



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 9, 2024 @ 6:30 PM

City Council Chambers

417 Main Street

Huron, Ohio 44839

- 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 March 26, 2024 regular Council meeting.
 - III.b** Minutes of the April 9, 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. 2024-20 (**third and final reading**) (*submitted by Matt Lasko*)
An ordinance repealing and amending and restating Subsection 1126.15(d)(1) (Setbacks) under Section 1125.15 (Self-Service Storage and Mini-Storage) of Chapter 1126 (Special Provisions) of the City of Huron Codified Ordinances.
 - VI.b** Ordinance No. 2024-25 (**second 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.c** Ordinance No. 2024-26 (**second 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.d** Ordinance No. 2024-27 (**second 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.e** Ordinance No. 2024-28 (**second 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.f Ordinance No. 2024-29 **(second 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.g Ordinance No. 2024-32 **(second 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 **(second 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 **(second reading)** *(submitted by Cory Swaisgood)*

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 Ordinance No. 2024-31 **(first reading)** *(submitted by Cory Swaisgood)*

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.

VII.b Resolution No. 62-2024 *(submitted by Doug Steinwart)*

A resolution authorizing Amendment No. 1 to the License Agreement dated May 16, 2024 between the City of Huron, Ohio and the Huron Rotary Club to reschedule the Huron Rotary Festival to take place on September 7, 2024.

VIII. City Manager's Discussion

IX. Mayor's Discussion

X. For the Good of the Order

XI. Executive Session(s)

XII. Adjournment



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2024-24 (**TABLED 6/25/24**) (*submitted by Cory Swaisgood*)
DATE: July 9, 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. 2024-20 (**third and final reading**) (*submitted by Matt Lasko*)
DATE: July 9, 2024

Subject Matter/Background

Upon plan review for an upcoming Planning Commission/Design Review Board case, staff discovered conflicting code sections (1125.05 I-2 Zoning District, 1126.15- Self-Storage & Mini-Storage) with regard to Self- Service Storage and Mini-Service Storage uses.

The process for plan review begins with identifying the Zoning District and review of that code for use compliance, setback regulations, and other requirements. In a recent case, the Zoning District was confirmed to be I-2, the use was confirmed as a Principal Permitted Use for the district and the regulation, and requirements of Section 1125.05 I-2 Zoning District were met. It is important to note: there is no reference in Section 1125.05- Principal Permitted Use to a separate code section specific to a Self-Storage and Mini Storage use.

That being said, staff discovered Section 1126.15, a section created in 2017, specific to Self-Storage/Mini-Storage uses. In reviewing the section, the setback regulations were found to differ from that of the Industrial Districts. In an effort to rectify the conflicting sections, legal has prepared an amendment to Section 1126.15, adding language to refer to the Industrial District setback requirements when such a use is located in an Industrial District and including language to provide the Fire Department/Safety Services the power to require side setbacks to be increased if they determine it necessary.

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

Financial Review

There is no financial impact to the City.

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. 2024-20 on its third and final reading is in order.

[Ordinance No. 2024-20 Exh 1 REDLINE Section 1126.15\(d\)\(1\)\(D\).pdf](#)

[Ordinance No. 2024-20 New Section 1126.15\(d\)\(1\)\(D\) Self-Service Storage and Mini-Storage \(3\).docx](#)

Ordinance No. 2024-20 Exh A Section 1126.15(d)(1).docx

Ordinance No. 2024-20 Exh B New Section 1126.15(d)(1)(D).docx

1126.15 SELF-SERVICE STORAGE AND MINI-STORAGE.

(a) Purpose. To establish regulations for the safe and effective development for commercial self-service and mini-storage facilities and the operations permitted herein.

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

(1) A facility, building, or group of buildings where secured areas or self-contained units within the structure are rented, leased, or sold to individuals for storage of personal goods and other non-hazardous durable goods or wares.

(c) Location. The following regulations shall be used to regulate the location of commercial storage facilities:

(1) Commercial self-service and mini-storage facilities are permitted within any Industrial district within the city. In addition, no building within a storage development may be within 500 ft. of the district line of any residentially zoned district.

(2) If a proposed building would be within five-hundred (500) feet of a residential district, but is divided by either a Limited Access highway Right-of-Way or Railroad Right-of-Way, the five-hundred (500) feet restriction is waived.

