

John Hamilton **asked for a moment of silence in memory of Trayvon Martin from the City of Sanford, Florida.**

John Hamilton called the meeting to order at 5 p.m. after the **Invocation**, given by Keith Grohe, and the **Pledge of Allegiance**.

The clerk called **the roll** and the following Commissioners responded: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton, Diedre Cole and Wesley Poole.

City staff present: Todd Roth – Engineer, Jim Lang – Interim Police Chief, Paul Ricci – Fire Chief, Carrie Handy – Planner, Thomas Schwan – Sandusky Transit Administrator, Don Rumbutis – IT Department, Don Icsman – Law Director, Nicole Ard - City Manager, Hank Solowiej – Finance Director and Kelly Kresser – Commission Clerk.

Upon motion of Pervis Brown and second of Julie Farrar, the commission voted to approve the minutes of the March 10 and March 12, 2012 meetings and dispensed with the oral reading. The President declared the motion passed.

AUDIENCE PARTICIPATION (*agenda items only*)

Tim Stookey, 1307 Fifth Street, said he recently talked with a fire chief from another district who suggested erecting signage at properties with vacant and abandoned buildings identifying the owner(s) and the building hazards which may be present (Item #2).

Sharon Johnson, 1139 Fifth Street, asked several questions about the ordinance for general appropriations including the sailing scholarship for the Sandusky Sailing Club and air conditioning for city hall. She asked if this money has already been spent, or if it will be in the future (Item #6).

Joan Kurzenberger, 558 Bimini Drive, asked if the city has a list of the buildings proposed for demolition (Item #2) and is most concerned with the former Apex building on First Street as it is ruining the adjacent properties. Todd Roth said a grant application was approved for removal of this particular building and demolition should begin this year.

Glenn Szatala, IAFF President, encouraged the city commission to pass legislation concerning vacant and abandoned properties to prevent tragedies (Item #2).

PROCLAMATION

John Hamilton asked all veterans in the audience to stand and be recognized. Pervis Brown read a **proclamation proclaiming March 29, 2012 Vietnam Veteran's Day.**

PRESENTATIONS

John Hamilton announced a video will be shown which was made by a local resident about the City of Sandusky. Julie Farrar introduced **Joe Cassel who has designed a website: www.towngoboom.com which particularly showcases downtown Sandusky.** Joe Cassel said this is a wonderful area to live in and hopes to help change some of the perceptions about Sandusky through his videos.

Don Icsman presented information about **open meetings as they pertain to state law and the city commission Rules of Order.** He said there is a relationship between the city's charter and state law (Ohio Revised Code) and is not suggesting making any changes; this is basic, foundational information for the city commission to use moving forward. Sections 1 and 10 of the charter provide that all meetings held pursuant to the charter shall comply with Ohio's Open Meetings law providing for:

- Openness – conduct all official business in open meetings that the public may attend and observe
- Notice – must provide advance notice of when and where meetings will be held depending upon the type of meeting:
 - ✓ Regular - as defined in Section 10 of the city charter, Section 113.07 of Sandusky's Codified Ordinances and Sections 4 and 6 of the City Commission Rules of Order

- ✓ Special - as defined in Section 10 of the city charter, Section 4 of the Rules of Order and Section 121.22 of the Ohio Revised Code. This requires a minimum of 24 hours advance notice to the media
- ✓ Emergency – as defined in Section 121.11 of the Ohio Revised Code and requires notification to all media outlets that have requested notice of time, place and purpose
- Minutes – Full and accurate minutes must be taken (not required to be verbatim but can be) and made available to the public after approval by the city commission. Drafts of minutes circulated prior to formal approval are public records

Don Icsman said Section 121.22 of the Ohio Revised Code provides the right for the public to attend and observe but not the right to be heard or to comment. If public participation is permitted, it is subject to the Constitutional protections of the First and Fourteenth Amendments. There have been many lives lost and persons who have fought for these freedoms and they are very important. The veterans and first responders work every day to protect these rights. Don Icsman said the First Amendment permits government to regulate the use of its property. The state, no less than a private owner of property, has the power to preserve the property under its control for the use which it is lawfully dedicated. In order to determine the constitutionality with respect to speech on publicly-owned property, a court would need to first determine whether the speech is protected, the forum and whether the restriction on speech satisfies the Constitutional standard for the forum.

