed by Section 185.12(A).

(c) The Tax Administrator may require a taxpayer to use an alternative apportionment method as described in division (F)(2)(a) of this Section, but only by issuing an assessment to the taxpayer within the period prescribed by Section 185.12(A).

(d) Nothing in division (F)(2) of this Section nullifies or otherwise affects any alternative apportionment arrangement approved by the Tax Administrator or otherwise agreed upon by both the Tax Administrator and taxpayer before January 1, 2016.

(3) As used in division (F)(1)(b) of this Section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(a) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

- (i) The employer;
- (ii) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;
- (iii) A vendor, customer, client, or patient of a person described in (F)(3)(a)(ii) of this Section, or a related member of such a vendor, customer, client, or patient.

(b) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(c) Any other location, if the Tax Administrator determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (F) (3)(a) or (b) of this Section solely in order to avoid or reduce the employer's municipal income tax liability. If the Tax Administrator makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the Tax Administrator's determination was unreasonable.

(4) For the purposes of division (F)(1)(c) of this Section, and except as provided in division (G) of this section, receipts from sales and rentals made and services performed shall be situated to a municipal corporation as follows:

(a) Gross receipts from the sale of tangible personal property shall be situated to the municipal corporation in which the sale originated. For the purposes of this division, a sale of property originates in the Municipality if, regardless of where title passes, the property meets any of the following criteria:

(i) The property is shipped to or delivered within the Municipality from a stock of goods located within the Municipality.

(ii) The property is delivered within the Municipality from a location outside the Municipality, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the Municipality and the sales result from such solicitation or promotion.

(iii) The property is shipped from a place within the Municipality to purchasers outside the Municipality, provided that the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

(b) Gross receipts from the sale of services shall be situated to the Municipality to the extent that such services are performed in the Municipality.

(c) To the extent included in income, gross receipts from the sale of real property located in the Municipality shall be situated to the Municipality.

(d) To the extent included in income, gross receipts from rents and royalties from real property located in the Municipality shall be situated to the Municipality.

(e) Gross receipts from rents and royalties from tangible personal property shall be situated to the Municipality based upon the extent to which the tangible personal property is used in the Municipality.

(5) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual, or by a disregarded entity owned by the individual, shall be subject to the Municipality's tax only if the property generating the net profit is located in the Municipality or if the individual taxpayer that receives the net profit is a resident of the Municipality. the Municipality shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit situated under this division to the municipal corporation in which the property is located.

(6) (a) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be situated to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to the Municipality, if applicable, based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the Municipality to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(b) An individual who is a resident of the Municipality shall report the individual's net profit from all real estate activity on the individual's annual income tax return filed with the Municipality. The individual may claim a credit for taxes the individual paid on such net profit to another municipal corporation to the extent that such a credit is allowed under this Chapter.

(7) When calculating the ratios described in division (F)(1) of this Section for the purposes of that division or division (F)(2) of this Section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

(8) Intentionally left blank.

(9) Intentionally left blank.

(G) (1) As used in this division:

(a) "Qualifying remote employee or owner" means an individual who is an employee of a taxpayer or who is a partner or member holding an ownership interest in a taxpayer that is treated as a partnership for federal income tax purposes, provided that the individual meets both of the following criteria:

(i) The taxpayer has assigned the individual to a qualifying reporting location.

(ii) The individual is permitted or required to perform services for the taxpayer at a qualifying remote work location.

(b) "Qualifying remote work location" means a permanent or temporary location at which an employee or owner chooses or is required to perform services for the taxpayer, other than a reporting location of the taxpayer or any other location owned or controlled by a customer or client of the taxpayer. "Qualifying remote work location" may include the residence of an employee or owner and may be located outside of a municipal corporation that imposes an income tax in accordance with this chapter. An employee or owner may have more than one qualifying remote work location during a taxable year.

(c) "Reporting location" means either of the following:

(i) A permanent or temporary place of doing business, such as an office, warehouse, storefront, construction site, or similar location, that is owned or controlled directly or indirectly by the taxpayer;

(ii) Any location in this state owned or controlled by a customer or client of the taxpayer, provided that the taxpayer is required to withhold taxes under Section 185.04 of this Chapter, on qualifying wages paid to an employee for the performance of personal services at that location.

(d) "Qualifying reporting location" means one of the following:

(i) The reporting location in this state at which an employee or owner performs services for the taxpayer on a regular or periodic basis during the taxable year;

(ii) If no reporting location exists in this state for an employee or owner under division (G)(1)(d)(i) of this section, the reporting location in this state at which the employee's or owner's supervisor regularly or periodically reports during the taxable year;

(iii) If no reporting location exists in this state for an employee or owner under division (G)(1)(d)(i) or (ii) of this section, the location that the taxpayer otherwise

assigns as the employee's or owner's qualifying reporting location, provided the assignment is made in good faith and is recorded and maintained in the taxpayer's business records. A taxpayer may change the qualifying reporting location designated for an employee or owner under this division at any time.

(2) For tax years ending on or after December 31, 2023, a taxpayer may elect to apply the provisions of this division to the apportionment of its net profit from a business or profession. For taxpayers that make this election, the provisions of division (F) of this section apply to such apportionment except as otherwise provided in this division.

A taxpayer shall make the election allowed under this division in writing on or with the taxpayer's net profit return or, if applicable, a timely filed amended net profit return or a timely filed appeal of an assessment. The election applies to the taxable year for which that return or appeal is filed and for all subsequent taxable years, until the taxpayer revokes the election.

The taxpayer shall make the initial election with the tax administrator of each municipal corporation with which, after applying the apportionment provisions authorized in this division, the taxpayer is required to file a net profit tax return for that taxable year. A taxpayer shall not be required to notify the tax administrator of a municipal corporation in which a qualifying remote employee's or owner's qualifying remote work location is located, unless the taxpayer is otherwise required to file a net profit return with that municipal corporation due to business operations that are unrelated to the employee's or owner's activity at the qualifying remote work location.