(d) Development Standards. Buildings within a commercial storage development must adhere to the following design standards:

(1) Setbacks.

A. No building may be placed closer to any side lot line than fifteen (15'). The Fire Department may, upon review, require the side setback to be increased for placement of an emergency fire access lane.

B. No building may be placed closer than thirty (30) feet to any front lot line.

C. No building may be placed closer than thirty (30) feet to any rear lot line.

D. Notwithstanding the foregoing, if a self-service storage or mini-storage building is located in either a light industrial district (I-1) or an industrial district (I-2), then the respective setback requirements for the industrial district shall apply to such building(s) provided, however, that the Huron Fire Department and any other City of Huron safety forces may, upon review, require the side setback to be increased for placement of an emergency fire access lane, for placement of a fire line, or for adequate access and ingress and egress of safety forces.

(2) Building Height. No building shall exceed 35 feet in height.

(3) Parking.

A. All parking spaces and drive aisles shall be designed in conformance with the dimension and building material requirements within Section 1133 Off Street Parking.

B. Parking areas may be no closer than 5 feet to the front property line. Any space between a parking area and the front lot line must be appropriately landscaped and screened in accordance with applicable regulations.

C. Parking areas may have a zero (0) ft. setback on any rear or side property line.

D. There shall be a minimum of one (1) parking space for every 1,000 square feet of ground floor area.

(4) Site Requirements.

A. No development site shall be less than 2 acres.

B. No more than 50% of the area of the site shall house structures or buildings above average grade elevation. No more than 75% of the site shall be developed with additional site amenities excluding landscaping.

(5) Utilities. Units less than 500 square feet in total ground floor area shall not be permitted to have plumbing hookups within each individual unit.

(6) Lighting. All lights shall be shielded to direct light onto the established buildings and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. All lights shall be mounted at a height not exceeding that of the building.

(e) Permitted Uses. Facilities may be used for the storage of personal goods and other non-hazardous durable goods or wares. Additional accessory uses may include the (1) sale of merchandise ancillary to storage business (such as moving supplies, locks, etc.) when operated by the company, corporation, or owner of the facility, (2) the renting or leasing of moving trucks; and, (3) establishing a satellite United States Postal Services or other consumer mail shipping/receiving services (UPS, Fed-Ex, etc.) within such facilities. No land, structure, or building shall be used for any of the following:

(1) Residential uses of any kind.

(2) Any commercial activity other than that explicitly permitted within this section.

(3) Storage of potentially hazardous materials.

(4) Exterior storage of any kind, except for recreation vehicles and trailered/dry-docked watercraft. Any exterior storage areas must be kept in a neat orderly fashion and must be screened on any side facing a property line. Screening must consist of solid block wall, opaque fencing, decorative stone, or a combination of fencing and dense landscaping. The screen must be a minimum of six (6) feet in height.

(f) Inspection. The Fire Department and Building Department shall have access to inspect the premises upon reasonable notification of the property owner. Any development shall be subject to inspection by the Fire Department and Building Department on a regular basis to ensure compliance with these and other city ordinances.

(g) Lease/Rental Agreement. Any lease or rental agreement between the property owner and lessee shall reference the existence of these and other pertinent City ordinances. Violations of

any portion of this section may be served upon lessee, tenant, and/or owner of the property in question. (Ord. 2017-10. Passed 4-25-17.)

ORDINANCE NO. 2024-20
Introduced by Sam Artino

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 ORDINANCE OF HURON, OHIO TO ESTABLISH A NEW SUBSECTION 1126.15(d)(1)(D).

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

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

SECTION 1. That 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 the City of Huron, Ohio, which currently reads as follows (see Exhibit A attached hereto and incorporated herein by reference) shall be and hereby is repealed in its entirety.

SECTION 2. That Subsection 1126.15(d)(1) (Setbacks) of Section 1126.15 (Self-Service Storage and Mini-Storage) of Chapter 1126 (Special Provisions) is hereby amended to add new Section 1126.15(d)(1)(D), as attached hereto and made a part hereof as Exhibit "A", and 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: _____

1126.15 SELF-SERVICE STORAGE AND MINI-STORAGE.

(d) Development Standards. Buildings within a commercial storage development must adhere to the following design standards:

(1) Setbacks.