Don Icsman said with regard to whether the speech is protected, there should be no fighting words, obscene words or abusive epithets used to invite an immediate breach of the peace. There are “traditional public forums”, “designated public forums”, “limited public forums” and “non-public forums” which determine what Constitutional standard applies. Traditional public forums are places with a long history of being devoted to assembly and debate (e.g. streets, parks, sidewalks). Designated public forums are locations or channels of communication that the government opens up for use by the public for expressive activity. Limited public forums are limited to use by certain groups or dedicated solely to the discussion of certain subjects. Don Icsman said an example of a limited public forum would be school buildings which are used for activities after hours by private or other individuals. Non-public forums are on public property not open for public communication by tradition or designation (e.g. - hallways of a public building or a judge’s office/chamber area). Don Icsman said the lectern in the city commission chambers is a designated public forum and defined by case law where government may have and enforce reasonable time, place and manner of restrictions provided they are content neutral, narrowly tailored to serve a significant governmental interest and there exists ample alternative channels of communication. The third question is whether the restrictions meet the Constitutional standard of content neutrality, narrowly tailored to service a significant governmental interest, and whether ample alternative channels of communication exist.

One of the restrictions to public forums is outlined in Section 10 of the city charter which requires the city commission determine its own Rules of Order; these were originally adopted in January, 2010 and ratified in January, 2012. Section 8 of the Rules of Order includes the audience participation portions which provide for public forum or open discussion. Section 9 governs requests to speak and members’ right to speak. There is also a reference to personalities and personal attacks which shall be avoided by all speakers including the city commissioners. The President regulates the debate, provided that the rights of all persons to express their views are respected. Section 9.02 outlines remarks by residents or interested parties’ duties and the words apply both to the speaker and the city commissioners. Remarks shall be limited as provided in Section 8 and reference to personalities and personal attacks shall be avoided by all speakers. Section 9.03 outlines the right of city employees to any privilege of the floor for purpose of speaking upon any questions that pertain to their duties, responsibilities and authority. Don Icsman reiterated all rules apply to the city commissioners, the residents and the employees. Section 12.03 states the president conducts the meetings and Section 12.04 provides for what happens if there is a violation of the rules.

Don Icsman said Section 2917.12 of the Ohio Revised Code includes provisions dealing with disturbing a lawful meeting. Article I, Section 3 of the Ohio Constitution states the right to assemble: “the people have the right to assemble together, in a peaceable manner, to consult for their common good; to instruct their representatives; and to petition the general assembly for the redress of grievances.” Don Icsman said this means the purpose of the meeting is to conduct business and the Rules of Order ensure this happens in a civil manner. Article I, Section 11 of the Ohio Constitution provides for the freedom of speech, of the press, and of libels and being responsible for the use of the right. Don Icsman said his experience with the City of Sandusky, reading of case law and working with past presidents, has lead

him to the conclusion that any rule enforced by past presidents has been to preserve the civility and decorum necessary to further the purpose of conducting the public's business in an effective and efficient manner. Speakers cannot be allowed to hijack the meetings, under the guise of exercising their first amendment rights, to impact or restrict other people's (first amendment) rights and the public's right to conduct the city's business in an orderly and efficient manner. The city has three- and five-minute limitations for the public to speak and no matters of a private concern should be voiced or aired during public forums (e.g. discussion about a criminal case). Personal attacks should not be tolerated as they are disruptive and do not further the purpose of having a meeting. Don Icsman said this brings him back to the three questions identified and whether the restrictions on the speech satisfy the standard through reasonable time, place and manner of restriction, content neutrality to further a significant governmental interest the conduct of the efficient and effective meetings ample alternative channels of communication that must be provided. Don Icsman said he is comfortable with the way things have been done in the past and the city commission is a most accessible body, including the charter officers and employees, and does not believe the city gets credit for this. Don Icsman said he would never advise the city commission to eliminate the public portion of the meeting for pragmatic and political purposes and any public meeting has some form of public participation, although with different rules. He urges the city commission to familiarize themselves with the Rules of Order along with the information presented as a foundation to make any future decisions. Don Icsman said the City of Toledo recently experienced felony charges during a council meeting and is one reason why the Rules of Order are important. The City of Sandusky should get some credit for the openness of their meetings and is different from both Perkins Township and Erie County. Sandusky has been doing this for 15 years and is accessible, yet receives unfair criticism. John Hamilton said Sandusky is one of the most open and accessible governments in the State of Ohio.

