

Dennis Murray called the meeting to order at 5 p.m. after **the Invocation**, given by Dick Brady, and the **Pledge of Allegiance**.

The clerk called **the roll** and the following Commissioners responded: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell and Dick Brady.

City staff present: John Orzech - Police Chief, Dave Degnan - Fire Chief, Aaron Klein – Engineer, Don Rumbutis – IT Manager, Rebecca Corrigan – Chief Planner, Don Icsman - Law Director, Hank Solowiej – Finance Director, Kelly Kresser - Commission Clerk and Eric Wobser – City Manager.

Upon motion of Jeff Smith and second of Naomi Twine, the commission voted to approve the minutes of the September 8, 2014, city commission meeting and suspend the oral reading. The President declared the motion passed.

AUDIENCE PARTICIPATION (*agenda items only*)

Mike Sortino, Director of Operations for S & S Hospitality, 1515 Cedar Point Drive, said he is here tonight with George, his father, and Jim, his uncle, regarding a tax abatement for the investment they are making in Sandusky. This will be a new five-story Holiday Inn Express property on Cedar Point Drive and as a life-long resident, he is excited about spurring additional growth in this area. Dennis Murray said the Sortino family puts their money where their mouth is and have been champions of Sandusky. This will increase property, income, admissions and hotel taxes and is only a partial tax abatement and he is happy to also have the cooperation of the Sandusky City School Board.

PRESENTATIONS

Tom Patterson, Sandusky City School Board President, said he appreciates the opportunity to comment about the direction and future of our city and the decisions before the citizens of Sandusky. The city has great traditions and citizens have been resilient for over 200 years. There are many citizens who have made great contributions to our city, our nation and the world. For many decades civic-minded leaders have made pivotal decisions for Sandusky and we are still benefitting from these decisions today. We are grateful for their wise counsel and decision-making. Tom Patterson said he is the fifth generation in his family to be raised in Sandusky and graduated from Sandusky High School in 1967. He wanted a college education and this community gave him the opportunity to do so at Firelands College and BGSU main campus; he then had to go to work after he graduated as he had three children. Tom Patterson said he started working at Industrial Nut and they enabled him to become a community servant. There are pivotal decisions that need to be made which will affect the quality of life for the next decade. In November, we will be faced with these important decisions and he is confident fair-minded citizens will step up and advance the cause of our community. He looks forward to continuing to work for and promote all citizens of the community and to advancing our city and this is the right thing to do; it is our time.

Martha Murray, Sandusky City School Board Vice President, said she appreciates speaking to Issue #8 which is on the November 4 ballot and loves Sandusky, its natural resources and parks, neighborhoods and schools. Sandusky residents have a long and amazing history and much time, effort and financial support has been given to make it a more beautiful place. Some say Sandusky has good bones, but has lost some of its luster. These good bones are what we have today and she hopes the citizens are ready to build upon them and move forward for the future. This community is lucky to have leadership at city hall along with Sandusky City Schools working toward the betterment of the community. It is strong schools that make a city and a safe and beautiful community can only make the schools strong. We need to all be united for Sandusky's future and wholeheartedly endorse Issue 8.

Jeff Krabill, Sandusky City School Board Member, 300 East Water Street, said he is very proud of this city and he has lived here for a long time and chose to live here because it is a remarkable place unlike any other he had seen before. Sandusky is special and unique and it does have

good bones, but it goes beyond this. It has been painful to watch during the last decade because the city has lost population and income tax revenue. The city has had to make significant changes in how it did business and this has hurt. We are a proud city filled with people of great goodwill and we have come to a moment in time where we are coming together for a couple of key critical things. Big decisions need to be made and people need to stand up and make them. Jeff Krabill said he will be voting for Issue 6 and Issue 8 and urges his fellow Sanduskians to get to the polls and do the same thing.

Dennis Murray said the school board members are great patrons for the city and they have made tough decisions along with the city commissioners. He wishes the school system great success with their issue and thanks them for their support of the city's issue. These are both tied together and he too will be voting yes. Naomi Twine thanked the members of the school board and the superintendent for their support. People who have a vision for the city will take pause and make their decisions based upon what is best for our future. Wesley Poole thanked everyone for their support of these issues and said we have businessmen who are investing money and we are on the right track. Sandusky becoming what it can be requires adding population and people decide to live where the best schools are and where the best services are. The commission has done all they can to improve our opportunity to provide good services and make good decisions and now asks the public to support moving this forward.

