

John Hamilton asked for a **moment of silence in memory of Don Ginty who worked for the City of Sandusky from 1999 – 2013 and was a member of the AFSCME union.**

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

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

City staff present: Paul Ricci - Fire Chief, John Orzech - Police Chief, Aaron Klein – City Engineer, Anna Enderle – Assistant Planner, Don Rumbutis – IT, Don Icsman - Law Director, Nicole Ard - City Manager, Hank Solowiej - Finance Director and Kelly Kresser - Commission Clerk.

John Hamilton **introduced and welcomed the city's new engineer, Aaron Klein**, to his first city commission meeting.

Upon motion of Diedre Cole and second of Keith Grohe, the commission voted to approve the minutes of the June 10 city commission meeting and suspend the oral reading. The President declared the motion passed.

AUDIENCE PARTICIPATION (*agenda items only*)

Ben Brotzki, 2211 Campbell Street, said he is representing his parents - Mr. & Mrs. Ralph Brotzki – whose property is adjacent to the rezoning/vacation requests (Items #1 & #2). Ben Brotzki said he met with representatives from McBride, Dale & Clarion, the City of Sandusky and Speedway; everyone has been helpful in explaining the plans which are in place. This is a very large site and will be 20' from his parent's home which they have lived in for 51 years. Ben Brotzki said he has asked Speedway to consider moving the gas station a little further south as there is about 26' of green space between the property and Perkins Avenue, but they have indicated this will cause operational problems and he has not seen a plan to investigate alternatives. There are also concerns about emissions and vapors and he was referred to the Ohio EPA regarding these issues. There are unanswered questions pertaining to construction details and no one opposed the plan at the Planning Commission meeting, but his father was in the hospital and could not attend. Ben Brotzki said he opposes the rezoning and the vacation, and asked for the plan to be returned to the Planning Commission to have time to review the plans.

PRESENTATION

Dennis Burns, Project Manager and Regional Vice President of Kimley-Horn & Associates, said he is in town to kick off the **downtown parking study** which was recently approved. Dennis Burns said he would like to introduce the team and the process they will be going through. Kimley-Horn is a national firm with about 1,500 employees and 60 offices throughout the country and Dennis Burns said he has been in the parking business for about 30 years. Dennis Burns introduced Vanessa Solesbee, MA, who used to run the downtown association in Cedar Rapids, Iowa, and said a strategic parking plan was prepared for this community and later implemented. The Sandusky Main Street Association (SMA) and the City of Sandusky is interested in conducting an objective review of the current parking management program with a focus on developing a more objective parking management plan for the health and vibrancy of downtown. They will provide a framework and implementation plan for the creation of a new municipal parking program. This is a combination of a supply and demand analysis and a strategic action plan to align parking and parking management as an economic development strategy. There will be three trips to Sandusky during this process and the first visit is for parking data collection which will take place this week; this data will be used for an analysis. The second trip will be to present the results of this analysis and kick off the strategic parking plan with more stakeholder involvement. This information will be pulled together and a draft of the plan will then be submitted. Dennis Burns said he will make a final trip to Sandusky to formally present this information and discuss options. The study includes an 18-block area focused on the downtown and a steering committee is being formed. There is a limited budget and in order to keep the costs down, several staff members from SMA, along with downtown business owners, will be trained to assist with data collection and occupancy surveys. Future development activities and future parking demands will be looked at along with making recommendations for future parking. The second phase will be to evaluate the strategic parking plan results and host input sessions. During Phase III, there will be meetings and presentations to discuss the recommendations. There will be a public meeting on June 25 at 7 p.m. at the Sandusky Library to provide public education about the issues and how to leverage parking for economic development purposes.

Marty Carlisle, 4703 Pinewood Drive #235, asked why this study stops short of the courthouse where there are always parking issues. Dennis Burns said in speaking with the local team, this area spills into the downtown area and they would like to perhaps capture some of this demand; this can be considered.

PUBLIC HEARING

John Hamilton opened a public hearing regarding the proposed amendment to the City of Sandusky's zone map for the north half of Parcel #57-00501.000, located at 2219 Campbell Street (Lot #152) from R1-40 (single family residential district) to GB (general business district) and **a proposed vacation of a portion of an alley** at the intersection of Campbell Street and West Perkins Avenue (located West of Campbell Street between Perkins Avenue and Grant Street and adjacent to Lots #152, #154, #156, #158, #160 and #162 Campbell Street, Lot #1 West Perkins Avenue and Lot #2 Grant Street).

Anna Enderle, Assistant Planner, said these items were approved at the May 22 meeting of the Planning Commission. The zone map amendment is for half of the lot located at 2219 Campbell Street and will place all of the property under General Business zoning for current and future uses. The vacation of a portion of the alley right-of-way is for approximately 3,115.75 SF with an approximate size of 213.7' x 14.58'. Speedway is proposing to build a new gas station development and convenience store. A site plan application was reviewed and approved with the condition the applicant work with the engineering staff to determine if there are circulation issues or traffic concerns which might arise.