After the taxpayer makes the initial election, the election applies to every municipal corporation in which the taxpayer conducts business. The taxpayer shall not be required to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in such municipal corporation.

Nothing in this division prohibits a taxpayer from making a new election under this division after properly revoking a prior election.

(3) For the purpose of calculating the ratios described in division (F)(1) of this section, all of the following apply to a taxpayer that has made the election described in division (G)(2):

(a) For the purpose of division (F)(1)(a) of this section, the average original cost of any tangible personal property used by a qualifying remote employee or owner at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(b) For the purpose of division (F)(1)(b) of this section, any wages, salaries, and other compensation paid during the taxable period to a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(c) For the purpose of division (F)(1)(c) of this section, and notwithstanding division (F)(4) of this section, any gross receipts of the business or profession from services performed during the taxable period by a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(4) Nothing in this division prevents a taxpayer from requesting, or a tax administrator from requiring, that the taxpayer use, with respect to all or a portion of the income of the taxpayer, an alternative apportionment method as described in division (F)(2) of this section. However, a tax administrator shall not require an alternative apportionment method in such a manner that it would require a taxpayer to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in that municipal corporation.

(5) Except as otherwise provided in this division, nothing in this division is intended to affect the withholding of taxes on qualifying wages pursuant to Section 185.04 of this Chapter."

Section 3. Section 185.04 of the Codified Ordinances of the City of Huron, Ohio, as established by Ordinance No. Ordinance No. 2015-30, passed November 10, 2015, is hereby further amended to read as follows:

"185.04 COLLECTION AT SOURCE.

Withholding provisions.

(A) Each employer, agent of an employer, or other payer located or doing business in the Municipality shall withhold an income tax from the qualifying wages earned and/or received by each employee in the Municipality. Except for qualifying wages for which withholding is not required under Section 185.03 or division (B)(4) or (6) of this Section, the tax shall be withheld at the rate, specified in Section 185.03 of this Chapter, of one and seventy-five one-hundredths percent (1.75%). An employer, agent of an employer, or other payer shall deduct and withhold the tax from qualifying wages on the date that the employer, agent, or other payer directly, indirectly, or constructively pays the qualifying wages to, or credits the qualifying wages to the benefit of, the employee.

(B) (1) Except as provided in division (B)(2) of this Section, an employer, agent of an employer, or other payer shall remit to the Tax Administrator of the Municipality the greater of the income taxes deducted and withheld or the income taxes required to be deducted and withheld by the employer, agent, or other payer according to the following schedule:

(a) Taxes required to be deducted and withheld shall be remitted monthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld by the employer, agent, or other payer on behalf of the Municipality in the preceding calendar year exceeded \$2,399, or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the Municipality in any month of the preceding calendar quarter exceeded \$200.

Payment under division (B)(1)(a) of this Section shall be made so that the payment is received by the Tax Administrator not later than 15 days after the last day of each month for which the tax was withheld.

(b) Any employer, agent of an employer, or other payer not required to make payments under division (B)(1)(a) of this Section of taxes required to be deducted and withheld shall make quarterly payments to the Tax Administrator not later than the 15th day of the month following the end of each calendar quarter.

(c) Notwithstanding the provisions of (B)(1)(a) and (b) of this Section, taxes required to be deducted and withheld shall be remitted semimonthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld on behalf of the

Municipality in the preceding calendar year exceeded \$11,999, or if in any month of the preceding calendar year exceeded \$1,000. Payment under division (B)(1)(c) of this Section shall be made so that the payment is received by the Tax Administrator not later than one of the following: (i) if the taxes were deducted and withheld or required to be deducted and withheld during the first fifteen days of a month, the third banking day after the fifteenth day of that month; or (ii) if the taxes were deducted and withheld or required to be deducted and withheld after the fifteenth day of a month and before the first day of the immediately following month, the third banking day after the last day of the month.

(2) If the employer, agent of an employer, or other payer is required to make payments electronically for the purpose of paying federal taxes withheld on payments to employees under Section 6302 of the Internal Revenue Code, 26 C.F.R. 31.6302-1, or any other federal statute or regulation, the payment shall be made by electronic funds transfer to the Tax Administrator of all taxes deducted and withheld on behalf of the Municipality. The payment of tax by electronic funds transfer under this division does not affect an employer's, agent's, or other payer's obligation to file any return as required under this Section.

(3) An employer, agent of an employer, or other payer shall make and file a return showing the amount of tax withheld by the employer, agent, or other payer from the qualifying wages of each employee and remitted to the Tax Administrator. A return filed by an employer, agent, or other payer under this division shall be accepted by the Tax Administrator and the Municipality as the return required of an non-resident employee whose sole income subject to the tax under this Chapter is the qualifying wages reported by the employee's employer, agent of an employer, or other payer.

(4) An employer, agent of an employer, or other payer is not required to withhold the Municipality's income tax with respect to an individual's disqualifying disposition of an incentive stock option if, at the time of the disqualifying disposition, the individual is not an employee of either the corporation with respect to whose stock the option has been issued or of such corporation's successor entity.

(5) (a) An employee is not relieved from liability for a tax by the failure of the employer, agent of an employer, or other payer to withhold the tax as required under this Chapter or by the employer's, agent's, or other payer's exemption from the requirement to withhold the tax.

(b) The failure of an employer, agent of an employer, or other payer to remit to the Municipality the tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer, agent, or other payer in connection with the failure to remit the tax withheld.

(6) Compensation deferred before June 26, 2003, is not subject to the income tax or income tax withholding requirement imposed by this Chapter to the extent the deferred compensation does not constitute qualifying wages at the time the deferred compensation is paid or distributed.

(7) Each employer, agent of an employer, or other payer required to withhold taxes is liable for the payment of that amount required to be withheld, whether or not such taxes have been withheld, and such amount shall be deemed to be held in trust for the Municipality until such time as the withheld amount is remitted to the Tax Administrator.

