

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

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

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

**Upon motion of Jeff Smith and second of Pervis Brown, the commission voted to excuse Diedre Cole. The President declared the motion passed.**

#### **AUDIENCE PARTICIPATION** (*agenda items only*)

None.

#### **PUBLIC HEARING**

**A public hearing was held regarding the proposed request to vacate a portion of Second Street.** Carrie Handy said Cedar Fair is proposing this vacation in the vicinity of their dormitories at First Street and Cedar Point Drive and the area is a 10,000 SF section which is approximately 50' x 200'. Cedar Point is the property owner on both sides and is proposing to fence in an area for recreational activities for their employees. The Planning Commission has recommended approval of this vacation.

John Hamilton said Cedar Point has a lot of employees from overseas and believes soccer will be a viable sport at this location. He asked if this property will become taxable once again and Carrie Handy affirmed it will.

**John Hamilton asked if anyone would like to speak for or against this proposed vacation. There being no further comments, the President declared the public hearing closed.**

#### **CURRENT BUSINESS**

**Upon motion of Pervis Brown and second of Julie Farrar, the commission voted to accept all communications. The President declared the motion passed.**

#### **ITEM #1 – Submitted by Scott Kromer, Chief Foreman, Sewer Maintenance Division**

##### **TABLED ON 5.29.12**

**Budgetary Information:** No general fund money will be required for this purchase. This purchase has been budgeted for in the sewer fund and sufficient funds are available to purchase the backhoe.

**ORDINANCE NO. 12-061:** It is requested an ordinance be passed **declaring the 1997 New Holland backhoe loader, USN #031003999, as unnecessary and unfit for city use pursuant to Section 25 of the city charter; authorizing and directing the city manager to purchase one (1) 2012 John Deere 410K backhoe loader from Buck & Knobby Equipment Company of Ottawa Lake, Michigan, through the State of Ohio Department of Administrative Services Cooperative Purchasing program for the sewer maintenance division; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.**

**Upon motion of Keith Grohe and second of Jeff Smith, the commission voted to approve this ordinance according to Section 14 of the city charter. Roll call on the motion: Yeas: Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown and John Hamilton, 6. Roll call on the ordinance: Yeas: Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown and John Hamilton, 6. The President declared the ordinance passed.**

#### **ITEM #2 – Submitted by Carrie R. Handy, Chief Planner**

**PASSED FIRST READING:** It is requested an ordinance be passed **vacating a portion of Second Street located east of the Austin Street right-of-way and adjacent to Lot Numbers 587, 588, 589, 590, 591, 592, 593, 579, 578, 577, 576, 575 and 574 Second Street, within the city, as set forth on the vacation plat, a copy of which is marked Exhibit A-2 attached to this ordinance and incorporated herein; 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 Pervis Brown and second of Julie Farrar, the commission voted to approve this ordinance according to Section 13 of the city charter.**

*Discussion:* Pervis Brown said Austin Street was never actually built and the city is not giving up anything of value as far as this street.

**Roll call on the motion: Yeas: Wesley Poole, Jeff Smith, Julie Farrar and John Hamilton, 4. Abstain: Keith Grohe and Pervis Brown, 2. Roll call on the ordinance: Yeas: Wesley Poole, Jeff Smith, Julie Farrar and John Hamilton, 4. Abstain: Keith Grohe and Pervis Brown, 2. The President declared the ordinance passed at first reading.**

**ITEM #3 – Submitted by Amanda Meyers, Paralegal**

**Budgetary Information:** The cost associated with the request for proposals is the total amount of administrative staff time for preparation and fees for newspaper publication. It is anticipated that these expenses will be recouped upon sale.

**ORDINANCE NO. 12-062:** It is requested an ordinance be passed **declaring that certain real property acquired through the city's land reutilization program and owned by the city identified as parcel #56-00542.000 located at 14 Anderson Street Extension and Parcel #58-00703.000 located at 910 Central Avenue, are no longer needed for any municipal purpose and authorizing and directing the city manager to proceed with a request for proposals process for the sale of property** and declaring that this ordinance take immediate effect in accordance with Section 14 of the city charter.