Greg Dale, McBride, Dale & Clarion, said he is the agent for Speedway. He said Mike Bergman, Construction Specialist, and Jeremy Dennis, District Manager for Operations, are also in attendance to answer any questions. Greg Dale showed a map with the proposed building and outlined there is a zone change from residential to general business and emphasized this area is already zoned appropriately for gas station use. The alley vacation was identified on a map and he indicated it would stop at a property line. Greg Dale said the Planning Commission has reviewed and approved the details of the site plan and stated he has met with Ben Brotzki on site. The convenience store will be approximately 3,000 SF and there are six fuel pump dispensers with a canopy, 21 parking spaces, underground tanks and a freestanding sign. Greg Dale said it is unfortunate there were not representatives at the Planning Commission meeting, but the members approved the plan as it meets or exceeds city standards related to site plans. The City of Sandusky has a Comprehensive Land Use Plan which is a statement of plan for the city. When a zone change is being proposed, the Comprehensive Plan would show a recommended use for this site which is for general business use. From a land use perspective, this rezoning complies with the city's policy and this is particularly important. This is an appropriate rezoning request according to the city's Comprehensive Plan. One of the concerns was about the landscaping and Greg Dale presented a landscape plan for the property which includes a 6' fence along the property line as outlined in the original site plan. After discussing this with Ben Brotzki, Greg Dale said Speedway will consider adding a staggered series of arborvitae. There is concern about the change in elevations and the finished elevation will be about 1' – 1½" different than the base elevation of the home on the adjoining site. This is the tallest fence that can be built pursuant to the city's code. Greg Dale said in response to questions about lighting at this property, a full photometric plan was submitted. There were concerns about access and traffic, but this is beyond the control of Speedway. One of the conditions of the site plan was to work with the city's engineering office to address their concerns; additional information was provided and signage indicating "No Left Turn" will be added at the Campbell Street side of the exit. The issue of the overall site plan and the location of the proposed building (moving another 20') is the setback requirement, particularly with the signage. This cannot be located any closer to the street and will squeeze the entire site. The fuel truck also must have access to maneuver through the property and looking at an entire reconfiguration is very problematic at this point in time. The owner also raised concerns about the impact of fumes, but the pumps will meet all state requirements and they were referred to the Ohio EPA as this is the agency which sets the standards. Greg Dale said the question is whether the rezoning is appropriate; it does meet the city's policy and he requested the city commission approve this request.

John Hamilton asked if there were any questions or comments.

Marty Carlisle, 4703 Pinewood Drive - #235, asked how close the existing/current building is to the adjacent property and Greg Dale said the lot being requested for rezoning is vacant and there is no home on this lot.

John Hamilton asked what the vacated distance is from the back of the building to the lot being requested for rezoning and Greg Dale said the distance is 20'; the lot is less than 40'. Anna Enderle said the city's code requires 12' between the lot line and the back of the building as this is the side lot of the properties.

Ben Brotzki, 2211 Campbell Street, asked the overall dimension from Perkins Avenue North to the edge of the property line and Greg Dale said 180.7'.

Wesley Poole asked where the light posts will be placed. Mike Bergman said there will be one LED wall mounted light above the rear exit door and it is non-glare. Wesley Poole asked if there is an alternative exit from the alley due to the traffic congestion. Greg Dale said with regard to automobile traffic, this area has crumbling pavement and this would put business vehicular traffic behind the homes. Mike Bergman said this may create a loss of parking spaces and will add to congestion in addition to traffic pattern issues and this would cause the creation of another intersection in the middle of a site. Keith Grohe asked if there is an existing business which sits behind the alley and John Hamilton said the business currently in this area is scheduled to be taken down. Wesley Poole asked how motorists heading East on Perkins Avenue will turn into the gas station; he sees this will be congested as it is approximately 60' from the traffic light. Diedre Cole said she had this concern as a member of the Planning Commission and requested a traffic study be done. One of the conditions made by the Planning Commission was for Speedway to work with the Engineering and Planning Departments to solve some of these issues and concerns. These are valid concerns and this will cause a traffic nightmare. The "No Left Turn" exit restriction onto Campbell Street is probably appropriate, but she does not know if this will be enough to get it done. Diedre Cole said her concern is the traffic on Parish Street and making a left hand turn onto Campbell Street heading south. There is also the issue of backup from the train traffic and Diedre Cole is certain the officials from Speedway will work to address these issues; she is not so certain they have addressed all of Ben Brotzki's concerns. Ben Brotzki's parents were sick and unable to attend the Planning Commission meeting and she knows members of the Planning Commission would have considered what they had to say. Greg Dale said not all of these concerns have been addressed for a variety of other considerations, but they have done their best to address the landscaping and lighting concerns. They cannot address the air concerns and he does not even know if there is a connection between gas pumps and persons inside of a residence. These were the main concerns and to reconfigure the site plan is not possible. Wesley Poole said with regard to concerns about the fumes, there are gas stations in other areas of the city in close proximity to homes and he does not believe this would be a valid concern. Likewise, with the distance of the building and the fencing and lighting, if there is a fence or foliage that will serve to block, this will be okay in spite of the concerns. Wesley Poole said he is not concerned the traffic will work and motorists turning left into the station from Perkins Avenue may become a problem in the future even though the plans meet our code. This same 35' is being used by the pizza place across the street and Wes Poole asked if they will be open to fixing this if it does not work. Greg Dale said they had a conversation prior and will continue these talks with the city engineer. Keith Grohe asked Paul Ricci about some of these issues and Paul Ricci said with respect to the alley, the bank will be placed in the furthest, safest spot on the site. As the designated authority, the SFD made sure the cavity was in a safe place and that it does not see undue, unnecessary traffic. Paul Ricci said regarding vapors, the vents must be 3' above any structure in order to facilitate any off-gassing that may occur and this is standard in the State of Ohio. Julie Farrar said the concerns with accessing driveways and garages from the alley have been addressed. Greg Dale said the drawing was not as clear as it should have been but the alley vacation takes it right up to the property line and owners will be able to back out and have plenty of room to turn. Julie Farrar asked Paul Ricci if the EPA would be okay with the concerns about the vapors and Paul Ricci said he could not speak for them, but airborne contaminants would be referenced by BUSTR and he would contact them if there was a concern. Julie Farrar said this legislation is a first reading and there will be time for the Brotzki's to contact the EPA if they wish. Julie Farrar said due diligence has been done and there are plenty of gas stations near residential homes; she will not run a development out of town. Speedway has gone above and beyond with the requirements and, in her opinion, she has no problem with this unless there is an issue with the vapors.