A Public Hearing was held regarding the 2012 budget. Hank Solowiej said the budget process, as outlined in the charter, started in the fall of 2011. The city manager is required to submit a first estimate of revenues and expenses by November 1. Revenue estimates are then vetted through the Audit/Finance Committee for reasonableness and economic conditions. The next step in the process is scheduling a public hearing and providing public notice regarding the budget (this was done March 12). The city manager's recommendations are then published in a newspaper of general circulation (March 21). Finally, the appropriation ordinance is passed five days after the publication. The ultimate deadline for passage is no later than April 1 as provided in the Ohio Revised Code.

Hank Solowiej said the main revenue for the city is income tax and 2011 was a good year as they were up by approximately 7%. In March, 2011, the city was up about 13% as compared to March, 2010. Early on, the city had a pretty good start to the year. Unfortunately, in comparing YTD 2012 to March 2011, income taxes are now down 3.2% and an estimated 3% drop in income taxes in the general fund is projected for the year. Gas prices have been on the rise since the beginning of the year and are a major local concern. There have also been local government fund reductions and elimination of the estate tax. In 2009, the city received \$682,000 in estate taxes alone while at the beginning of 2012, this amount will be zero. Seventy-seven percent of the general fund expenditures are related to wages and fringes and subsidies of the parks and of the police and fire pension funds. Police and fire, combined, account to about 64% of the general fund budget. The general fund cash balance is projected to go from approximately \$3.6 million to approximately \$3.3 million and the city plans to monitor these numbers from month to month and assess them before the end of the year. Hank Solowiej said there are many financial challenges ahead. The last bond rating by Moody's identified the following challenges for the city:

- Declining population trends and below average income levels
- Relying on economic sensitive revenues including income, admissions and hotel taxes
- The city currently has an Aa3 bond rating but Moody's has identified this could change (go down) by a deterioration of the city's tax base or a weakening of the demographic profile
- Material reductions in the general fund reserves (which is a key reason why the city should maintain its general fund reserves balance)

Hank Solowiej said the past two years can be best described as "going back to the basics" with safety services, streets and water and sewer (basic services) provided at an exceptional level while navigating through choppy waters.

Nicole Ard said the city is looking at \$50 million of funds which includes more than general fund dollars to help with general activities to run the organization. The total funds also include sewer and water and associated activities for these funds. The estimated expenditures for FY 2012 are \$16,172,711 and Nicole Ard reiterated the importance of maintaining the general fund balance. The estimated FY 2012

expenditures have been further reduced and are recommended at \$15,898,416 or 21% of the general fund budget. There were some discussions about further reducing budgets/expenditures and alternative cuts were discussed. In the police department, Nicole Ard said she chose to find alternative areas to cut in an effort to maintain current staffing levels without jeopardizing service levels to the public. Without cutting people or full-time equivalents (FTE) in the police and fire departments, there was discussion about deferring some of the new hires and transferring the money from the general fund to the EMS fund to help pay for dispatch and to reduce the number of reserves actually authorized in the budget. The number of police reserves was cut from 9 to the equivalent of 6 who work about three days a week, twelve hours, giving the city about 36 hours of service. Two of these reserves help with the municipal court and security. These kinds of cuts are not things the city would like to keep doing as there are some consequences. The city has consultants and legal resources which it has utilized during the past few years. Some of these areas have been cut in administrative services, economic development, community development, the city commission, engineering, general services and the city manager's office. Nicole Ard said the recommended reductions include deferring the hire of a new IT manager (current manager will be retiring in June), deferring permanent police promotions and reducing the engineering budget for recruitment of a new engineer. Nicole Ard said there were funds for facility refurbishing in the police department which have been reduced by \$8,000; police technology has been reduced by \$13,000 and a recommendation is being made to help with the repeater and radio systems. These items cannot be avoided and must be done in order to maintain public safety. A radio inventory and upgrade is also recommended for the general services departments.

Nicole Ard said there are a series of items which are recommended as the city moves forward including: technology plan, computer inventory and replacement schedule, phone system replacement, vehicle replacement schedule, road condition survey, major road resurfacing (non-grant), class and compensation study and more robust training across the board for all departments. Nicole Ard said the FY 2012 priorities include: hiring a new police chief and strategic planning, fire accreditation, dispatch software, MDTS support, an effort to reduce combined sewer overflows, neighborhood support and Lions Park improvements, expansion of the Sandusky-Perkins Area Ride Connection, shared services with other agencies, limited new technology (paperless agendas, printer and mobile phone contracts), a revision of the civil service rules and a continuous organizational review. The next steps to be taken should be to start FY 2013 now using resources available in-state and nationally for municipal finance, continue to review operations for efficiencies and revenue enhancements, use of a water and sewer rate model, complete contract negotiations and the utilization of a scorecard process to monitor and report using community-based budgeting. All of these recommendations are open to suggestion.