(8) On or before the last day of February of each year, an employer shall file a withholding reconciliation return with the Tax Administrator listing:

(a) The names, addresses, and social security numbers of all employees from whose qualifying wages the tax levied by this Chapter was withheld or should have been withheld during the preceding calendar year;

(b) The amount of tax withheld, if any, from each such employee, the total amount of qualifying wages paid to such employee during the preceding calendar year;

(c) The name of every other municipal corporation for which tax was withheld or should have been withheld from such employee during the preceding calendar year;

(d) Any other information required for federal income tax reporting purposes on Internal Revenue Service form W-2 or its equivalent form with respect to such employee;

(e) Other information as may be required by the Tax Administrator.

(9) The officer or the employee of the employer, agent of an employer, or other payer with control or direct supervision of or charged with the responsibility for withholding the tax or filing the reports and making payments as required by this Section, shall be personally liable for a failure to file a report or pay the tax due as required by this Section. The dissolution of an employer, agent of an employer, or other payer does not discharge the officer's or employee's liability for a failure of the employer, agent of an employer, or other payer to file returns or pay any tax due.

(10) An employer is required to deduct and withhold the Municipality's income tax on tips and gratuities received by the employer's employees and constituting qualifying wages, but only to the extent that the tips and gratuities are under the employer's control. For the purposes of this division, a tip or gratuity is under the employer's control if the tip or gratuity is paid by the customer to the employer for subsequent remittance to the employee, or if the customer pays the tip or gratuity by credit card, debit card, or other electronic means.

(11) The Tax Administrator shall consider any tax withheld by an employer at the request of an employee, when such tax is not otherwise required to be withheld by this Chapter, to be tax required to be withheld and remitted for the purposes of this Section.

Occasional Entrant - Withholding.

(C) (1) As used in this division:

(a) "Employer" includes a person that is a related member to or of an employer.

(b) "Fixed location" means a permanent place of doing business in this state, such as an office, warehouse, storefront, or similar location owned or controlled by an employer.

(c) "Principal place of work" means the fixed location to which an employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location, "principal place of work" means the worksite location in this state to which the employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location or worksite location, "principal place of work" means the location in this state at which the employee spends the greatest number of days in a calendar year performing services for or on behalf of the employee's employer.

If there is not a single municipal corporation in which the employee spent the "greatest number of days in a calendar year" performing services for or on behalf of the employer, but instead there are two or more municipal corporations in which the employee spent an identical number

of days that is greater than the number of days the employee spent in any other municipal corporation, the employer shall allocate any of the employee's qualifying wages subject to division (C)(2)(a)(i) of this Section among those two or more municipal corporations. The allocation shall be made using any fair and reasonable method, including, but not limited to, an equal allocation among such municipal corporations or an allocation based upon the time spent or sales made by the employee in each such municipal corporation. A municipal corporation to which qualifying wages are allocated under this division shall be the employee's "principal place of work" with respect to those qualifying wages for the purposes of this Section.

For the purposes of this division, the location at which an employee spends a particular day shall be determined in accordance with division (C)(2)(b) of this Section, except that "location" shall be substituted for "municipal corporation" wherever "municipal corporation" appears in that division.

(d) "Professional athlete" means an athlete who performs services in a professional athletic event for wages or other remuneration.

(e) "Professional entertainer" means a person who performs services in the professional performing arts for wages or other remuneration on a per-event basis.

(f) "Public figure" means a person of prominence who performs services at discrete events, such as speeches, public appearances, or similar events, for wages or other remuneration on a per-event basis.

(g) "Worksite location" means a construction site or other temporary worksite in this state at which the employer provides services for more than 20 days during the calendar year. "Worksite location" does not include the home of an employee.

(2) (a) Subject to divisions (C)(3), (5), (6), and (7) of this Section, an employer is not required to withhold the Municipality's income tax on qualifying wages paid to an employee for the performance of personal services in the Municipality if the employee performed such services in the Municipality on 20 or fewer days in a calendar year, unless one of the following conditions applies:

(i) The employee's principal place of work is located in the Municipality.

(ii) The employee performed services at one or more presumed worksite locations in the Municipality. For the purposes of this division, "presumed worksite location" means a construction site or other temporary worksite in the Municipality at which the employer provides or provided services that can reasonably be, or would have been, expected by the employer to last more than 20 days in a calendar year. Services can "reasonably be expected by the employer to last more than 20 days" if either of the following applies at the time the services commence:

(a) The nature of the services is such that it will require more than 20 days of the services to complete the services;

(b) The agreement between the employer and its customer to perform services at a location requires the employer to perform the services at the location for more than 20 days.

(iii) The employee is a resident of the Municipality and has requested that the employer withhold tax from the employee's qualifying wages as provided in Section 185.04.

(iv) The employee is a professional athlete, professional entertainer, or public figure, and the qualifying wages are paid for the performance of services in the employee's capacity as a professional athlete, professional entertainer, or public figure.

(b) For the purposes of division (C)(2)(a) of this Section, an employee shall be considered to have spent a day performing services in the Municipality only if the employee spent more time performing services for or on behalf of the employer in the Municipality than in any other municipal corporation on that day. For the purposes of determining the amount of time an employee spent in a particular location, the time spent performing one or more of the following activities shall be considered to have been spent at the employee's principal place of work:

(i) Traveling to the location at which the employee will first perform services for the employer for the day;

(ii) Traveling from a location at which the employee was performing services for the employer to any other location;

(iii) Traveling from any location to another location in order to pick up or load, for the purpose of transportation or delivery, property that has been purchased, sold, assembled, fabricated, repaired, refurbished, processed, remanufactured, or improved by the employee's employer;

(iv) Transporting or delivering property described in division (C)(2)(b)(iii) of this Section, provided that, upon delivery of the property, the employee does not temporarily or permanently affix the property to real estate owned, used, or controlled by a person other than the employee's employer;

(v) Traveling from the location at which the employee makes the employee's final delivery or pick-up for the day to either the employee's principal place of work or a location at which the employee will not perform services for the employer.