Sharon Johnson, 1139 Fifth Street, asked if there will be driveways from Campbell Street and Greg Dale said there is one which was referenced earlier and will be posted "No Left Turn". This is designed to line

up with the auto parts store across the street. Sharon Johnson said this is a concern as traffic will start to back up at the light. John Hamilton said this area does see a lot of traffic although it is not a main Cedar Point thoroughfare. Pervis Brown said the same scenario existed at Hayes Avenue and Perkins Avenue with the BP station and this was worked through. He believes this will be all right; he welcomes new business into the City of Sandusky and hopes to take a little away from Perkins Township. Ben Brotzki said he agrees additional business will be great for Sandusky, but he is asking to return this issue to the Planning Commission to further align with and complete the plans. There are a lot of construction details yet to be determined about how the site will be physically constructed. There is an elevation change and these details are not yet completed. Greg Dale said there still is a construction phase ahead and the level of detail shown is within the realm of the final construction drawing stage. Anna Enderle said what has been presented is more detailed than what the Planning Commission usually asks for and site plans are sometimes approved with less detail. Construction details are handled at staff level. Ben Brotzki asked the expected start and completion date and Mike Bergman said based on budget considerations, this project will start in the spring of 2014 with a 3-month construction schedule. There is a system of core contractors who know what they are doing. Wesley Poole asked if the last step is for staff to be fully satisfied with the outcome and then issue permits. Anna Enderle said if everything is approved, other concerns can be addressed prior to issuing a building permit.

There were no additional questions or comments. John Hamilton declared the public hearing closed.

John Hamilton opened a **public hearing regarding the 2014 Tax Budget.**

Hank Solowiej, CPA – Finance Director, said this is for public comment, it is not a question and answer session. Specific questions can be addressed directly through the Finance Office, and this report is available online. Prior to 2011, the Erie County Budget Commission made it a requirement to submit a tax budget and this is statutory and helps to set property tax rates, allocate local government funds and is to help start planning for next year. Hank Solowiej outlined the timeframe for the city's budget process. From this point forward, the Finance Department will work on a general fund project to help start the process for next year's budget, and for completing this year. Monthly reports are published online and departmental budgets will be asked for by early August so they can be presented to the Audit/Finance Committee members. Diedre Cole asked Hank Solowiej to discuss the local government fund reduction. Hank Solowiej said two main issues are the continued reductions of local government funds and the elimination of the estate tax which is a bigger impact to the general fund (\$400,000 for 2013 operations). Hank Solowiej said there are concerns with these two issues and how this will be managed next year; this will have to be addressed.

There were no additional questions or comments. John Hamilton declared the public hearing closed.

CURRENT BUSINESS

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

ITEM #1 – Submitted by Anna Enderle, Assistant Planner

ORDINANCE NO. 13-056: It is requested an ordinance be passed **vacating a portion of an alley located West of Campbell Street between Perkins Avenue and Grant Street and adjacent to Lots #152, #154, #156, #158, #160 and #162 Campbell Street, Lot #1 West Perkins Avenue and Lot #2 Grant 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 Keith Grohe, the commission voted to approve this ordinance according to Section 13 of the city charter.

Discussion: Wesley Poole said he will support this ordinance and stated it provides adequate safeguards to take care of concerns raised by Ben Brotzki.

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

ITEM #2 – Submitted by Anna Enderle, Assistant Planner

ORDINANCE NO. 13-057: It is requested an ordinance be passed amending the official zone map of the City of Sandusky to rezone the north half of Parcel #57-00501.000, located at 2219 Campbell Street (Lot #152) from R1-40 (single family residential district) to GB (general 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 Keith Grohe and second of Diedre Cole, the commission voted to approve this ordinance according to Section 13 of the city charter. Roll call on the motion: Yeas: John Hamilton, Diedre Cole, Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar and Pervis Brown, 7. Roll call on the ordinance: Yeas: John Hamilton, Diedre Cole, Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar and Pervis Brown, 7. The President declared the ordinance passed.

ITEM #3 – Submitted by Hank S. Solowiej, CPA, Finance Director

Budgetary Information: The tax budget will establish initial funding for 2014.

RESOLUTION NO. 021-13R: It is requested a resolution be passed adopting the tax budget for the City of Sandusky for the CY/FY 2014; authorizing the submission of the tax budget to the Erie County Auditor; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

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

ITEM #4 – Submitted by Amanda Meyers, Paralegal

Budgetary Information: The cost associated with these purchase and sale agreements is the total amount of the title examination, survey and deed preparation. Any such costs shall be recouped by the city upon sale. The purchasers shall pay the real estate transfer tax and recording fees upon purchase. By returning this nonproductive land to tax producing status, the taxing districts will immediately begin collecting approximately one hundred and fifty eight dollars (\$158) in annual real estate taxes once again.