John Hamilton asked if any members of the public would like to speak for or against the budget.

Tim Stookey, 1307 Fifth Street, asked what percentage of residents pay the city's 1% income tax and suggested increasing the sales tax as a means of bringing in more revenue. These additional monies could be used to repair the streets which are in disrepair in the city. John Hamilton said Erie County sets the sales tax.

John Jacobs, 1125 Marlboro Street, asked if sensitivity training has been included in the police department's training budget. Nicole Ard said general tactical training has taken place and Jerry Garrett has worked with the police department during the past year about this issue.

Sharon Johnson, 1139 Fifth Street, said push has come to shove regarding admissions tax and three percent is a small percentage compared to other places. Sharon Johnson said R.I.T.A. was supposed to keep a historical log for the city and asked if it is available. The city should also watch its in-kind donations.

Hank Solowiej said there is a clause in the lease agreement stipulating half of the submerged lands lease should be used to fund scholarships for the Sandusky Sailing Club. The items included with the general appropriations related to the city building are debt service items included in notes.

Diedre Cole said she is concerned about the upcoming retirement in the IT department and the suggested plan to outsource some of this work as IT is the backbone of the city. This may be a security issue and many things depend upon the IT department which is not often "seen". Nicole Ard said she is not recommending outsourcing the entire IT department and that the part-time employees will remain in place. She has spoken with an outside governmental agency about sharing personnel with employees who have already been screened and with a common goal. This would be a good match in terms of peak times with certain issues and would be helpful by eliminating personnel with insurance benefits and other costs. Diedre Cole asked if the strategic planning process line item was eliminated and Nicole

Ard said the city commissions' contractual services line item was reduced but there is still money in the city manager's budget for this purpose. Nicole Ard said the HRC also works with Jerry Garrett and some of this work has been reduced.

Wesley Poole said the bottom line is the budget (as presented) which is a reduction in the amount of money spent, but it appears \$332,000 has been added to the police department's budget. He would be a lot more comfortable knowing what this money will actually be spent on. It appears expenditures have been reduced in all of the other departments. Wesley Poole said the majority of issues have to do with money and he does not want to throw good money after bad without considering improvement(s) to service. Wesley Poole said he campaigned for this job to improve neighborhoods, streets, trees, etc. and some departments have been cut which directly impacts neighborhoods. Nicole Ard said horticulture has been cut but there was not money included for road repairs. Monies that were cut were for contractual and environmental services being performed. Nicole Ard said the proposal in the budget is to utilize part-time employees in the police department in a different way. Wesley Poole said the reduction in horticultural services (whether contractual or not) amounts to \$66,000 less to provide services in the community. The proposed 2012 actual in the police department for wages and fringes is an increase of \$237,000 for one line item and the fact this was taken from reserves is a big jump. Wesley Poole said he does not know what the reserve officers do and the service performed in the police department is not totally appreciated by everyone. He is not clear that spending an additional \$332,000 will provide an improvement in services. Wesley Poole said he would be happy to reduce the police department's budget by couple hundred thousand dollars now and add it back in later in the year, if necessary, rather than spending this kind of money right now. He would like to start with a realistic number of how much will be spent.

There being no further comments, John Hamilton then declared the public hearing closed.

CURRENT BUSINESS

Upon motion of Diedre Cole and second of Jeff Smith, the commission voted to accept all communications. The President declared the motion passed.

ITEM #1 – Submitted by Nicole Ard, City Manager

Budgetary Information: There is no fee to join the Coalition or commitment for future payment. The Coalition has helped support grants and/or appropriations in Michigan and New York. However, some funds in Fiscal Year 2011 were not received given changes in congressional appropriations policy (earmarks were discontinued).

RESOLUTION 005-12R: It is requested a resolution be passed **in support of the Great Lakes Small Harbors Coalition.**

Upon motion of Jeff Smith and second of Julie Farrar, the commission voted to pass this resolution at second reading. Roll call on the motion: Yeas: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton, Diedre Cole and Wesley Poole, 7. The President declared the motion passed. Roll call on the Resolution: Yeas: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton, Diedre Cole and Wesley Poole, 7. The President declared the resolution passed at second reading (effective after 30 days).