A. No building may be placed closer to any side lot line than fifteen (15'). The Fire Department may, upon review, require the side setback to be increased for placement of an emergency fire access lane.

B. No building may be placed closer than thirty (30) feet to any front lot line.

C. No building may be placed closer than thirty (30) feet to any rear lot line.

1126.15 SELF-SERVICE STORAGE AND MINI-STORAGE.

(d) Development Standards. Buildings within a commercial storage development must adhere to the following design standards:

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B. No building may be placed closer than thirty (30) feet to any front lot line.

C. No building may be placed closer than thirty (30) feet to any rear lot line.

D. Notwithstanding the foregoing, if a self-service storage or mini-storage building is located in either a light industrial district (I-1) or an industrial district (I-2), then the respective setback requirements for the industrial district shall apply to such building(s) provided, however, that the Huron Fire Department and any other City of Huron safety forces may, upon review, require the side setback to be increased for placement of an emergency fire access lane, for placement of a fire line, or for adequate access and ingress and egress of safety forces.



TO: Mayor Tapp and City Council
FROM: Terri Welkener , Clerk of Council
RE: Ordinance No. 2024-25 **(second reading)** *(submitted by Charter Review Commission)*
DATE: July 9, 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 second reading is in order.

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

[Master Charter - REDLINED EDITS CRC RECOMMENDATIONS \(6-7-24\).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.”

DRAFT

MASTER CHARTER REVIEW COMMITTEE RECOMMENDATIONS (REDLINED)

SECTION 2.08. POWERS OF THE COUNCIL.

Among other powers the council shall have authority to:

- (1) Adopt ordinances and resolutions on any subject within the scope of its powers, and to provide penalties for the violation thereof;
- (2) Establish the internal organization of the city administration, 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; xx[3-21-24]xx

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:

- (1) See that this charter and the ordinances and resolutions of the city are faithfully observed and enforced;
- (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; xx[3-21-24]xx

SECTION 5.10. QUALIFICATIONS OF 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. xx[4-11-24]xx

SECTION 6.09. Intentionally omitted – Section Available for Future Use xx[4-15-24.]xx

ARTICLE VIII xx[4-6-24]xx

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: :

- (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. 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

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 **(second reading)** *(submitted by Charter Review Commission)*
DATE: July 9, 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 second reading is in

order.

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

[Master Charter - REDLINED EDITS CRC RECOMMENDATIONS \(6-7-24\).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

MASTER CHARTER REVIEW COMMITTEE RECOMMENDATIONS (REDLINED)

SECTION 2.08. POWERS OF THE COUNCIL.

Among other powers the council shall have authority to:

- (1) Adopt ordinances and resolutions on any subject within the scope of its powers, and to provide penalties for the violation thereof;
- (2) Establish the internal organization of the city administration, 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; xx[3-21-24]xx

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:

- (1) See that this charter and the ordinances and resolutions of the city are faithfully observed and enforced;
- (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; xx[3-21-24]xx

SECTION 5.10. QUALIFICATIONS OF 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. xx[4-11-24]xx

SECTION 6.09. Intentionally omitted – Section Available for Future Use xx[4-15-24.]xx

ARTICLE VIII xx[4-6-24]xx

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: :

- (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. 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. 2024-26

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 (**second reading**) (*submitted by Charter Review Commission*)
DATE: July 9, 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 second reading is in order.

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

[Master Charter - REDLINED EDITS CRC RECOMMENDATIONS \(6-7-24\).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

MASTER CHARTER REVIEW COMMITTEE RECOMMENDATIONS (REDLINED)

SECTION 2.08. POWERS OF THE COUNCIL.

Among other powers the council shall have authority to:

- (1) Adopt ordinances and resolutions on any subject within the scope of its powers, and to provide penalties for the violation thereof;
- (2) Establish the internal organization of the city administration, 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; xx[3-21-24]xx

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:

- (1) See that this charter and the ordinances and resolutions of the city are faithfully observed and enforced;
- (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; xx[3-21-24]xx

SECTION 5.10. QUALIFICATIONS OF 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. xx[4-11-24]xx

SECTION 6.09. Intentionally omitted – Section Available for Future Use xx[4-15-24.]xx

ARTICLE VIII xx[4-6-24]xx

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: :

- (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. 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. 2024-27

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 **(second reading)** *(submitted by Charter Review Commission)*
DATE: July 9, 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 second reading is in order.