**Upon motion of Wesley Poole and second of Julie Farrar, the commission voted to approve this ordinance according to Section 14 of the city charter. Roll call on the motion: Yeas: Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown and John Hamilton, 6. Roll call on the ordinance: Yeas: Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown and John Hamilton, 6. The President declared the ordinance passed.**

**ITEM #4 – Submitted by Hank S. Solowiej, CPA, Finance Director**

**Budgetary Information:** This submerged lands lease is payable by the City of Sandusky as the leaseholder. The Chesapeake Lofts Condominium Association, Mid-States Development Corporation's assigned sub-lessee will reimburse the city for the cost of the lease payment pursuant to submerged lands lease agreement SUB-2119B-ER between the city, Mid-States Bayfront Development, LLC and the Ohio Department of Natural Resources. The Ohio Department of Natural Resources does not allow a sub-lease holder to make a submerged lands lease payment on the city's behalf. Ordinance #11-018 was passed by the city commission on March 14, 2011, in the amount of \$13,764.34 for the period April, 2011 – March, 2012.

**ORDINANCE NO. 12-063:** It is requested an ordinance be passed **authorizing and directing the city manager to make payment to the Ohio Department of Natural Resources, Office of Coastal Management for rental payment on submerged lands lease file #SUB-2119B-ER for the period of April, 2012 through March, 2013;** 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 according to Section 14 of the city charter. Roll call on the motion: Yeas: Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown and John Hamilton, 6. Roll call on the ordinance: Yeas: Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown and John Hamilton, 6. The President declared the ordinance passed.**

**ITEM #5 – Submitted by Todd J. Roth, P.E., P.S.**

**Budgetary Information:** Mr. Feick will be paid at the rate of \$55 per hour for work performed up to a maximum of \$5,000. The cost of this contract will be paid with the Building Division operating budget. A portion of the plan review expense will be paid by the collection of plan review fees by the Department of Planning, Engineering and Development.

**ORDINANCE NO. 12-064:** It is requested an ordinance be passed **authorizing and directing the city manager to enter into a consulting contract with John A. Feick, a copy of which is attached hereto;** and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**Upon motion of Julie Farrar and second of Wesley Poole, the commission voted to approve this ordinance according to Section 14 of the city charter. Roll call on the motion: Yeas: Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown and John Hamilton, 6. Roll call on the ordinance: Yeas: Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown and John Hamilton, 6. The President declared the ordinance passed.**

**ITEM #6 – Submitted by Kelly Kresser**

A request has been received from the Ohio Division of Liquor Control requesting **a new D5J liquor permit for Dockside Hospitality dba Dockside Burgers & Fries, 611 West Shoreline Drive, Sandusky.** It is requested the commission clerk be authorized to notify the Ohio Division of Liquor Control the city has no objection to this request.

**Upon motion of Julie Farrar and second of Keith Grohe, the commission voted to request the city commission clerk to notify the Ohio Division of Liquor Control the city has no objection to this request. Roll call on the motion: Yeas: Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown and John Hamilton, 6. The President declared the motion passed.**

**CITY MANAGER'S REPORT**

Nicole Ard said staff will be taking another look at the **Item #1 pertaining to the purchase of a backhoe** and the commission may be asked to rescind this legislation.

**Upon motion of Pervis Brown and second of Jeff Smith, the commission voted to accept a donation in the amount of \$50 from Mary Anne Ehrhardt for the Fire Department for the purchase of a Knox Box. The President declared the motion passed.**

Nicole Ard said she would like direction from the city commission regarding **payment for Jerry Garrett who has done consulting work for the city in the past.** Currently the city is in receipt of an invoice from Jerry Garrett in the amount of \$2,300 for consulting work with the police department, economic development issues and for emergency planning with the Human Relations Commission. Nicole Ard said any additional projects or ideas the commissioners may have should be budgeted accordingly for consulting services.