(3) If the principal place of work of an employee is located in another Ohio municipal corporation that imposes an income tax, the exception from withholding requirements described in division (C)(2)(a) of this Section shall apply only if, with respect to the employee's qualifying wages described in that division, the employer withholds and remits tax on such qualifying wages to that municipal corporation.

(4) (a) Except as provided in division (C)(4)(b) of this Section, if, during a calendar year, the number of days an employee spends performing personal services in the Municipality exceeds the 20-day threshold, the employer shall withhold and remit tax to the Municipality for any subsequent days in that calendar year on which the employer pays qualifying wages to the employee for personal services performed in the Municipality.

(b) An employer required to begin withholding tax for the Municipality under division (C)(4)(a) of this Section may elect to withhold tax for the Municipality for the first 20 days on which the employer paid qualifying wages to the employee for personal services performed in the Municipality.

(5) If an employer's fixed location is in the Municipality and the employer qualifies as a small employer as defined in Section 185.02, the employer shall withhold the income tax imposed under this Chapter on all of the employee's qualifying wages for a taxable year and remit that tax only to the Municipality, regardless of the number of days which the employee worked outside the corporate boundaries of the Municipality.

To determine whether an employer qualifies as a small employer for a taxable year, the employer will be required to provide the Tax Administrator with the employer's federal income tax return for the preceding taxable year.

(6) Divisions (C)(2)(a) and (4) of this Section shall not apply to the extent that the Tax Administrator and an employer enter into an agreement regarding the manner in which the employer shall comply with the requirements of Section 185.04."

Section 4. Section 185.06 of the Codified Ordinances of the City of Huron, Ohio, as established by Ordinance No. Ordinance No. 2015-30, passed November 10, 2015, is hereby further amended to read as follows:

"185.06 CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES.

(A) Every individual taxpayer domiciled in the City who is required to and does pay, or has acknowledged liability for, a municipal tax to another municipality on or measured by the same income, qualifying wages, commissions, net profits or other compensation taxable under this chapter may claim a non-refundable credit upon satisfactory evidence of the tax paid to the other municipality. Subject to division (c) of this section, the credit shall not exceed the tax due the City under this chapter. If the tax rate of the other municipality is less than one and seventy-five one-hundredths percent (1.75%), the credit shall be limited to the tax due at the lower rate.

(B) The City shall grant a credit against its tax on income to a resident of the City who works in a joint economic development zone created under Ohio R.C. 715.691 or a joint economic development district created under Ohio R.C. 715.70, 715.71, or 715.72 to the same extent that it grants a credit against its tax on income to its residents who are employed in another municipal corporation.

(C) If the amount of tax withheld or paid to the other municipality is less than the amount of tax required to be withheld or paid to the other municipality, then for purposes of division (a) of this section, "the income, qualifying wages, commissions, net profits or other compensation" subject to tax in the other municipality shall be limited to the amount computed by dividing the tax withheld or paid to the other municipality by the tax rate for that municipality."

Section 5. Effective January 1, 2025, Sections 185.01, 185.03, 185.04 and 185.06 of the Codified Ordinances of the City of Huron, Ohio, as they have heretofore existed, are hereby repealed. Provided, however, that no provision of this ordinance, including the repeal of Sections 185.01, 185.03, 185.04 and 185.06 of the Codified Ordinances of the City of Huron, Ohio, as they have heretofore existed, shall in any way affect any rights or obligations of the City, any taxpayer, or any other person, official or entity, with respect to the one percent municipal income tax assessed by Chapter 185 of the Codified Ordinances of the City of Huron, Ohio, as it has heretofore existed and shall remain in effect until January 1, 2025.

Section 6. The Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this ordinance were taken, and all deliberations of this Council and of any of its committees that resulted in such formal action were held, in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 7. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this City, and for the further reason that this ordinance is required to be immediately effective in order to enable the City to timely commence

Section 6. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were taken, and all deliberations of this Council and of any of its committees that resulted in such formal actions were held, in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 7. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this City, and for the further reason that this resolution is required to be immediately effective in order to place this question on the ballot at an election on November 5, 2024; wherefore, this resolution shall be in full force and effect immediately upon its adoption.

Adopted: _____, 2024

Monty Tapp, Mayor

Attest: _____
Clerk of Council



TO: Mayor Tapp and City Council
FROM: Stuart Hamilton , Service Director
RE: Resolution No. 63-2024 (*submitted by Stuart Hamilton*)
DATE: July 23, 2024

Subject Matter/Background

The portion of River Road north of the tracks and south of Cleveland Road has been failing for a while. When Norfolk Southern carried out their crossing work earlier this year, it was the last straw with the heavy equipment, and it is now time that we need to reconstruct. Staff request quotes, receiving two, and 7L were the lowest and best. We will remove the 8" of asphalt, repair and compact the base, lay 5" of asphalt base, 1 1/2" of intermediate and 1 1/2" of surface course then compact. This will be followed up by restriping.

The intent is to close down River Road for this project. Estimated two days.

Financial Review

Fund: Capital Improvement Fund (Fund 401)

Account: 401-9500-55961

Amount: \$48,500

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. 63-2024 is in order.