ORDINANCE NO. 13-058: It is requested an ordinance be passed declaring that certain real property owned by the city as part of the land reutilization program identified as parcel #58-00253.000, located at 1309 Pearl Street, Sandusky, is no longer needed for any municipal purpose and authorizing the execution of a purchase and sale agreement with respect to that real property; 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: John Hamilton, Diedre Cole, Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar and Pervis Brown, 7. Roll call on the ordinance: Yeas: John Hamilton, Diedre Cole, Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar and Pervis Brown, 7. The President declared the ordinance passed.

ITEM #5 – Submitted by Amanda Meyers, Paralegal

Budgetary Information: The cost associated with this purchase and sale agreement is the total amount of the title examination, survey and deed preparation. Any such costs shall be recouped by the city upon sale. The purchaser shall pay the real estate transfer tax and recording fees upon purchase. By returning this nonproductive land to tax producing status, the taxing districts will immediately begin collecting approximately one hundred and twenty four dollars (\$124) in annual real estate taxes once again.

ORDINANCE NO. 13-059: It is requested an ordinance be passed declaring that certain real property owned by the city as part of the land reutilization program identified as Parcel #56-01118.000, located at 405 Perry Street, Sandusky, is no longer needed for any municipal purpose and authorizing the execution of a purchase and sale agreement with respect to that real property; 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 Wesley Poole, the commission voted to approve this ordinance according to Section 14 of the city charter. Roll call on the motion: Yeas: John Hamilton, Diedre Cole, Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar and Pervis Brown, 7. Roll call on the

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

ITEM #6 – Submitted by Jane E. Cullen, P.E.

Budgetary Information: The engineer's estimate for the total project cost including engineering, inspection, advertising and miscellaneous expenses are \$533,959.25. The city received a Clean Ohio Revitalization Fund Grant in the amount of \$952,608 and costs for this project will initially be paid by the city and reimbursed through the grant.

RESOLUTION NO. 022-13R: It is requested a resolution be passed **declaring the necessity for the city to proceed with the proposed demolition, remediation and re-grading project relating to the former Sandusky Cabinets property project; approving the specifications and engineer's estimate of cost thereof; and directing the city manager to advertise for and receive bids in relation thereto;** 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 Keith Grohe, the commission voted to approve this resolution according to Section 14 of the city charter. Roll call on the motion: Yeas: John Hamilton, Diedre Cole, Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar and Pervis Brown, 7. Roll call on the resolution: Yeas: John Hamilton, Diedre Cole, Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar and Pervis Brown, 7. The President declared the resolution passed.

ITEM #7 – Submitted by John Orzech, Police Chief

Budgetary Information: The funds that are available through the Edward Byrne Memorial Justice Assistance Grant program are a total eligible joint allocation of \$13,184 and these funds, if awarded, will only be utilized for the ECSO LED light bar project and/or recording equipment. This grant requires no matching funds.

ORDINANCE NO. 13-060: It is requested an ordinance be passed **authorizing and directing the city manager to enter into a memorandum of understanding with the Board of Erie County Commissioners for the reallocation of justice assistance grant funds and, if awarded, authorizing the city manager to execute any required agreements, approving the submission of a grant application by the Erie County Sheriff on behalf of Erie County and the City of Sandusky to the U.S. Department of Justice Assistance for funding through the Edward Byrne Memorial Justice Assistance grant program FY 2013 local solicitation for the LED light bar project and/or recording equipment;** 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 Keith Grohe, the commission voted to approve this ordinance according to Section 14 of the city charter. Roll call on the motion: Yeas: John Hamilton, Diedre Cole, Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar and Pervis Brown, 7. Roll call on the ordinance: Yeas: John Hamilton, Diedre Cole, Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar and Pervis Brown, 7. The President declared the ordinance passed.

CITY MANAGER'S REPORT

Upon motion of Wesley Poole and second of Diedre Cole, the commission voted to accept a donation in the amount of \$90 from Arthur Shoe Tree for the police department's K-9 Fund. The President declared the motion passed.

Nicole Ard expressed **condolences to the family of long-time employee, Don Ginty**, who was a leader with the AFSCME union, and other city staff, as a member of the sewer maintenance crew. He will be missed in terms of his work ethic.

Nicole Ard expressed **appreciation to the new city engineer, Aaron Klein**, who survived his first day of employment. He has background in environmental engineering with a private firm, and most recently worked for the City of Elyria. He has worked with water, sewer, brownfields, and capital projects and brings a tremendous level of expertise to the city.

Nicole Ard said there is a **road closure on Tiffin Avenue because of the grade separation project** and a press release was issued by ODOT. This is a good thing as the project is on target and ahead of schedule. When opened, pressure on the city's road system will be alleviated and one of the city's long-term goals will be met. Emergency and local access will be maintained and the ODOT website has additional information (there are also links on the city's website).

Nicole Ard noted **work is being done at the former Apex property on First Street**; this is not demolition, rather it is prep work given the environmental area. The contractor is removing paint, roofing and slabs and is taking them to the appropriate location for disposal. Nicole Ard reminded people to not go into the building, and said an update of their progress will be made.

Nicole Ard said **Phase II assessment reporting is being completed by Partners for the former DC Filter property** and additional information will be forthcoming.

Nicole Ard said a construction schedule is not yet available, but she found out late last week the **pergola is enroute to Dockside at the Paper District Marina**.

Nicole Ard thanked staff in different city departments for assistance with the **Coaster Classic Softball Tournament** which hosted 36 teams. This was a very successful endeavor and 432 girls played softball from Ohio and surrounding states. Jeff Smith said there are already teams wanting to sign up for next year because this tournament was so good.