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

[Master Charter - REDLINED EDITS CRC RECOMMENDATIONS \(6-7-24\).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

MASTER CHARTER REVIEW COMMITTEE RECOMMENDATIONS (REDLINED)

SECTION 2.08. POWERS OF THE COUNCIL.

Among other powers the council shall have authority to:

- (1) Adopt ordinances and resolutions on any subject within the scope of its powers, and to provide penalties for the violation thereof;
- (2) Establish the internal organization of the city administration, 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; xx[3-21-24]xx

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:

- (1) See that this charter and the ordinances and resolutions of the city are faithfully observed and enforced;
- (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; xx[3-21-24]xx

SECTION 5.10. QUALIFICATIONS OF 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. xx[4-11-24]xx

SECTION 6.09. Intentionally omitted – Section Available for Future Use xx[4-15-24.]xx

ARTICLE VIII xx[4-6-24]xx

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: :

- (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. 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. 2024-28

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 **(second reading)** *(submitted by Charter Review Commission)*
DATE: July 9, 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 second reading is in order.

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

[Master Charter - REDLINED EDITS CRC RECOMMENDATIONS \(6-7-24\).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

MASTER CHARTER REVIEW COMMITTEE RECOMMENDATIONS (REDLINED)

SECTION 2.08. POWERS OF THE COUNCIL.

Among other powers the council shall have authority to:

- (1) Adopt ordinances and resolutions on any subject within the scope of its powers, and to provide penalties for the violation thereof;
- (2) Establish the internal organization of the city administration, 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; xx[3-21-24]xx

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:

- (1) See that this charter and the ordinances and resolutions of the city are faithfully observed and enforced;
- (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; xx[3-21-24]xx

SECTION 5.10. QUALIFICATIONS OF 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. xx[4-11-24]xx

SECTION 6.09. Intentionally omitted – Section Available for Future Use xx[4-15-24.]xx

ARTICLE VIII xx[4-6-24]xx

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: :

- (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. 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. 2024-29

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. 2024-32 (**second reading**) (*submitted by Matt Lasko*)
DATE: July 9, 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 second 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 (**second reading**) (*submitted by Matt Lasko*)
DATE: July 9, 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 second 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 **(second reading)** *(submitted by Cory Swaisgood)*
DATE: July 9, 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, a motion placing Resolution No. 57-2024 on its second 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 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

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: Cory Swaisgood
RE: Ordinance No. 2024-31 (**first reading**) (*submitted by Cory Swaisgood*)
DATE: July 9, 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.

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 first 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: Doug Steinwart , Operations Manager
RE: Resolution No. 62-2024 (*submitted by Doug Steinwart*)
DATE: July 9, 2024

Subject Matter/Background

Due to inclement weather, the Huron Rotary Festival scheduled for June 29, 2024 was cancelled. The original festival was approved through Resolution No. 46-2024 adopted by Council on May 14, 2024.

Both the City and the Huron Rotary Club desire to reschedule the festival for September 7, 2024. Resolution No. 62-2024 authorizes the City Manager's execution of Addendum No. 1 to the original License Agreement dated May 16, 2024 to change the date of the festival to September 7, 2024, as well as to change the dates for requested signage accordingly.

This year's event will be for one day, and will feature entertainment for children and adults, food trucks, and music featuring Wally and the Beavs. The Huron Rotary Club requests the sale of beer and wine in the designated area and this event will incur the special event charge for facility rental of \$500.

Financial Review

A one-day special event facility usage charge of \$500 will be charged to the Huron Rotary Club and will be allocated to the Boat Basin Fund (Fund 210) under Facility Rental. This amount was anticipated and budgeted for in account 210-0006-41536. The facility usage fee will offset maintenance and personnel costs.

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. 62-2024 is in order.

[Resolution No. 62-2024 Reschedule Rotary Festival to Sept 7 \(2\).docx](#)
[Res 46-2024 \(adopted 5-14-24\) Huron Rotary Festival \\$500.00_001.pdf](#)

RESOLUTION NO. 62-2024

Introduced by Matt Grieves

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AMENDMENT NO. 1 TO THE LICENSE AGREEMENT DATED MAY 16, 2024 BETWEEN THE CITY OF HURON, OHIO AND THE HURON ROTARY CLUB TO HOLD THE HURON ROTARY FESTIVAL IN THE CITY OF HURON, OHIO ON THE RESCHEDULED DATE OF SEPTEMBER 7, 2024; AND FURTHER ALLOWING PLACEMENT OF RELATED EVENT SIGNAGE IN THE MEDIAN.