**Upon motion of Jeff Smith and second of Julie Farrar, the commission voted to authorize payment to Jerry Garrett in the amount of \$2,300.**

*Discussion:* Wesley Poole said he will vote affirmatively as this work has been performed by Jerry Garrett on the city's behalf.

**Roll call on the motion: Yeas: Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown and John Hamilton, 6. The President declared the motion passed.**

Nicole Ard said **Mrs. Kammer, a city resident, filed a claim with the city over one year ago for what she (Mrs. Kammer) believes was a pothole.** This is an unusual circumstance and the city has worked with her due to financial stresses and with outside social service agencies which provide services to senior citizens.

**Upon motion of Pervis Brown and second of Keith Grohe, the commission voted to authorize payment to Mrs. Kammer in the amount of \$719.**

*Discussion:* Pervis Brown asked if making payment would set precedence and would like to make it clear if this passes, it is because of age and circumstance. Wesley Poole said he does not have enough information to approve this payment and there are 25,000 residents in the city. Julie Farrar asked how long ago this incident took place and Nicole Ard said it occurred approximately one year ago and Mrs. Kammer was initially denied reimbursement from the city and the city's insurance company.

**Roll call on the motion: Yeas: Keith Grohe, Julie Farrar, Pervis Brown, 3. Nays: Wesley Poole, Jeff Smith and John Hamilton, 3. The President declared the motion fails.**

Nicole Ard asked the commission to consider **making payment to Brady Electric in the amount of \$6,900 for design work for the Cedar Point waterways/navigational sign.**

**Upon motion of Julie Farrar and second of Pervis Brown, the commission voted to authorize the city manager to make payment to Brady Electric in the amount of \$6,900 for design work for the navigational sign.**

*Discussion:* Wesley Poole asked the limits for expenditures requiring city commission approval. Nicole Ard said given the nature of this item, she would like some direction from the city commission. John Hamilton said he does not know how the city wound up with this, but seems it should be the responsibility of the U.S. Coast Guard. Wesley Poole asked why the city is putting up a sign up on a private roadway and Don Icsman said this question should not be mixed up with what the city is responsible for. The city did erect this sign using the design of Brady Electric and other questions are not relevant to payment. Jeff Smith asked when the design work was done and Scott Miller said it was done last fall. John Hamilton asked if this is the only aid to navigation which the city participates in and Scott Miller said the city also utilizes Sandusky Towing to place and remove No Wake Buoys each year along the Cedar Point Chaussee. Wesley Poole said he will vote for this expenditure as he believes it is a debt owed by the city, but wonders if this should be the responsibility of the U.S. Coast Guard. He said there was a sign at this location previously and asked what, specifically, it was designed for.

**Roll call on the motion: Yeas: Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown and John Hamilton, 6. The President declared the motion passed.**

Nicole Ard said a meeting was held recently regarding **the municipal court expansion project** with Judge O'Brien, Peggy Rice, George Poulos and Hank Solowiej and information will be forthcoming. Sandusky Municipal Court has funding for their addition and is willing to wait in order to obtain commission consensus about expanding the building toward Meigs Street.

Nicole Ard said she met recently with John Pheiffer of Battery Park Marina about **the possibility of allowing larger vessels to dock at the Meigs Street Pier**. This access can be provided on a first-come, first served basis and seems to be a viable option.

Nicole Ard thanked the staff who worked during **Ohio Bike Week** from the police department including Lt. Phil Frost and Lt. John Orzech; fire department staff including Chief Paul Ricci; engineering department staff members Steve Brown, Steve Ritzenthaler and George Poulos for providing inspection services; and traffic services employees Art Straub and Scott Miller.

Nicole Ard also thanked the staff who provided inspections for **the opening of Luminosity at Cedar Point** last Friday evening and encouraged people to go.

Nicole Ard asked **if any of the city commissioners would like to attend the Bicentennial Celebration in Leamington, Ontario on July 28**. Julie Farrar asked if the Leamington invitation was sent via email and believes officials from Sandusky should attend the annual **Tomato Festival** as it is a Sister City to Leamington.