Crystal Dymond, Storm Water Program Coordinator for Erie Soil & Water Conservation District (ECSWCD), said her agency regulates compliance for the city's MS4 Permit and said Sandusky is an urbanized area. This is an unfunded, mandatory program which has been in place since 2003 and deals with storm water, quality of water and the local health risks involved. There was not a lot of advancement in the program from 2003 to 2008, but after 2008, cities got together and hired a storm water program coordinator to assist them. There have been local impacts from harmful algal blooms and this needs to be redirected to storm water and water quality. Ottawa County has already raised their prices two to three percent to treat their flood water. The permit requires public education, public involvement, pollution prevention and minimum control measures for construction sites, post-construction and illicit discharge elimination. There are permit compliances issues and ordinances which need to be in place for construction erosion and sediment controls, post-construction water quality and illicit discharge detection and elimination. The ECSWCD is working with the city to ensure compliance with these issues. An annual report is due to the State of Ohio by January 31 and city staff provides information to ECSWCD for this reporting requirement. All efforts are documented for the program and continuing efforts for training and involvement are in place. There are funding and staffing considerations and ECSWCD is working toward making the program sustainable. Locally, ECSWCD has been providing different programs to ensure community involvement which is critical for compliance. A grant program is done and in 2013 – 2014, these funds come back to communities and they had an 81% success rate during this period of time. A total amount of \$402,268.50 was received from 2011 – 2014. Grants are great for short-term compliance. A consulting firm prepared a list of funding opportunities to be considered and in figuring out the best options, the Clean Water Coalition can help to look at what a storm water utility would really look like. With the EPA, there are over 80 communities in Ohio who have done this and consultants are hired based on a majority vote of the Coalition. A cost analysis was performed for 2013 and all of the communities combined looked at water quality and quantity and the cost came to about \$3.5 million. The City of Sandusky is looking at approximately \$1.9 million for its storm water quality. The consultants determined what a utility would look like and provided a range, along with revenue, based on the data collected. In Ohio, ranges are from \$1 - \$7.64 and the revenue goes up to \$3 million. Discussions have led to how funding would be used and this could help alleviate using general fund money or creating a capital improvement fund. A decision needs to be made next for each community as far as what they would like to have done. The City of Sandusky has an option to do this internally, but Erie County would be involved for the Townships. Immediate projects include updating the storm water management plan, sustainability options, documentation/annual reports, annual discharge fee and coordinating efforts for permit requirements. The new storm water permit has not yet been issued but it sounds like changes can be made by the Director. The program for Phase II areas is for expansion by the EPA into the smaller areas. This program will continue and our obligations

will expand to make sure we are evolving with the program. Dennis Murray thanked Crystal Dymond for the assistance provided to protect Sandusky Bay and the city's compliance. All of the things mentioned are terribly important and we have an obligation to treat waste water and storm water. We are ahead of most communities, but we have taken on a lot of debt to do this. Dennis Murray said he does not know if a storm water utility is right for us, but we look forward to guidance to continue to meet our requirements. Dick Brady said this presentation is timely and important and the footprint we leave behind is important to future generations. Two words which trouble everyone in government are mandated and unfunded, and these are hurdles we need to overcome. So much of the city's debt is EPA debt and is mandated and unfunded and we have a responsibility to these things, but it is not without paying and we need to proceed cautiously.

PUBLIC HEARING

Dennis Murray opened a **public hearing regarding the city's 2015 application for the Job Access & Reverse Commute grant application for the Sandusky Transit System (STS)**. This grant is one of the two main sources of funding for the STS and it is important to keep it in place to provide these services.

Dennis Murray asked if there were comments from the public. There being no comments, Dennis Murray declared the public hearing closed.

CURRENT BUSINESS

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

ITEM #1

PASSED AT FIRST READING - 8.25.14

TABLED - 9.8.14

[ORDINANCE NO. 14-116](#): - It is requested an ordinance be passed **amending part thirteen (Building Code), title five (additional local provisions) by the addition of chapter 1329 (donation drop boxes), of the codified ordinances in the manner and way specifically set forth hereinbelow.**

Upon motion of Dick Brady and second of Scott Schell, the commission voted to approve this ordinance at second reading, as amended.