Don Icsman clarified only one vote is necessary when the rules are not being suspended.

ITEM #2 – Submitted by Paul E. Ricci, Fire Chief

The cost associated with the adoption of this proposed legislation is the added workload that will be absorbed by the current administrative staff and the registration fees collected will be used exclusively for the administration and enforcement of this chapter.

ORDINANCE 12-024: It is requested an ordinance be passed **amending part fifteen (Fire Prevention Code), by the addition of Chapter 1505 (registration of vacant commercial and industrial buildings), of the codified ordinances, in the manner and way specifically set forth herein below.**

Upon motion of Pervis Brown and second of Diedre Cole, the commission voted to pass this ordinance at second reading.

Discussion: Julie Farrar asked Paul Ricci how difficult it would be to include identification of the property owner on the signage. Paul Ricci said the proposed ordinance does not allow for this and the vacant building list is a public document and can be obtained by anyone who requests. This legislation is the

most aggressive and comprehensive this area of northern Ohio has ever seen. The only legislation which comes close is in effect in Painesville. Voting “yes”, places the city of Sandusky far ahead of many other communities in dealing with vacant and abandoned buildings.

Roll call on the ordinance: Yeas: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton, Diedre Cole and Wesley Poole, 7. The President declared the ordinance passed at second reading (effective after 30 days).

ITEM #3 – Submitted by Paul E. Ricci, Fire Chief

Budgetary Information: The total cost for the residential Knox boxes is \$4,250. The federal share covers \$3,825 (90%) of the proposed expenditures. The matching \$425 (10%) funds for this purchase will be provided by funds from the proposed 2012 fire department operating budget.

RESOLUTION NO. 006-12R: It is requested a resolution be passed **authorizing the filing of a grant application to the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) Grant Programs Directorate (GPD) for the 2012 Assistance to Firefighters Grant (AFG) program and, if awarded, authorizing the city manager to execute any required agreements;** and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

Upon motion of Diedre Cole and second of Wesley Poole, the commission voted to approve this resolution under Section 14 of the city charter. Roll call on the motion: Yeas: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton, Diedre Cole and Wesley Poole, 7. The President declared the motion passed. Roll call on the resolution: Yeas: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton, Diedre Cole and Wesley Poole, 7. The President declared the resolution passed.

ITEM #4 – Submitted by Nicole Ard, City Manager

Budgetary Information: The city would enhance its current support of the event and subsequently increase its share in additional costs. Please note that the potential additional costs to the city are not known and nor capped. The event support could yield tourism and economic development benefits to Sandusky.

ORDINANCE NO. 12-025: It is requested an ordinance be passed **authorizing and directing the city manager to establish terms and conditions for the presentation of Ohio Bike Week by Advantage Entertainment LLC from 2 p.m. on June 6, 2012 to 5 p.m. on June 10, 2012, and from year-to-year through the year 2016, for the event area, and further authorizing the city manager to take such actions as are deemed necessary and proper to implement the presentation of Ohio Bike Week in the city;** and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

Upon motion of Jeff Smith and second of Keith Grohe, the commission voted to approve this ordinance under Section 14 of the city charter. Roll call on the motion: Yeas: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton, Diedre Cole and Wesley Poole, 7. The President declared the motion passed. Roll call on the ordinance: Yeas: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton, Diedre Cole and Wesley Poole, 7. The President declared the ordinance passed.

ITEM #5 – Submitted by Carrie R. Handy, Chief Planner

ORDINANCE NO. 12-026: It is requested an ordinance be passed **amending the official zone map of the City of Sandusky to rezone parcel #57-03587.000, located at 2216 – 2222 Milan Road, from “R1-60” (single-family residential district) to “R-RB” (Residential-business district);** and declaring that this ordinance shall take effect under suspension of the rules as contained in and in accordance with Section 13 of the City Charter.

Upon motion of Diedre Cole and second of Julie Farrar, the commission voted to approve this ordinance under Section 13 of the city charter.

Discussion: Julie Farrar said there were items worked out with the Planning Commission pertaining to this item and she will vote in the affirmative for this legislation.

Roll call on the motion: Yeas: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton, Diedre Cole and Wesley Poole, 7. The President declared the motion passed. Roll call on the ordinance: Yeas: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton, Diedre Cole and Wesley Poole, 7. The President declared the ordinance passed.