Nicole Ard said **89 persons attended the inaugural Movies By the Bay event** last week despite one incident with flying beetles. Efforts are being made to address these insects. Nicole Ard thanked the concessionaire from Dorn Community Park (Ma, Da & Dewey) who provided concession services; a portion of the proceeds will be turned back to the city's recreation division.

Nicole Ard said about 50 persons attended **the first Beats By the Bay concert** this weekend at the Paper District Marina. Nicole Ard thanked Barnes Nursery and dockside Café for helping to sponsor these concerts and stated others interested in sponsoring a concert can contact Victoria Kurt at 419.627.5886.

Nicole Ard said the City of Sandusky is offering **free mulch and wood** and these items are available for pickup at the city service center. Smaller loads can also be delivered by contacting Traffic Services at 419.627.5880. Diedre Cole asked how it is possible the city can offer free mulch and wood via delivery and Nicole Ard said this actually saves the city money as we do not have to take it to a location and pay for disposal. Nicole Ard said in the past, the city delivered mulch to certain groups, but wants to be fair to everyone by calling and starting a new list. Julie Farrar asked if residents can show up with their own vehicle and pick up mulch and Nicole Ard said they could. She asked they do not try to cut the wood on site.

Nicole Ard said there was one response to the **Request for Proposals for concession services at the Sandusky Bay Pavilion**, but the response was incomplete and the city will be following up. There were no responses for the **Shoreline Park concession services**; however, there is a person working with staff to place a food truck at this location.

Nicole Ard said there will be road closures downtown on Friday night for the **Party at the Plaza and the Cruisin' By the Bay Classic Car Show**.

Nicole Ard said the **Stein Hospice Memorial 5K walk/run** will take place this Saturday in the downtown area.

Nicole Ard said there was a request made by the **Sandusky State Theatre** in regard to their capital campaign and asked the commission if they would like to defer this or take action. The theatre will be starting a new budget process in the fall and if there is interest in supporting their funding request to please let her know.

Nicole Ard said the **Sandusky Main Street Association** is conducting their membership campaign and they are restructuring their fees seeking individual and group memberships. Both of these organizations help support the city with its downtown development.

Diedre Cole said there is a list of commission and community meetings which the city manager attended, but she read somewhere in the past few days **the city manager missed the last Audit/Finance Committee** meeting. Diedre Cole asked if this information is accurate and, if so, what is the explanation for what happened. Nicole Ard said she did not go to the meeting. Diedre Cole asked if she (Nicole) felt attending was part of her job responsibilities or if she just did not want to attend; she (Diedre) does not understand why she (Nicole) did not go. Nicole Ard said she would probably refer Diedre Cole to a closed session and her contract. Wesley Poole asked what section of the contract she was referring to and Nicole Ard said in terms of performance evaluation and feedback. Nicole Ard said there are some

specific statements that are pretty detailed in terms of how the commission requests information of her and the responsibility of the commission as a whole and the city government. Wesley Poole asked if this deals with the section for discipline and Nicole Ard said to look at evaluation. Wesley Poole said the question about whether the city manager did or did not attend has absolutely nothing to do with evaluating and Nicole Ard said the commission should look at this. John Hamilton said to move forward with Old Business.

OLD BUSINESS

Keith Grohe said he would like to apologize for not responding to the Sandusky Register reporter regarding questions about **Hopper's trailer park**. Keith Grohe said he did not respond because he did not understand everything behind it, and he does not want to respond to something he does not totally understand. Keith Grohe said he does not know how this went on for four or five years and asked if it is normal to let a landlord do this (not pay a water bill). These are questions asked of him that he cannot answer and he asked what the city can do to ensure citizens are not put into this predicament again. Keith Grohe asked if the Finance Department can look at the water bills and make sure they are paid to date. He is beside himself with what happened and asked for clarification. Hank Solowiej said when he took over in 2010, he became aware of this. The delinquent water and sewer bills were being assessed to the property as a lien. This was done because of the tenants who would be put out unbeknownst to them as to whether the owner had paid the invoice. Hank Solowiej said he had many discussions with the staff and said this did not seem right, but the biggest concern was for the persons living here and had been paying rent although the landlord was not paying the city. This brought forth a collaborative effort with public safety officials and the Erie County Board of Health officials regarding public health and everyone became aware – putting the water issue aside – there were many issues going on that concerned a lot of other agencies. Hank Solowiej said the best approach taken at the time was the city not being the “bad guy”, but having everyone work together for the residents as it was not their fault they were placed in this situation; the property owner is responsible for this and this is where the blame needs to be placed.