[Resolution No. 63-2024 7L Construction Mill and Repave River Rd \\$42,500 \(1\).docx](#)

[Resolution No. 63-2024 Exh A 7L Construction LLC River Rd Milling and Repaving \\$48,500.docx](#)

RESOLUTION NO. 63-2024

Introduced by Matt Grieves

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL AND ENTER INTO AN AGREEMENT WITH 7L CONSTRUCTION, LLC FOR MILLING AND REPAVING APPROXIMATELY 5,846 SF OF FAILED ASPHALT LOCATED ON RIVER ROAD IN THE AMOUNT OF FORTY-EIGHT THOUSAND FIVE HUNDRED AND XX/100 (\$48,500.00)

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

SECTION 1. That the City Manager shall be, and he hereby is, authorized and directed to accept the proposal and enter into an agreement with 7L Construction, LLC for milling and repaving of approximately 5,846 SF of failed asphalt located on River Road in Huron, OH in the amount of Forty-Eight Thousand Five Hundred and XX/100 Dollars (\$48,500.00), which proposal is attached hereto as Exhibit "A" and incorporated herein.

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

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

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

7L Construction, LLC.

553 Southwest St. Bellevue, Ohio 44811
Phone 419-483-8347 Fax 419-483-7481

July 9, 2024

To: City of Huron

RE: Mill and Repave River Road Section

7L Construction, LLC. is pleased to submit a quotation for the above referenced project per the following specifications.

Provide all equipment, labor, and material needed to complete the following:

Mill and Repave River Road (Approx. 37' x 158'—8" Asphalt)

- Mill approximately 5,846 SF of failed asphalt to a depth of 8" and haul spoils offsite
- Provide and Install 5" #301 asphalt base, 1 1/2" #448-2 asphalt intermediate course and 1 1/2" #448-1 asphalt surface course and compact with a vibratory roller in three lifts
- Stripe drive lanes as currently striped
- Seal new asphalt edge where it meets existing asphalt with hot rubberized tar

We propose hereby to furnish material and labor, complete in accordance with the above specifications for the sum of..... **\$42,500.00**

Exclusions and Clarifications

- Any adjustments due to unforeseen hidden utilities or other unknown objects encountered during the job will be made with a field change order
- All work to be coordinated with property owner

Brad Klausing

7L Construction, LLC.

July 9, 2024
Date

Acceptance of proposal

Date

The above specifications are satisfactory and are hereby accepted. You are authorized to do the work as specified; payment will be made in full thirty days from date of invoice

Proposal valid for thirty days only



TO: Mayor Tapp and City Council
FROM: Terry Graham
RE: Resolution No. 64-2024 (*submitted by Terry Graham*)
DATE: July 23, 2024

Subject Matter/Background

AS SUBMITTED BY POLICE CHIEF TERRY GRAHAM:

This memorandum of understanding is between the City of Huron and the two Fraternal Order of Police bargaining units in the police department (officers and sergeants). This MOU is a temporary pilot program to implement changing from 8-hours shifts to 12-hour shifts. These new 12-hour shifts are used by every other agency in the county and surrounding counties. These proposed shift assignments will begin Sunday, August 4th, and the hours of the shifts will be from 6am to 6pm and 6pm to 6am. The department will be divided into four squads and staffed with three officers per squad which will work on 80 hour bi-weekly schedules instead of 40-hour weekly schedules. This MOU will expire on 12/28/2024, at which time, the operational and economic benefits will be evaluated. If there are no issues, this new schedule will be continued in 2025. This new proposed schedule should improve our retention and recruitment efforts in addition to providing more coverage of officers on shifts.

Financial Review

The MOU will not increase payroll expenses in the Police Department's budget.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Resolution No. 64-2024 is in order.

[Resolution No. 64-2024 MOU Police 12-Hour Shifts \(1\).docx](#)

[Resolution No. 64-2024 Exh A MOU Police 12-Hour Shifts.pdf](#)

RESOLUTION NO. 64-2024
Introduced by Sam Artino

A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF HURON AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. REPRESENTING SERGEANTS AND PATROL OFFICERS.

WHEREAS, the City of Huron City Council adopted Resolution No. 70-2021 on October 26, 2021 authorizing a Collective Bargaining Agreement with the Fraternal Order of Police/OLC/Sergeants for the contract period of January 1, 2022 through December 31, 2024; and the City of Huron City Council adopted Resolution No. 71-2021 on October 26, 2021 authorizing a Collective Bargaining Agreement with the Fraternal Order of Police/OLC/Patrol Officers for the contract period of January 1, 2022 through December 31, 2024 (hereinafter, collectively, the "Agreements"); and

WHEREAS, the parties have a mutual interest to amend the Agreements to change the current 8-hour work shifts and 40-hour work weeks to allow for 12-hours shifts.

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

SECTION 1. That the City Manager's execution of a Memorandum of Understanding between the City and the Fraternal Order of Police/OLC/Sergeants and Patrol Officers be, and hereby is, authorized, as set forth in Exhibit "A" attached hereto and made a part hereof by reference.

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

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

Monty Tapp, Mayor

ATTEST:

Clerk of Council

ADOPTED:

This Memorandum of Understanding (MOU) is entered into by and between The Fraternal Order of Police, Ohio Labor Council (hereinafter, "Union") and The City of Huron (hereinafter, "City"). The MOU will be in effect from August 4, 2024, at 6:00 a.m., until a successor collective bargaining agreement to the agreement expiring on December 31, 2024, is ratified or by the Union or the City desiring to terminate it an earlier date. Should early termination be desired, a 30-day period will be in effect before reverting to 8-hour work shifts.

This Memorandum of Understanding is the complete agreement between the Union and City and is meant to temporarily amend the articles of the collective bargaining agreement that discuss 8-hour work shifts and 40-hour workweeks which would conflict with the parties' mutual interest to work 12-hour shifts. This MOU in no way lessens the city's management right to schedule. The MOU may be amended only by written agreement signed by the Union and the City.