Discussion: Dennis Murray said consideration has been given to comments made by organizations which have donation boxes and stated Don Icsman also had some concerns which have been addressed in a revised draft of the legislation as distributed. There was no way to change this after passage at the last meeting other than by communicating at this meeting. Any changes to be made or reactions to the questions posed should be discussed in this forum and manner and it would not be appropriate to change the ordinance based on one commissioner or more suggesting otherwise. Don Icsman said as the result of questions asked and looking further into this issue, changes have been made to the legislation and those in red (Don) and blue (Dennis) have been made as opposed to what was voted on and what was tabled. Don Icsman said he looked into all of the issues suggested by Planet Aid and this becomes a first amendment issue with respect to these boxes and regulations are considered a prior restraint and is the reason for the appeals process being added. The other element is from an appeals process denial with the Board of Zoning Appeals. Dennis Murray suggested changes regarding referencing a website for how money is used, regulations for the size of the boxes, and the number permitted in the city to be capped at 100. There was an issue of proration and the legislation will be made effective January 1 and this is how it was addressed. Don Icsman said there was a question about size and shape restrictions and Berea, Cleveland, Northfield and Warren have no size restrictions while North Royalton and Parma have some measurements regarding height, width and depth. There is one city which has a maximum number of containers per parcel and a maximum size of four cubic yards. There was question

about the words with respect to manning a trailer and a permit would not be required in these situations. The language would not be unique to Sandusky. The reduction or proration of fees for non-profits is not present in legislation for Berea, Cleveland or Massillon, but only non-profits are permitted to have boxes. There is no reduction or proration in Parma or North Royalton and they only allow non-profits to have them and he suggests we not do this. The courts feel there should be a permitting regulation process which everyone is subject to. The other issue raised was about clarification of how donated items will be used and these words are identical to the Berea ordinance. Don Icsman said all of this information is on the boxes present now in Sandusky. North Royalton requires registration with the State of Ohio as a non-profit organization and he is not a big fan of that. Parma and Warren require the name and address from the donor to which the items will be given. As for the number of boxes on parcels, legislation from Massillon includes language not to exceed four cubic yards; North Royalton has language these cannot exceed two cubic yards; Parma states not more than one cubic yard. Don Icsman said parcels do vary in size and this would be at the judgment of the Building Official to decide with the submission of the application.

Roll call on the motion: Yeas: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the motion passed. Roll call on the ordinance: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the ordinance passed.

ITEM #2

ORDERED IN 8.25.14

CHANGE TO BUILDING CODE REGARDING FORECLOSED PROPERTIES AND BUILDINGS

PASSED AT FIRST READING: It is requested an ordinance be passed **amending part thirteen (Building Code), Title Five (additional local provisions), by the addition of Chapter 1339 (foreclosed properties and buildings)**, of the codified ordinances in the manner and way specifically set forth hereinbelow.

Upon motion of Jeff Smith and second of Scott Schell, the commission voted to approve this ordinance.

Discussion: Dennis Murray said essentially, banks handling properties in foreclosure must pay \$150 each year and register properties with the city so we know who is responsible if something is wrong with the property, and also to post a bond in the amount of \$10,000 so if the city must take over and pay for maintenance of the property, we can use this money. Don Icsman said Lorain, Ohio, is considering a similar registration and the major issue on the other side of this matter is the bond in the amount of \$10,000. This is for vacant residential properties not occupied or about to be foreclosed upon. There is a registration process to take care of how the property will be maintained and the bond is so the city does not have to front money to abate nuisances. We may never get the money, but the procedural issues to notify the owners would not be a surprise to anyone without accessing the bond money. Don Icsman said he had a recent conversation with individuals in Canton and Youngstown and this is not without litigation; realtors in other states have challenged it as it is significant. As we move toward implementation, it is a good idea to meet with the judges so they understand what it is we are doing. Dennis Murray said he is sick and tired of seeing bad banks dump properties on the city and cities then have to spend money on them. They blight our neighborhoods, bring down property values and taxes for the schools and this has to stop. This is the most effective mechanism he has seen to make the banks behave. This is not about all of the banks, this is the big national banks who cannot even figure out what they have mortgages on. When there are foreclosures, they do not really care. Don Icsman said there is a game the banks play where they actually foreclose, drive the property owner out and then do not proceed further, so the property just sits and this legislation will make them responsible. Amanda Meyers said the banks collect their insurance money and then basically walk away. Scott Schell said this happens quite often where foreclosure are filed. The property owner leaves and then the bank withdraws the foreclosure and leaves "zombie" property owners. Julie Farrar said she is in favor of this legislation and said banks give the runaround, but there are some who do take care of their properties although a large majority do not. Wesley Poole said he is in favor of the