ITEM #6

ORDINANCE NO. 12-027: It is requested an ordinance be passed **making general appropriations for the fiscal year 2012**; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

Upon motion of Pervis Brown and second of Keith Grohe, the commission voted to approve this ordinance under Section 14 of the city charter. Roll call on the motion: Yeas: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton, Diedre Cole and Wesley Poole, 7. The President declared the motion passed. Roll call on the ordinance: Yeas: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton, Diedre Cole and Wesley Poole, 7. The President declared the ordinance passed.

ITEM #7 – Submitted by Hank S. Solowiej, CPA, Finance Director

Budgetary Information: None.

RESOLUTION NO. 007-12R: It is requested a resolution be passed **authorizing and approving the finance director to provide notice of the city's intent to withdraw from the Buckeye Ohio Risk Management Association (BORMA) property and casualty pool**; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

Upon motion of Pervis Brown and second of Julie Farrar, the commission voted to approve this resolution under Section 14 of the city charter.

Discussion: Pervis Brown asked Hank Solowiej to elaborate what the city is proposing to do with its insurance and Hank Solowiej said filing this notice is the city's best option to pursuing liability insurance. Hank Solowiej said he has concerns about the financial viability of the municipal insurance pool and five of the six cities will be pursuing this if Sandusky passes this resolution. John Hamilton asked if this means the city will have an option to leave the insurance pool and Hank Solowiej said the city would remain a member until November 30, 2012. Julie Farrar asked if BORMA will continue to work on things which are current and Hank Solowiej confirmed they will.

Roll call on the motion: Yeas: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton, Diedre Cole and Wesley Poole, 7. The President declared the motion passed. Roll call on the resolution: Yeas: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton, Diedre Cole and Wesley Poole, 7. The President declared the resolution passed.

ITEM #8 – Submitted by Thomas Schwan, Public Transit Administrator

Budgetary Information: The state grant, if awarded, will allow the Sandusky Transit System to sustain the SPARC service for our residents. The project will have no impact on the city's budget as all monies for the additional service will be provided through State of Ohio JARC grant funding and matching local sources other than city general revenue funds.

RESOLUTION NO. 008-12R: It is requested a resolution be passed **authorizing the filing of a grant application with the Ohio Department of Transportation through the U.S. DOT Federal Transit Administration (FTA) for the CY 2013 a Job Access Reverse Commute (JARC) program grant for the Sandusky Transit System**; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

Upon motion of Diedre Cole and second of Keith Grohe, the commission voted to approve this resolution under Section 14 of the city charter. Roll call on the motion: Yeas: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton, Diedre Cole and Wesley Poole, 7. The President declared the motion passed. Roll call on the resolution: Yeas: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton, Diedre Cole and Wesley Poole, 7. The President declared the resolution passed.

ITEM #9 – Submitted by Kelly L. Kresser, Commission Clerk

A notice has been submitted to the City of Sandusky from the Ohio Division of Liquor Control, requesting a liquor permit transfer (C1, C2 and D6) from Cedar Fair LP dba Castaway Bay Marina Store, 10 Harbour Parkway, Unit 2 to Cedar Fair LP dba Breakers Express Store, 1201 Cedar Point Drive, Sandusky. It is requested the clerk notify the Ohio Division of Liquor Control that the city has no objections to this request.

Upon motion of Jeff Smith and second of Diedre Cole, the commission voted to request the city commission clerk to notify the Ohio Division of Liquor Control the city has no objection to this liquor

permit transfer. Roll call on the motion: Yeas: Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton, Diedre Cole and Wesley Poole, 6. Abstain: Keith Grohe, 1. The President declared the motion passed.

CITY MANAGER'S REPORT

Upon motion of Pervis Brown and second of Jeff Smith, the commission voted to accept a donation in the amount of \$500 from Dustin Ness of Merrill Lynch toward production of the 2012 Summer Events calendar. The President declared the motion passed.

Nicole Ard provided an **update regarding the Sandusky Sailing Club and the US ODA National Youth Regatta**. The request to provide in-kind dockage (approximately 10 slips) at the paper district marina would be for use by members of the Sandusky Sailing Club on a first come first served basis during the US ODA event on July 22 – 29, 2012. Additional support will be provided by the police, fire and general services departments; the amount thus far is for the fire department only and its in-kind value is \$2,700. Diedre Cole said the week of July 22 – 29 is prime boating season and several fishing tournaments are already scheduled. She asked if there were conflicts with the **US ODA National Youth Regatta** which is scheduled to take place during that week. Nicole Ard said staff from the recreation division has been in attendance at the meetings with members of the Sandusky Sailing Club and there have not been any conflicts identified.