#### **OLD BUSINESS**

Nicole Ard said Lt. Orzech has left messages for **Jason Brake** to provide his address so that payment can be made regarding a situation involving an **impounded vehicle from which items were missing**.

#### **NEW BUSINESS**

**Upon motion of Wesley Poole and second of Jeff Smith, the commission voted to appoint Dave George to the Downtown Parking Committee. Roll call on the motion: Yeas: Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown and John Hamilton, 6. The President declared the motion passed.**

**Upon motion of Wesley Poole and second of Jeff Smith, the commission voted to appoint Dan Lippus to the Downtown Parking Committee. Roll call on the motion: Yeas: Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown and John Hamilton, 6. The President declared the motion passed.**

Wesley Poole said it is good to get new volunteers on the **Downtown Parking Committee**; Dave George is a former police officer and has experience with parking issues and Dan Lippus has worked at Firelands Regional Medical Center for a number of years and also has practical experience with parking issues.

**Upon motion of Pervis Brown and second of Wesley Poole, the commission voted to hold an executive session regarding the purchase and sale of personal property. Roll call on the motion: Yeas: Wesley**

**Poole, Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown and John Hamilton, 6. The President declared the motion passed.**

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

Tim Schwanger, 362 Sheffield Way, said Sandusky Bay Development is interested in having vessels dock on the west side of the Meigs Street Pier and asked if this will be transient or permanent dockage; Nicole Ard said this would be to provide transient dockage. Tim Schwanger said there have been several attempts by Sandusky Bay Development to do this over the years and there has been a longstanding agreement this will not happen. Nicole Ard asked where these boats would go as she was told there is nowhere else for them and Tim Schwanger said they could utilize the Sandusky Yacht Club or docks at the new Paper District Marina. John Hamilton said the Great Lakes ports are going to be looking at finding space for larger yachts needing to moor.

Sharon Johnson, 1139 Fifth Street, asked if Dick Brady was involved with the navigational sign while he was a city commissioner in 2011 and Nicole Ard said this occurred in June, 2011. Dick Brady was not the direct contact person; Scott Miller said Dick Brady was involved in the process to obtain the plans for the sign. Sharon Johnson asked if there is something ethically which would prohibit a city commissioner from involving themselves for one year after serving the city. Don Icsman said a city commissioner cannot use the authority or influence of their office to secure a thing of value for a family or business associates and Dick Brady was not involved. Don Icsman said a previous city commissioner, Al Mason, owned a company which secured jobs from the city because he did things the right way and stayed out of the process. Scott Miller reached out to the only sign company in the city to help perform this work and Dick Brady was always very careful about ethics. The proposal was obtained in June at the request of Scott Miller but the sign was not built until 2012. Don Icsman said elected officials cannot become involved as an advocate, lobby or represent a client in front of a political subdivision for one year after leaving office. Sharon Johnson asked how the city is obligated for this sign as this (roadway) is not the city's property. Don Icsman said in 1989, the original sign was placed through agreement with the Maritime Museum, the State of Ohio and the city, and repairs or replacement are the city's responsibility according to that agreement. Scott Miller then reached out to Brady Electric to design the sign and do the other work associated with it, the lowest of which was approximately \$18,000. Don Icsman said Scott Miller then decided to utilize the design created by Brady Electric and create the sign in-house. Don Icsman said the city does not have enough information to know if this sign was copyrighted, but the city has an obligation to pay for the design as it was substantially prepared by the sign company and then utilized by the city. Don Icsman said once the sign was used according to this design, the city is obligated to the right thing. John Hamilton said the previous sign was electronic as well as the new one and is comparable. Keith Grohe said he believes the new signs have LED lights.

**John Hamilton announced a recess of the regular session at 5:42 p.m. One executive session was held beginning at 5:52 p.m. Upon motion of Wesley Poole and second of Jeff Smith, the commission voted to adjourn the meeting at 6:15 p.m. The President declared the motion passed.**

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Kelly L. Kresser  
Clerk of the City Commission

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John F. Hamilton  
President of the City Commission