Bob England, Director of Environmental Health with the Erie County Health Department (ECHD), said they have been discussing this since the early part of May. He knew there was an issue with unpaid taxes as well as the utility (water). Their only recourse was to shut off the water at some point, but the determination was when and how to do this. Water is the lifeblood of the community and deals with sewage, treated water for drinking and all of the things associated with this. There are all sorts of health consequences which would be experienced by shutting off water and after discussing this with the city, everyone agreed they had to meet with the tenants to make them aware of the resources available. The feedback and statistics collected indicated they were very successful after the meeting held early in June at the mobile home park. The majority of the residents have found viable options in moving forward and relocating from the park and this is never easy, nor is it inexpensive, but most have found a way. There are only five or six that are still in limbo of the 30 residences and they have options, are on waiting lists, and will find a place to go in the next few months as August 1 is arbitrary. If there are still people in limbo after August 1, they will help them to find a place, but they also have to help themselves. If they do not help themselves, this is another issue and in the end, the agencies will have to step in and make some difficult decisions. The community as a whole (with the homes that will be left) will also have to be addressed and this is not a simple issue either. People have property rights and they are sympathetic to this. There is a plan in place as to how this will be addressed. Bob England said they want to make sure people are taken care of so the difficult decision does not have to be made. Keith Grohe said his problem as a city commissioner is how it has gotten to this point without going to the individual land owner; normally persons with delinquent water bills are shut off. Jeff Smith said his guess is because most of these persons own their trailers and this is where the difficulty comes in. In an apartment building, individual units can be shut off as tenants do not own the apartments. It was an easier option to place this on the taxes in order to get the money. Keith Grohe said the residents own the mobile home, not the lots, and these persons are paying the lot fee but are still a renter on the lot. Don Icsman said the city cannot be accused of being Ebenezer Scrooge on one hand and this is what has played out here from last year. The certification process is a sure-fire way to get this money paid and if done right, the city will be ahead of all lien holders and will be paid when the property is sold. Don Icsman said consideration was made for the city to not be out there all by itself by putting people out and re-victimizing the victims. A lot of these people thought they paid fees for their water although the city would not have privy to this and what may or may not have been included in the leases or whether Joe Yost (the landlord) has been collecting it. Don Icsman said this concern was expressed by the previous city engineer, Todd Roth. The city did not want to be the one who exacerbated everything by shutting the water off. Keith Grohe said he is not suggesting shutting the water off; the citizens did not understand they will be paid back for the water bill but now that this is explained in the open, they will

understand. Don Icsman said the city was worried about one particular parcel owned by a separate LLC and sold about one year ago, but this was not sold. The former plaza did sell about one year ago. Don Icsman said the main concern was these innocent people and the city only wants to be paid for their water; the bad person in the scenario is Joe Yost. Keith Grohe said these questions are coming from residents who have had their water shut off and he does not know why this account has been allowed to go unpaid. He is glad it has been explained and is now more open to the public. Don Icsman said there are issues with Joe Yost from assistance with an assessment project (Cold Creek), to trusses in Cold Creek sitting in the right-of-way, in addition to Joe Yost not signing an easement to allow the city to access areas that are flooding (this has been going on since Matt Kline was the city manager). Don Icsman said the city has put all of these issues together to be resolved and they have all been connected. John Hamilton asked if there are any other outstanding water bills of this magnitude or if this is just one exception. Wesley Poole asked for confirmation there is one water meter at the trailer park for the entire complex and asked if policy changes have been implemented so this does not happen again. Hank Solowiej said the city does want to resolve this and the last payment made was in 2008. Wesley Poole asked if all of the things being done now could have been done in 2010 had someone taken the initiative and he recognizes Hank Solowiej inherited this problem 1½ years ago. Wesley Poole said this should have been taken care of before now and he does not see why it has taken five years. Julie Farrar said despite the water issue, there are issues of health and safety. There are issues going back several years with the owner in not addressing raw sewage, the sharing of electricity from trailer to trailer with extension cords, and people tearing trailers apart and leaving asbestos blowing in the wind. This has to be a violation of health and safety. The same property owner had a health and safety issue as residents of Venice Road cannot let children play in their backyards after heavy rain because of the Cold Creek project and the city could not obtain an easement to make the necessary repairs. Julie Farrar said she has been asking this and will continue to ask the new city engineer. Nicole Ard requested having an additional session to be briefed about what the plan is and thanked the ECHD, especially Bob England and his staff, Chief Ricci and Chief Orzech, for spending time on a Saturday at the trailer park. Nicole Ard said the conditions were unbelievable and people were not aware until going door-to-door making contact with residents who were pleasant considering the circumstances. Nicole Ard said these residents are resilient and she hopes this does not go unnoticed as these are some very strong people.

NEW BUSINESS

Diedre Cole asked if the Chairperson of the **Human Relations Commission (HRC)**, Naomi Twine, could address the commission regarding their monthly report. Naomi Twine said at the last HRC meeting, a member of the committee brought forth a complaint. This person is a dog owner who is afraid to walk her dog in the community because of the vicious dog attacks. Naomi Twine said she is not sure what can be done about this, but is asking the question. John Hamilton said the city passed a leash law and his dog has been attacked a couple of times while being walked. Wesley Poole asked John Orzech if a dog attack comes under the jurisdiction of the SPD. John Orzech said they do respond and any reports, photographs and information are forwarded to the Erie County Dog Warden. The law changed in the last year making the Dog Warden the animal control officer responsible to charge owners and label dogs. The concern made at the HRC meeting is there are other cities which list pit pulls as vicious dogs and other cities have stricter labeling than Sandusky. The City of Sandusky currently mirrors state law with regard to vicious dogs and this person was asking consideration for stricter laws or labeling laws. Julie Farrar said in Sandusky, a dog actually has to attack a person or another animal before being labeled and John Orzech affirmed this. Wesley Poole said it is being suggested the city look at its law to make this stricter and suggested Naomi Twine meet with John Orzech to discuss this and for staff to determine if there are sufficient problems to justify making changes to the ordinances. Wesley Poole said if the ordinance is to be changed to note pit bulls are more vicious than other dogs, someone needs to indicate this. Naomi Twine said she does not know if this is just pit bulls and Wesley Poole said what is on the books appears to have served us adequately, but now a person is afraid, and whether these fears are warranted is borne out by our experiences by the Chief of Police and this is the place to talk about it. Pervis Brown said the city had this conversation a few years ago and the city took its time writing it and enforcement of the law has worked well. Pervis Brown said he believes pit bulls should be labeled vicious, but this was discussed and the city determined it did not want to legally tag them as such. Don Icsman said the city previously had breed specificity but the Court of Appeals in Toledo was the first court to change to behavior-based and determine it illegal to have breed-specific legislation and Sandusky immediately changed its law. Don Icsman said as far as enforcement, it is good the city is following state law as this helps with enforcement. When the city went through this before and changed its law because of this case, the Dog Warden would not enforce our ordinance and this will be a factor if it is changed now as the Dog Warden will not enforce an ordinance that differs from state law. Julie Farrar said she does not remember who was here but the chambers were packed when discussions were had about this and the city cannot be breed specific as this is profiling. Until a dog gives reason to think they may be dangerous, she is going to think the dog is well behaved. Julie Farrar said if a dog