1. If twelve (12) hour shift scheduling is utilized, the basic work schedule shall consist of 80 hours in each 14-day pay period. The City/Chief or Union can unilaterally, and without any further discussion or bargaining with the other party, or its members, discontinue such twelve (12) hour shift scheduling and revert to eight (8) hour shift scheduling with thirty (30) days advance notice to the other party.
2. Employees scheduled to work a twelve (12) hour shift shall be compensated for all hours worked in excess of 12 hours each day or employees scheduled to work an eight (8) hour shift shall be compensated for all hours worked in excess of 8 hours each day.
3. Work shifts will be twelve (12) and eight (8) hours. Nothing else in paragraph 12.05 will change.
4. For the purposes of this MOU, a regularly scheduled two-week pay period shall be 80 hours.
5. Bargaining unit members will be permitted to bid on shift assignments beginning August 4, 2024 and assignments will last until December 28, 2024. There will be one relief officer on each squad which will be determined by the bid sheet which is based on seniority.
6. Nothing contained in Article 13 or anywhere else in the collective bargaining agreement or this MOU, shall prevent the Chief of Police from fulfilling their duties under Huron Codified Ordinances 145.02 in controlling the assignment of all police officers in the Division. Article 13.06 of the collective bargaining agreement remaining language remains the same.
7. Employees shall not receive overtime pay for regularly scheduled shift rotations.
8. Holidays listed in Article 19.02 of the collective bargaining agreement will be compensated at 6 hours if the employee is scheduled to work a 12-hour shift or 4 hours if the employee is scheduled to work an 8-hour shift.

9. In addition to the paid holidays set forth in Section 19.02 of the collective bargaining agreement, each employee shall be entitled to 24 extra hours off with pay each calendar year. Such extra days shall be the choice of the employee, subject to the approval of the Chief.
10. Employees working holidays will be paid one and one half (1 1/2) times their regular rate for each hour worked in addition to twelve (12) hours at their regular rate for each of the holidays listed in section 19.02 if the employee is scheduled to work a twelve-hour day. If scheduled for an 8-hour day, then language in 19.04(B) governs.
11. 19.04(C) "day off" will be 8 hours.
12. 19.04(D) An employee on vacation or approved sick leave status on the specified holiday will be charged with eight (8) or twelve (12) hours (depending on what the schedule would have been) vacation or paid leave time.
13. 20.02 will be amended to substitute 24 consecutive hours off for three or more consecutive days off.
14. 20.05 will be amended to substitute 24 consecutive hours or more.
15. 21.02 The Family Medical Leave Act will be applied for the birth of a child.

FOR THE UNION

Megan Regan
UNION REPRESENTATIVE

B. Q.
PATROL REP

S. J. [Signature]
SERGEANT REP

07/16/2024
DATE

FOR THE CITY

CITY MANAGER

DATE



TO: Mayor Tapp and City Council
FROM: Matthew Lasko
RE: Resolution No. 66-2024 (*submitted by Captain Doug Nash*)
DATE: July 23, 2024

Subject Matter/Background

The Fire Department has applied for a grant opportunity through the State of Ohio under the Ohio Ambulance Impacted Industry Program. The purpose of this grant is to distribute premium pay to eligible ambulance providers who worked through the pandemic. We are eligible for a max award of \$39,000 dollars which would equate to \$2,600 per full time member. There is no match requirement for this grant and the funds received must be used for a premium pay program that cannot be part of regular pay already received. If awarded, we would have to enter into a sub-agreement with the State and then verify the proper distribution of funds.

The Fire Department previously applied for this grant program in 2023, which resulted in an award of \$20,000, and each full-time member of the Department received \$1,333 in premium pay as a result of that award. The Fire Department accepted the challenges that Covid presented and continued to do their job as they always have with no expectation of additional compensation.

Because not all program funds were awarded, OBM opened the program up, once again, in 2024. This would be an opportunity after the fact to give our members something extra for their efforts. Since we have so many part time members who work full time elsewhere and are eligible for this program with their full-time employer, we would only include the 15 full-time members of the Huron Fire Department.

The City received notice of approval of its application an award in the amount of \$24,336 on July 16, 2024, which will equate to \$1,622 per full-time member of the Department.

Financial Review

The State of Ohio is offering premium pay for paramedics working through the pandemic, via the Ohio Ambulance Transportation Program. The City will distribute the award of \$24,336 as a one-time premium pay to each eligible full-time paramedic. The City does not anticipate any local funds will be used. The grant does not require local match.

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. 66-2024 is in order.

[Resolution No. 66-2024 OBM Ohio Ambulance Transportation Grant \\$39,000.docx](#)

[Resolution No. 66-2024 Exh B Award Letter \\$24,336.docx](#)

RESOLUTION NO. 66-2023
Introduced by Monty Tapp

A RESOLUTION RATIFYING AN APPLICATION TO THE STATE OF OHIO, OFFICE OF BUDGET AND MANAGEMENT ("OBM") FOR GRANT FUNDS FOR THE OHIO AMBULANCE TRANSPORTATION PROGRAM IN THE AMOUNT OF THIRTY-NINE THOUSAND AND XX/100 DOLLARS (\$39,000.00); AND FURTHER AUTHORIZING THE CITY MANAGER TO ENTER INTO ANY ONE OR MORE AGREEMENTS REQUIRED TO APPLY FOR THE SUBJECT GRANT FROM OBM, AND TO ACCEPT THE GRANT AWARD IN THE AMOUNT OF TWENTY-FOUR THOUSAND THREE HUNDRED THIRTY-SIX AND XX/100 DOLLARS (\$24,336.00).