WHEREAS, Council previously adopted Resolution No. 46-2024 on March 26, 2024, authorizing the Huron Rotary Club to hold its annual Huron Rotary Festival ("Festival") on June 29, 2024, a copy of which is attached hereto as Exhibit "2"; and

WHEREAS, the Festival was cancelled due to inclement weather; and

WHEREAS, both parties desire to reschedule the Festival for September 7, 2024.

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

SECTION 1: The City Manager is authorized and directed to execute an Amendment No. 1 to the License Agreement dated May 16, 2024 on behalf of the City of Huron, Ohio with the Huron Rotary Club to use City property at the Boat Basin in conjunction with the Huron Rotary Festival on September 7, 2024, and for placement of signage in the median right-of-way relating to the Festival, said Addendum No. 1 and License Agreement to be substantially in the form of Exhibit "1" attached hereto and made a part hereof.

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

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

ADOPTED: _____

Monty Tapp, Mayor

ATTEST: _____

Clerk of Council

AMENDMENT NO. 1
TO THE LICENSE AGREEMENT
BETWEEN THE CITY OF HURON AND
THE HURON ROTARY CLUB

WHEREAS, the City of Huron ("City") and the Huron Rotary Club ("Licensee") entered into a License Agreement dated May 16, 2024 for the Huron Rotary Festival ("Festival") to be held on property owned by the City; and

WHEREAS, while the Festival was originally scheduled to take place on June 29, 2024, it was cancelled due to inclement weather;

WHEREAS, both parties desire to reschedule the Festival for September 7, 2024;

NOW, THEREFORE, the City of Huron and the Huron Rotary Club agree to this Amendment No. 1 to modify the Agreement as follows:

Entire Agreement:

All references to the date "June 29, 2024" are hereby deleted and replaced with "September 7, 2024."

Paragraph 2 is deleted and replaced with the following:

"The City hereby grants the placement of three (3) 10/8 latex banners for advertising signage to be erected in the following areas: median area of U.S. Route 6/Center Street, S.R. 13/Riverside Drive, and Cleveland Road E/By the Shores Drive commencing on August 12, 2024 and which shall be removed on September 8, 2024.

All other terms and conditions of the License Agreement not modified herein shall remain in full force and effect.

Each party is signing this Amendment No. 1 on the date stated below that party's signature.

THE CITY OF HURON:

THE HURON ROTARY CLUB:

By: _____

By: _____

Printed Name: Matthew Lasko

Printed Name: _____

Title: City Manager

Title: _____

Date: _____

Date: _____

RESOLUTION NO. 46-2024

Introduced by Matt Grieves

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF HURON, OHIO, WITH THE HURON ROTARY CLUB TO HOLD THE HURON ROTARY FESTIVAL IN THE CITY OF HURON, OHIO ON JUNE 29, 2024

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

SECTION 1: The City Manager is authorized and directed to execute a License Agreement for and on behalf of the City of Huron, Ohio with the Huron Rotary Club to use City property at the Boat Basin in conjunction with the Huron Rotary Festival on June 29, 2024, said agreement to be substantially in the form of Exhibit "A" attached hereto and made a part hereof.

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


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

ATTEST:


Clerk of Council

ADOPTED:

14 MAY 2024


Monty Tapp, Mayor

LICENSE AGREEMENT

This License Agreement ("Agreement"), made between the City of Huron, Ohio, hereinafter called "City" and the Huron Rotary Club, hereinafter called "Licensee", is to EVIDENCE THAT:.

WHEREAS, the Huron Rotary Festival ("Festival") is held on property owned by the City and, therefore, it is necessary for the City to grant the Huron Rotary Club a revocable license to use said property and;

WHEREAS the Festival is scheduled to occur on June 29, 2024; and

WHEREAS, it is also necessary for the City of Huron to furnish additional City services in order that said event may be held on City property in Huron, Ohio.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. The City hereby grants a revocable license to Licensee to use the Amphitheater at the Boat Basin on Saturday, June 29, 2024 during the hours of 4:00 p.m. to 11:00 p.m. for the purpose of conducting the Festival for a flat rental fee of \$500.00 total on the property described on Exhibit A and incorporated by reference.