gives good reason, they will act on this and she does not know if the city should get too crazy about changing the laws or making our own laws which are contradictory to state law. Jeff Smith said he would be interested in knowing what laws other communities have and Naomi Twine said the person making the complaint did mention Cleveland Heights, although she is not familiar with their law. Keith Grohe said he has been around dogs all of his life and nine times out of ten, it is not the animal, it is the person handling the animal. A lot of this is fear-based and this is called flight (if a person runs from a dog, the dog will chase you). Keith Grohe said when training a puppy, you turn and walk from it and the puppy will follow you. A number of years ago, poodles were the number one biting dog in the U.S. It is easy to point fingers at a dog, but the finger should be pointed at the dog owner rather than labeling a breed as this makes more sense. Wesley Poole said everyone is comfortable with the law as enacted a few years ago, but a concern has been expressed by a citizen and the Chief of Police would be the most logical person to address it. Diedre Cole said John Orzech is an attendee of the HRC meetings and he was privy to this complaint. She does not think any of her fears were alleviated and perhaps sitting down with the Dog Warden to explain where she is will help. This is not a matter the city commission will take up at this point, and the law director has said our law works and breed specificity is not an option. Diedre Cole said a Chihuahua can be just as deadly as a large dog and our current ordinance captures all dogs regardless of size or behavior; this is a better model that seems to be working. Nicole Ard said in the June issue of the Town Money Saver, the city had an article about animals running at large for animal owners. There were tips for pet owners to help with this situation. Nicole Ard said she had a dog which was once attacked by a small dog.

Naomi Twine said the **HRC will have a table at the Stars and Stripes celebration in downtown Sandusky** and will have printed information available for those who are interested.

John Hamilton said **city offices will be closed on Thursday, July 4 in observance of the Independence Day holiday.**

John Hamilton said there is one **opening on the ADA Advisory Board** and citizens who may be interested in becoming a member can contact Kelly Kresser at 419.627.5850.

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

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

Pervis Brown apologized to John Hamilton as he (Pervis) has been filling in as the alternate commission liaison at the **Audit/Finance Committee meetings**, but he did not attend their meeting of June 21. Pervis Brown said he had family problems he had to take care of which were way more important and this put undue heat on John Hamilton.

Pervis Brown said he distributed copies of a brochure received at a retreat he attended recently with board members of the Community Action Commission. This was one of the best retreats he has been to and it dealt with the methodology of continuous improvement and the focus was teamwork. Pervis Brown said he asked this gentleman if he would make a presentation to the city commission. Pervis Brown asked the commissioners to review this material for discussion at the next meeting. This session lasted three hours and was held on a Saturday. It was informative and compelling and joined people together for teamwork.

AUDIENCE PARTICIPATION

Andy Ouriel, Sandusky Register, asked if the city will continue with the appeal regarding rentals on the Cedar Point Chaussee as the Sixth District Court of Appeals ruled against the city's appeal last week. John Hamilton said this will be discussed in executive session and Don Icsman said this is pending litigation. Andy Ouriel said members of the city's Audit/Finance Committee have asked questions specific to the city manager and mayor's unexplained absence and lack of follow through on requests for further budget documentation and asked if this is acceptable practice. Julie Farrar said until persons on this committee bring their concerns to her directly, she will not address them. Jeff Smith said no one has said anything to him. Andy Ouriel asked about the explanation provided by the city manager; Julie Farrar

said this will be discussed with her privately. Andy Ouriel asked Nicole Ard if she is supposed to go to these meetings and Julie Farrar said historically, not all of the city managers have gone to these meetings. Andy Ouriel asked if Al Nickles (the chairperson) was wrong in saying the city manager should be at these meetings. John Hamilton said he has not been able to make all of the meetings but personally, he had another engagement all last week. Jeff Smith said about two months ago he asked the members of the committee to contact him if there were problems but he has not received any calls. Andy Ouriel asked if the August 1 deadline will be extended for the residents of the Hoppers mobile home trailer park, if necessary. Julie Farrar said in her discussions with Hank Solowiej, the city will look at this and help them, as needed, on a case by case basis, but this will not continually be put off. Andy Ouriel asked for information to assist in understanding why the \$50,000 unpaid water bill went uncollected for so long, but has not yet received any information. Keith Grohe said he asked this earlier and staff said they were thinking about human life more than the money and in the end, the city will retain its money. Don Icsman said having one water meter for multiple properties is a throwback situation and he would defer to Aaron Klein. Don Icsman said he does not know that there are any others like this in the city and this may be an anomaly. Don Icsman said without making further disparaging remarks about Joe Yost, the city is going to spend more money to chase someone who is uncollectable by going to court. This will exacerbate spending city funds and eventually the property will transfer title and this money will be paid through the certification process. Don Icsman is not explaining it all and he is not in charge of it, but this is a rational and prudent approach given the situation. Andy Ouriel asked the status of performing evaluations for all four charter officers and Julie Farrar said Don Icsman's evaluation will take place tonight and this will leave Kelly Kresser and Nicole Ard. Andy Ouriel asked if these will be completed by the end of the year and John Hamilton said this is a very realistic goal.