WHEREAS, the American Rescue Plan Act ("ARPA") (Pub. L. No. 117-2), signed into law March 11, 2021, established the Coronavirus State and Local Fiscal Recovery Funds ("SLFRF"), and appropriated \$350 billion to state, local, and Tribal governments across the country to support their response to and recovery from the COVID-19 public health emergency; and

WHEREAS, the State, through OBM, was directly allocated and accepted \$5.3 billion in SLFRF relief as federal award identification number SLFRP0130 from the United States Department of the Treasury ("Treasury"); and

WHEREAS, pursuant to Section 280.10 of Amended Substitute House Bill 45 ("H.B. 45"), the 134th General Assembly of the State of Ohio appropriated \$20 million in SLFRF funds to OBM in appropriation item 042627, Ohio Ambulance Transportation; and

WHEREAS, pursuant to Section 180.10 of H.B. 45, appropriation item 042627, Ohio Ambulance Transportation, is being used by OBM to administer grants to any public, not-for-profit, or private ground ambulance transport provider who submitted claims to the Ohio Department of Medicaid during the current state fiscal year; and

WHEREAS, ambulance transportation providers shall use the funds to provide premium pay to eligible workers; and

WHEREAS, it is the intent of OBM to provide funding to the subrecipients for eligible expenditures under ARPA, as further provided for in H.B. 45; and

WHEREAS, OBM's Ohio Ambulance Impacted Industry Program provides an opportunity to apply for grant funds not previously awarded pursuant to H.B. 45 through 2023; and

WHEREAS, the City staff believe the City meets the criteria for the OBM Ohio Ambulance Impacted Industry Program, and applied for the maximum grant funds allowed, Thirty-Nine Thousand and xx/100 Dollars (\$39,000.00), prior to the application deadline, which it believes to be proper and beneficial to the City; and

WHEREAS, OBM recently advised the City that its application has been approved, and a distribution amount of \$24,336.00 has been awarded to the City through the Ohio Ambulance Impacted Industry Program.

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

SECTION 1: That the City's application to the Ohio Office of Budget and Management Ohio Ambulance Impacted Industry Program in the amount of Thirty-Nine Thousand and xx/100 Dollars (\$39,000.00) is hereby ratified, a copy of which is attached hereto as Exhibit "A; and

SECTION 2: That the City Manager is further authorized to accept the funding award and enter into a Subrecipient Grant Agreement with the Ohio Office of Budget and Management in the amount of Twenty-Four Thousand Three Hundred Thirty-Six and xx/100 Dollars (\$24,336.00). A copy of the award correspondence is attached hereto as Exhibit "B."

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

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

Monty Tapp, Mayor

ATTEST:

Clerk of Council

ADOPTED:

From: OBM State of Ohio Office of Budget & Management <grants@obm.ohio.gov>
Sent: Tuesday, July 16, 2024 12:38:02 PM
To: Huron Fire Chief <fire.chief@huronohio.us>
Cc: Cory Swaisgood <cory.swaisgood@huronohio.us>
Subject: Grant Opportunity Application for Ohio Ambulance Impacted Industry Program is Approved

Thank you for applying for the following opportunity:

Ohio Ambulance Impacted Industry Program

Your application is approved.

Award distribution amount: \$24,336.00

Thank you for applying for the Ohio Ambulance Impacted Industry Program. We received a strong pool of applicants with requests that exceeded the amount of available funding. We are pleased to inform you that your application has been approved for funding. Your award amount is referenced above. The Ohio Office of Budget and Management has begun to distribute the funds which should be expected to be received within 10-15 business days. Feel free to reach out to grants@obm.ohio.gov if payment is not received within 15 days or you have any questions.

You may access the Ohio Grants Portal to view the application or report activities related to this award in accordance with any agreed upon terms and conditions and/or guidance provided as part of receiving this funding at <https://grantsportal.ohio.gov/>. The authentication mechanism to access the Ohio Grants Portal now requires using an OH|ID (Ohio's Digital Identity Standard). [Click here](#) if you do not have an OH|ID.

In addition to the applicant, Douglas Nash, the following contacts will be eligible to login to submit financial reports:

- Douglas Nash, applicant
- Cory Swaisgood, grant contact

If you received this email and are not listed as a grant contact, then the applicant indicated that you will not submit financial activity reports. You will be courtesy copied on reporting reminders and status updates.

You are receiving this email because you either submitted the application or you are listed as a contact on the application. Please do not reply to this e-mail. If you are receiving this e-mail and believe it to be in error, contact State of Ohio Office of Budget & Management at grants@obm.ohio.gov.

Visit [Ohio Grants Portal | The Ohio Grants Partnership](#) to view updated job aids.

Sincerely,
State of Ohio Office of Budget & Management
Ohio Grants Partnership

Ref: 58712



TO: Mayor Tapp and City Council
FROM: Cory Swaisgood
RE: Ordinance No. 2024-34 (*submitted by Matt Lasko*)
DATE: July 23, 2024

Subject Matter/Background

All transactions for the Police Department's K9 program are currently recorded in the General Fund. To properly and accurately track all revenue and expenses related to the program, a separate fund is needed. Creation of this fund will allow the Police Department to monitor the funds available for use.

Financial Review

This legislation will formally establish a K9 Fund, numbered 224 in the City's chart of accounts. The City will transfer the balance of funds with the program when the fund is established. All activity with the K9 program will be accounted for in this fund going forward.

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Ordinance No. 2024-34 as an emergency measure is in order.

[Ordinance No. 2024-34 Establishing K-9 Fund 224.docx](#)

ORDINANCE NO. 2024-34
Introduced by Joel Hagy

AN ORDINANCE ESTABLISHING FUND 224 – K9 FUND AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance requests that Council enact an ordinance establishing a Special Revenue Fund entitled K9 Fund 224 for the express purpose of accounting for any and all revenue and expenses related to the City's K9 program in the Police Department, including but not limited to supplies and equipment.

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

SECTION 1. That there is hereby established a "K9 Fund" to be numbered Fund No. 224. The source of revenue deposited into this fund will derive solely from K9 donations and contributions from various sources, including cash transfers from the City's General Fund. Other revenue sources could include grants specific to the Police Department's K9 program. The fund will be used for any and all expenses related to the Police Department's K9 program.

SECTION 2. That all ordinances or parts thereof in effect at the time of passage of this Ordinance that are in conflict with the foregoing provisions are hereby repealed to the extent of the conflict.