2. The City hereby grants the placement of three (3) 10 x 8 latex banners for advertising signage to be erected in the following areas: median area of U. S. Route 6/Center Street, S.R. 13/Riverside Drive, and Cleveland Road E/By the Shores Drive commencing on June 10, 2022 and which shall be removed on June 30, 2024.

3. Licensee agrees, at its own expense to have the entire event area cleaned up, including removal of all equipment, trash, and other items placed in the site, by 8:00 a.m. on Sunday, June 29, 2024. This provision may be modified due to weather conditions.

4. Licensee agrees to adhere to the Festival Regulations pursuant to the Ohio Fire Code as referenced in Exhibit D.

5. The City shall have the option to terminate or modify this Agreement and related revocable license in the event the property being licensed to the Licensee becomes unavailable for use by Licensee as provided for by this Agreement, which determination shall be decided by the Huron City Council at a regular or special meeting, notice of which shall be given to the Licensee at least seven (7) days prior to the date of the meeting.

6. The City shall also notify the Licensee as soon as it can reasonably be done, of any impending public works construction that might adversely affect the use of the property by the Licensee.

7. The Licensee agrees to defend, indemnify, and hold the City harmless from any and all actual or threatened actions, causes of action, claims, costs, damages, demands, expenses, fees (including reasonable attorney's fees), fines, judgments, losses, penalties or suits arising directly or indirectly from Licensee's breach of this Agreement, from Licensee's use or the use by participants, workers, vendors, invitees, and attendees of City-owned lands for the Festival and parking areas as

authorized by this Agreement, or from the operation of the event or claimed to have arisen from the operation of the event, and Licensee shall secure liability insurance, including liquor liability coverage, in an amount of at least One Million Dollars (\$1,000,000.00) for bodily injury and death, and One Hundred Thousand Dollars (\$100,000.00) for property damage, which policies shall name City as an additional named insured by endorsement and loss payee. Licensee shall furnish City with evidence that the required insurance has been obtained, with proof of payment of the premium for the duration of this Agreement, no later than June 1, 2024, and a copy of such shall herein be attached and incorporated as Exhibit B. Such insurance policies shall provide that such insurance policies may not be canceled without thirty (30) days prior written notice to the City.

8. Licensee further agrees as follows:

- a. Event activity shall be scheduled within the hours: Friday: June 29, 2024, 4:00 p.m. to 11:00 p.m.
- b. Signs to be posted restricting beer/wine in plastic or paper cups only to the fenced areas as noted in Exhibit C.
- c. Concession booths shall not be permitted to open without first obtaining an approved electrical inspection.
- d. Event grounds shall shut down by 11:00 p.m.
- e. Food sales shall cease by 10:30 p.m.
- f. Licensee agrees to incorporate the operating restrictions set forth herein in all contracts with affected vendors.
- g. Licensee agrees to have all water connections checked for compliance with the State of Ohio Code.
- h. Licensee agrees to protect parking lot at the Boat Basin and further agrees not to make any holes in parking lot surface for any reason.
- i. Licensee shall furnish City with evidence that the required insurance has been obtained prior to the opening of the event.
- j. Licensee hereby agrees to conduct said event in accordance with the terms and conditions set forth and approved by the Council of the City of Huron and all rules and regulations of other state or local agencies applicable to these events.
- k. This Agreement contains the entire agreement between the Parties and supersedes any oral or prior written understandings, representations or agreements between the Parties.
- l. This agreement shall be interpreted in accordance with the laws of the State of Ohio.

9. The City approves the sale of beer and wine during the Festival as follows: Saturday, June 29, 2024 from 4:00pm to 11:00pm. All sales of beer and wine shall be confined to the designated area. Beer and wine shall be in plastic or paper cups or cans; no bottles permitted. Consumption of beer and wine shall be permitted in fenced in areas only and as noted on Exhibit A. Licensee agrees to comply with all rules and regulations of the Ohio Department of Liquor control as required by the regulations governing Licensee's Alcohol Permit identified in Exhibit E.

IN WITNESS WHEREOF, all parties have set their hands to duplicate copies of this Agreement on the date(s) referenced below.