Sharon Johnson, 1139 Fifth Street, said the Speedway development is great for Sandusky and this is on Sandusky's side of the border and the taxpayer will not have to pay a dime; the developer is only asking for an alley vacation and a rezoning of property. Sharon Johnson asked where the city is with the Lions Park pathway as she is disappointed construction has not started yet. Nicole Ard said the contractor was selected and there is a timeframe for starting the work. Folks from the ECHD put the educational signs up and the city needed to ensure they were not in the pathway area. Nicole Ard said she will check to obtain a timeframe for this work. Sharon Johnson said she is concerned about the trailers as they are being torn apart and this will be an eyesore for the city and one big legal mess; they should not have been disassembled. Sharon Johnson said if she decided to tear down her house on Fifth Street, the city would be all over her. John Hamilton said they are removing the metal for salvage and this will not look terrible for long. Sharon Johnson said these people do not have the money to move the trailers and someone will have to clean this up; Pervis Brown said this will be the city. Diedre Cole said she understands the concerns, but she has been out there for almost a week and there are approximately ten families left with no place to go. Diedre Cole said she has listened to them and to their circumstances and has sent letters to two major churches in the area asking for help to clean up the property to help these people and the community has responded. Diedre Cole said she will continue to go everyday to help resolve these problems and Sharon Johnson said she appreciated her response to these people and she (Diedre) is the only one who has gone out there personally to check on their wellbeing. Sharon Johnson said when everyone is gone, the city will have to demolish these trailers and John Hamilton said the city will eventually get control of the property. Keith Grohe said we are not even there yet. Sharon Johnson said she does not want to see this mess for several years and Keith Grohe said she should have been here a few years ago as this problem existed for several years and during past city commissions. Keith Grohe said they are trying to do the best they can and take care of the people and this was an inherited problem which has festered for four or five years and let's not beat this to death. Sharon Johnson said she is concerned whether the \$50,000 water bill will be paid back to the city as this gentleman owes a lot of taxes on the property and Keith Grohe said he asked earlier who let this happen. Keith Grohe said he cannot correct what has been done in the past, he can only go into the future and try to correct this.

Paul Ricci, Fire Chief and Supervisor for Code Enforcement, said he spends more than half the hours in any waking day at 600 West Market Street. He was told by a man far wiser than he will ever be that as a public servant, there is a time to be quiet, fly under the radar and listen, and a time to speak up because there is something desperately wrong. This situation is much graver than a water bill and it has been going on for many, many years. This trailer park has continued to decay for many years and the conditions were - and continue to be - deplorable. This is a quality of life concern and water, sewer and trash issues were not being met. People were living in squalor and we did not do anything about unsanitary, unsafe, unhealthy conditions, numerous code violations including health, fire, trash and the like, because the City of Sandusky cannot go into a mobile home community and enforce the code. Not until it got to these deplorable conditions did the city walk through this park and say no one in our city should have to live like this. Paul Ricci said in order to prevent anything like this from happening again,

he is going to park himself on Don Icsman's doorstep to find a way to strengthen our code and to provide a mechanism for allowing code enforcement officials into any park in the city to mitigate trash, tires, weeds, unsafe and unhealthy conditions. The work done with the ECHD has been tremendous, but there was also an agency change with the State of Ohio's Mobile Home/Manufactured Housing Commission. This Commission is now responsible for licensing and certifying mobile home parks in the State of Ohio. Paul Ricci said not only on a Saturday, but many days and weeks before, various agencies, the city manager's office, police and fire departments, EMHA staff, Serving Our Seniors staff, Job & Family Services staff, and staff from the Erie County Health Department all met and had a plan. This plan was worked and only time will tell whether it was successful or not. Paul Ricci said he finds it incredibly inexcusable to interpret these efforts to be meaningless or ineffective. These people care about the city and want what is best for its citizens and they will get it done.

Matt Morgan, 1219 East Perkins Avenue, said in driving through the community, he sees license plates from New Mexico, Texas and neighboring states and Sandusky is not just "little old Sandusky halfway between Toledo and Cleveland". We see a great many people from a great many other areas that come to visit predominantly for Cedar Point, but also for the recent softball tournament. This is something, particularly during the summer months, that is to our advantage. Even though Sandusky has roads and alleys that need to be worked on, there is always opportunity because there are always people here and this is a blessing. Others can use this opportunity to network and find out why people are choosing to come here. They are using their time and money to visit and it is important to discover why and ask their opinion about the area. Matt Morgan said he had two people in his store from Florida before coming here tonight and this is a great opportunity.

The President announced a recess of the regular session at 7:14 p.m. Two executive sessions were held beginning at 7:32 p.m. Upon motion of Wesley Poole and second of Pervis Brown, the commission voted to adjourn the meeting at 8:55 p.m. The President declared the motion passed.

Kelly L. Kresser, CMC
Clerk of the City Commission

John F. Hamilton
President of the City Commission