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

SECTION 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reasons that it is necessary to make immediate provision for the sound financial operation of the City and in accordance with Section 3.06 of the Charter of the City of Huron, this Ordinance shall take effect and be in full force and effect immediately upon its adoption

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2024-36 (*submitted by Matt Lasko*)
DATE: July 23, 2024

Subject Matter/Background

Ordinance No. 2024-36 requests the Council's authorization for changes to the annual budget appropriations and to make cash transfers among funds. Please refer to Exhibit "A" of the ordinance for the detailed breakdown.

Financial Review

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

Legal Review

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

Recommendation

If Council is in agreement with the request, a motion adopting Ordinance No. 2024-36 is in order.

[Ordinance No. 2024-36 Supplemental Appropriations and Cash Transfers \(1\).docx](#)
[2024-36 Exhibit A.pdf](#)

ORDINANCE NO. 2024-36
Introduced by Joel Hagy

AN ORDINANCE AMENDING ORDINANCE NO. 2023-49, ADOPTED ON DECEMBER 12, 2023, TO PROVIDE FOR SUPPLEMENTAL APPROPRIATIONS FROM THE GENERAL FUND AND OTHER FUNDING SOURCES AND TO PROVIDE FOR CASH TRANSFERS.

WHEREAS, pursuant to Ordinance No. 2023-49, adopted December 12, 2023, Huron City Council adopted the annual budget for the fiscal year ending December 31, 2024 for the operations of all City departments and offices; and

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

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

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

SECTION 1. That Exhibit "A" of Ordinance 2023-49, adopted on the 12th day of December 2023, as amended by Ordinance No. 2024-3 adopted on February 13, 2024, as amended by Ordinance No. 2024-6 adopted on February 27, 2024, and amended by Ordinance No. 2024-23 adopted on June 11, 2024, is hereby amended to provide for supplemental appropriations, appropriation transfers and cash transfers between funds as to each fund set forth in Exhibit "A" attached hereto and made a part hereof.

SECTION 2. That the Director of Finance and the City Manager are hereby authorized to expend the funds herein appropriated for the purpose of paying the operating expenses of the City for the fiscal year ending December 31, 2024, to make the cash transfers between and among those certain funds of the City, and to make the necessary entries on the accounting records of the City to reflect the appropriations and expenditures herein authorized to properly balance the various funds of the City.

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

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

Monty Tapp, Mayor

ATTEST: _____
Clerk of Council

ADOPTED: _____

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

Exhibit A

DATE: 7/23/2024
ORDINANCE: 2024-36

Appropriation Measure

Reason for Appropriation Measure

An appropriation measure is necessary to appropriately budget for additional expenses and transfer budget between line items. The appropriation measure below is necessary for the following reasons:

1. To transfer budget between Court, City Manager, and Police Department accounts to accurately budget for moving City Hall cleaning expenses from a part-time employee to a contracted service. The contracted service will increase the General Fund budget by approx. \$13,000 in 2025.
2. To transfer payroll budget to other expenses in the zoning budget to cover expenses on flood plain requests.
3. Additional budget in the property maintenance fund is needed to accommodate additional mowing than anticipated.
4. Additional budget in the fire levy fund is needed to pay for expense related to the sale of the fire truck. The additional expenses will be offset by the sale of the truck, which was \$170,000.

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

APPROPRIATION MEASURE

Fund Name	Fund Number	Department/Activity	Object Level	Increase/(Decrease) Amount
General Fund	110	Public Buildings	OTHER EXPENSES	\$ 13,000
General Fund	110	Police Department	OTHER EXPENSES	\$ 7,500
General Fund	110	Municipal Court	OTHER EXPENSES	\$ 2,000
General Fund	110	Police Department	PERSONNEL SERVICES	\$ (2,280)
General Fund	110	Municipal Court	PERSONNEL SERVICES	\$ (2,433)
General Fund	110	City Council	PERSONNEL SERVICES	\$ (2,433)
General Fund	110	City Manager	PERSONNEL SERVICES	\$ (2,280)
General Fund	110	Zoning	PERSONNEL SERVICES	\$ (10,000)
General Fund	110	Zoning	OTHER EXPENSES	\$ 10,000
Fire Levy Fund	214	Fire Department	OTHER EXPENSES	\$ 18,300

NET IMPACT ON TOTAL APPROPRIATIONS \$ 31,374



TO: Mayor Tapp and City Council
FROM: Matthew Lasko
RE: Resolution No. 65-2024 (*submitted by Matt Lasko*)
DATE: July 23, 2024

Subject Matter/Background

This legislation seeks Council's affirmation of the appointment of Mr. Ed Widman for the position of Finance Director. If approved, Mr. Widman will begin employment with the City on August 5th with an annual salary of \$115,000.00. Mr. Widman has an extensive governmental finance background. Mr. Widman has previously served as the finance director for both the City of Sandusky and Erie County. In his most recent role, Mr. Widmar is serving as the Finance Director for the City of Avon Lake.

Financial Review

The salary of the new Finance Director will be at the top of the current range established by Council, at \$115,000. Since the full-time role will be vacant for a month, there should be no impact to the annual budget.

The finance director's salary is allocated to various special revenue and enterprise fund accounts in addition to 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 adopting Resolution No. 65-2024 is in order.

[Resolution No. 65-2024 Ed Widman Finance Director Appointment.docx](#)

RESOLUTION NO. 65-2024

Introduced by: Joe Dike

A RESOLUTION APPROVING THE APPOINTMENT OF EDWARD WIDMAN AS FINANCE DIRECTOR OF THE CITY OF HURON, EFFECTIVE AUGUST 5, 2024.

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

SECTION 1. The Huron City Council hereby approves the appointment of Edward Widman as Finance Director pursuant to Article 5, Section 2 of the Huron City Charter, at an annual salary of \$115,000.00, plus benefits.

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

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

Monty Tapp, Mayor

ATTEST: _____
Terri S. Welkener, Clerk of Council

ADOPTED: _____