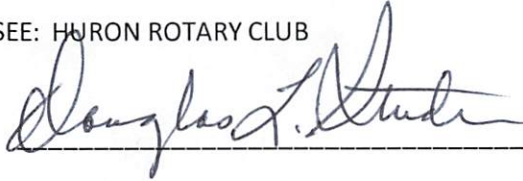
CITY: CITY OF HURON, OHIO



Matt Lasko, City Manager

Date: 05/15/2024

LICENSEE: HURON ROTARY CLUB

By: 

Its: _____

Date: 05/16/2024

EXHIBIT A
DESCRIPTION OF LEASED PROPERTY



EXHIBIT B
LIABILITY INSURANCE POLICY

EXHIBIT C
SIGNS FOR BEER CONSUMPTION IN CERTAIN AREAS

Festival Regulations

The City of Huron has adopted, and the Fire Division enforces, the latest version of the Ohio Fire Code. The following regulations are highlighted to minimize misunderstanding between Fire Division personnel and festival vendors. The Ohio Fire Code, in its entirety, and the judgment of the Authority Having Jurisdiction (The Fire Chief or Designee) will continue to be the ultimate Authority regarding public fire safety.

It shall be the responsibility of the organization hosting the event (Permit Holder) to provide this information to all vendors, and to arrange for the inspection(s) with the Fire Division. Any one of these violations or any regulation cited shall be corrected immediately or the vendor will not be allowed to open until violation(s) are corrected. Absolutely, no exceptions will be made.

- All electrical connections and / or equipment shall be in full compliance with all requirements of the National Electric Code (NFPA 70). The City of Huron Electrical Inspector shall be contacted (419-357-1006) by the Permit Holder before each event for an electrical inspection.
- All required Fire extinguishers shall be properly tagged by a qualified service company within the past year according to (NFPA 10) Ohio Administrative Code 1301:7-7-45. You can locate a qualified company in the yellow pages under Fire Extinguishers.
- All tents, booths, trailers or canopies not occupied by the public used for cooking shall have at least one (1)portable fire extinguisher with a minimum 4-A:40:BC rating, or two (2)portable fire extinguishers with a minimum 2-A:10:BC rating. Vendors utilizing Deep Fryers shall have at least one Class K extinguisher with a minimum rating of 2-A:K.
- If cooking under a tent/canopy the tent must have a permanently affixed label (FM-2403.3) meeting (NFPA 701, Annex D) (NFPA 5000, Chapter 32) (NFPA 1, Chapter 25) of flame propagation.
- Fuel powered rides must have at least one (1) properly serviced & tagged extinguisher with a rating of 40:BC.

EXHIBIT D

FESTIVAL REGULATIONS- OHIO FIRE CODE

Festival Regulations

The City of Huron has adopted, and the Fire Division enforces, the latest version of the Ohio Fire Code. The following regulations are highlighted to minimize misunderstanding between Fire Division personnel and festival vendors. The Ohio Fire Code, in its entirety, and the judgment of the Authority Having Jurisdiction (The Fire Chief or Designee) will continue to be the ultimate Authority regarding public fire safety.

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- All electrical connections and / or equipment **shall be** in full compliance with all requirements of the National Electric Code (NFPA 70). The City of Huron Electrical Inspector **shall be** contacted (419-357-1006) by the Permit Holder before each event for an electrical inspection.
- All required Fire extinguishers **shall be** properly tagged by a qualified service company within the past year according to (NFPA 10) Ohio Administrative Code 1301:7-7-45. You can locate a qualified company in the yellow pages under Fire Extinguishers.
- All tents, booths, trailers or canopies not occupied by the public used **for cooking shall have** at least one (1) portable fire extinguisher with a minimum 4-A:40:BC rating, or two (2) portable fire extinguishers with a minimum 2-A:10:BC rating. Vendors utilizing Deep Fryers shall have at least one Class K extinguisher with a minimum rating of 2-A:K.
- If cooking under a tent/canopy the tent **must have a permanently affixed label** (FM-2403.3) meeting (NFPA 701, Annex D) (NFPA 5000, Chapter 32) (NFPA 1, Chapter 25) of flame propagation.
- Fuel powered rides must have at least one (1) properly serviced & tagged extinguisher with a rating of 40:BC.