Nicole Ard said **National Incident Management System training will be held on Monday, April 30 beginning at 4 p.m.**

Nicole Ard said the city staff met this week as a follow-up to the **strategic planning session** held on March 10. She would like to schedule another session with the city commission in the near future to discuss the vision, mission and the balanced scorecard system.

Nicole Ard said she has signed the **city's CHIP grant application** and the application is for \$250,000 as approved by the city commission in the fall of 2011.

Nicole Ard provided an **update regarding the city's Revolving Loan Fund** and has resolved some issues with payments to the consultant, as well as a technical question for the loan approved for the Krunchie Pickle Deli. Once the RLF Committee has met, the commission will approve their recommendation.

Nicole Ard said the staff is **coordinating two meetings to discuss proposals made by developers about the Keller Building**.

Nicole Ard said **legislation regarding the Human Relations Commission** will be brought forward at a future city commission meeting.

Nicole Ard provided an update of **commission and community meetings** which she has attended since the last commission meeting.

Nicole Ard said she has done some research regarding the upcoming **police chief selection process**.

Nicole Ard reminded citizens there will be a **yard waste drop-off** at Barnes Yard Waste Recovery on Saturday, April 28 from 8 a.m. – 5 p.m. and on Sunday, April 29 from 10 a.m. – 5 p.m. The yard waste collection program begins April 1 and costs \$11 per month which can be paid through the city water bills.

Nicole Ard said **Superior Street will be permanently closed beginning March 29 for construction of the Venice Road grade separation**.

OLD BUSINESS

Upon motion of John Hamilton and second of Wesley Poole, the commission voted to appoint Eddie Brown to the ADA Advisory Board for a term ending December 31, 2012. The President declared the motion passed.

Upon motion of John Hamilton and second of Wesley Poole, the commission voted to appoint Wendy Dempsey to the Police Chief Selection Committee. Roll call on the motion: Yeas: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton, Diedre Cole and Wesley Poole, 7. The President declared the motion passed.

Upon motion of John Hamilton and second of Jeff Smith, the commission voted to appoint William Kimberlin to the Police Chief Selection Committee. Roll call on the motion: Yeas: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton and Diedre Cole, 6. Nays: Wesley Poole, 1. The President declared the motion passed.

Upon motion of John Hamilton and second of Pervis Brown, the commission voted to appoint Thandabantu Maceo to the Police Chief Selection Committee. Roll call on the motion: Yeas: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton and Wesley Poole, 6. Nays: Diedre Cole, 1. The President declared the motion passed.

Upon motion of Pervis Brown and second of Jeff Smith, the commission voted to establish a committee to move forward in obtaining assistance and outside input into the process to select a new police chief.

Discussion: Nicole Ard said she understands members of the (previous) fire chief selection committee made decisions about in-state vs. out-of-state recruiting and where advertising will take place. She has received information from other communities and the Ohio Association of Chiefs of Police to assist the Police Chief Selection Committee. Nicole Ard said some of the company representatives she has spoken with are willing to assist even if Sandusky does not choose them as they would like to see us make a good choice for the next police chief.

Roll call on the motion: Yeas: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton, Diedre Cole and Wesley Poole, 7. The President declared the motion passed.

NEW BUSINESS

Julie Farrar said there is a meeting on Thursday with the **new Erie County Landbank Committee**. Julie Farrar said she will attend; the city has the authority to appoint its representative and Amanda Meyers will represent the city (or Julie in her absence). The city has one vote on this committee. Pervis Brown asked if the city is going to officially support this committee with Erie County and Julie Farrar said a Memorandum of Understanding has yet to be signed; protocols need to be added which pertain to the City of Sandusky. Pervis Brown said it is important before committing the city fully understands what it is doing and provide safeguards so there is control over properties within our city limits rather than riding on any outside entity. John Hamilton said most of the landbank properties are in the City of Sandusky and it seems as if Erie County should be going with the City of Sandusky rather than the other way around. Wesley Poole said the city should take a good look at Amanda Meyer's role on the committee as it is being run by the Erie County Commissioners. It is important to have a city commissioner attend and keep the city's role at that. Amanda Meyers is a paralegal who works for the city and Erie County has its own legal department. Wesley Poole said if Erie County wants to staff the county landbank committee with legal assistants they can, but it seems the city's representation should be at the commissioner level. Julie Farrar said she respectfully disagrees and Amanda Meyers is the in-house expert on all landbanking matters and has been for over four years; she will help Erie County as they are just starting out and they will not have to reinvent the wheel. Julie Farrar said all documents which she has received have been given to Don Icsman or Amanda Meyers and does not 'pretend' to know about legislation or rules. She believes Sandusky will be very well served by allowing Amanda Meyers to attend these meetings and to represent the City of Sandusky. Wesley Poole said the city's position on this committee is not to provide legal advice; it is a policy-making committee about which properties should be taken and for planning reasons or purposes. Wesley Poole said the county commissioner representative is not a lawyer, this person is representing the county's interest. It is in the city's interest to have a decision maker at the meetings, not a person who is efficient at getting their hands on properties. Wesley Poole said if Julie Farrar does not wish to be the city's representative, he will gladly take her place and represent the city. Julie Farrar said she is very capable of handling this job and respectfully disagrees. Jeff Smith said he has no problem with Julie Farrar representing the city.

Julie Farrar asked to add a link to the **Town Go Boom video** on the city's webpage.

Upon motion of John Hamilton and second of Pervis Brown, the commission voted to schedule a public hearing regarding the Sandusky Transit System – addition of SPARC 3 route - on April 9 at 5 p.m. The President declared the motion passed.

Upon motion of John Hamilton and second of Pervis Brown, the commission voted to schedule a public hearing regarding the Consolidated Plan on Monday, April 23 at 5 p.m. The President declared the motion passed.

Upon motion of Diedre Cole and second of Pervis Brown, the commission voted to hold an executive session regarding personnel, charter officers. Roll call on the motion: Yeas: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton, Diedre Cole and Wesley Poole, 7. The President declared the motion passed.

Upon motion of Diedre Cole and second of Pervis Brown, the commission voted to hold an executive session regarding personnel, police department. Roll call on the motion: Yeas: Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton, Diedre Cole and Wesley Poole, 7. The President declared the motion passed.

Under **Audience Participation**, the following persons offered their comments:

Sharon Johnson, 1139 Fifth Street, asked the status of the Keller Building and Todd Roth said he is awaiting a written proposal and will be following up with a recommendation. Sharon Johnson asked the amount of in-kind contribution for the Sandusky Sailing Club youth regatta and believes the city should be cautious with these donations. Nicole Ard said there are certain points along the waterfront the club would like to keep open for their members and they would be able to use the paper district marina as an alternative location. John Hamilton said the length of the boats would determine the cost(s).

Andy Ouriel, Sandusky Register, asked for a financial breakdown for Ohio Bike Week with Advantage Entertainment (Item #4). Jeff Smith said if expenses go over \$30,000, there would be a 50/50 split after the initial amount of \$17,500. Andy Ouriel asked for clarification about the executive session and if it is an exception under the Sunshine Laws and Don Icsman said holding an executive session for purposes of personnel is an acceptable session.

Fred Farris, 1114 C Street, said former police officer Jody Showalter should have been charged with public intoxication and/or disorderly conduct after the March 18 gun incident in downtown. Jim Lang said these types of charges are at the officers' discretion and he would have to answer the question after reviewing the reports. John Hamilton said the city will look at the reports and listen to the dispatch tapes and get back with him (Fred). Fred Farris said a description was given of two black men but the incorrect ones were placed on the ground; to him, this sounds like all black people look alike and this is about racial profiling. Julie Farrar said when she listened to the 9-1-1 tape she had no problem understanding Jody Showalter, a description was given and those matching the description were stopped.

Tim Stookey, 1307 Fifth Street, thanked the City of Sandusky for the proclamation honoring Vietnam veterans. He has a cross on his hat symbolizing those who did not come home from Vietnam and the first thing veterans do when greeting each other is shake hands and say "Welcome Home", because they never were. One of the best things about the Vietnam War is everyone stuck together and depended upon one another for their safety and their lives.

John Hamilton announced adjournment of the regular session at 7:27 p.m. Two executive sessions were held beginning at 7:40 p.m. At 8:25, John Hamilton announced adjournment.

Kelly L. Kresser
Clerk of the City Commission

John F. Hamilton
President of the City Commission