legislation with the exception of the inspection section of the ordinance as it is not realistic for properties to be inspected every seven days. Requiring an inspection every seven days is not something the city can enforce and if the bank is in another town they will have to pay someone to look at it which will add to the cost when they eventually decide to sell. The idea is for the property to not become blighted and he is not interested in putting together onerous regulations and this is just an opportunity for lawyers to prove something. Dennis Murray said if we do not require some sort of regular inspection, there are a lot of companies which out-of-state banks use to keep an eye on properties and they are already in our community. If we do not have this, it falls on the city to notify the banks something is wrong with the property. Eric Wobser said he has had a few conversations with the finance director about properties where the property owners were not aware the water was still on and they had a leak and this then gets out of control because they are not inspected regularly and the bill gets very high. We want people at a vacant property who will visually inspect the house as much as possible especially in the summer months with grass growing. Wesley Poole said the city measures nuisance grass by inches, not by how often it is cut. Not looking at or inspecting the property will put the owner in violation and declare the property a nuisance; he could go on vacation for two weeks and not see his house and this does not make it a nuisance. Wesley Poole said he does not like writing laws that do not make sense or further what we are trying to do. Jeff Smith asked if this will encourage the banks to sell their properties at a lower price and encourage more rentals in Sandusky and asked if there is anything which would prevent this. There are so many instant landlords in Sandusky but this is only half of the solution so as not to allow properties to fall into bad landlord's hands. Rebecca Corrigan said when there are properties going through the foreclosure process, there are a lot of developers and investors who watch this and since our rental rate is so high already, this is a stomping ground for them. We are working on other items to provide greater home ownership and inspections are necessary and protect the neighborhoods and eventually we will be getting to this and this is one step in the right direction.

Roll call on the motion: Yeas: Julie Farrar, Naomi Twine, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 6. Nays: Wesley Poole, 1. The President declared the motion passed. Roll call on the ordinance: Julie Farrar, Naomi Twine, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 6. Nays: Wesley Poole, 1. The President declared the ordinance passed.

ITEM #3 – Submitted by Amanda Meyers, Paralegal

SALE OF PROPERTY LOCATED ON FOURTH STREET

Budgetary Information: The cost associated with this purchase agreement is the total amount of the title examination, deed preparation and recording fees. Any such costs shall be included in the sale price of the nonproductive land and will be recouped by the city upon sale. The purchaser shall pay the real estate transfer tax, if any, and recording fees upon purchase. Upon the sale of this nonproductive land the taxing districts will once again begin collecting real property taxes.

ORDINANCE TABLED: 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 #57-04643.000, located at Lot 481 Fourth 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 Wesley Poole and second of Scott Schell, the commission voted to table this ordinance.

Discussion: Scott Schell said he is usually encouraged when the city commission has purchase agreements before them because of the overall success of the program but has some concerns with this particular one. We are beginning to stray away from our policies on turning over properties to new owners in making sure they do not have properties within their control which are currently tax delinquent. In this instance, we are titling it to a neighboring property owner whose husband has title to property directly abutting it which is tax delinquent. He is currently on a payment plan with the treasurer to make good on his delinquency. We are getting on a

slippery slope and need to look at our policies and stick to them in order to not stray too far from our program. Julie Farrar said in reading this, she was apprehensive although one spouse owns three properties alone and both spouses together own more properties. The jointly owned property is not in arrears and she does not want to transfer ownership of a seventh property to an owner who is in arrears and this can be reconsidered. Dennis Murray asked if this can be tabled until such time as the tax situation is clarified. Dick Brady asked if there is a policy and if we are circumventing it. Amanda Meyers said there is a policy and by the guidelines, Mr. Pickens initially came in to purchase this property and it was pointed out to him he did not meet the qualifications. He presented being part of the county's payment plan to the Land Bank Committee so he could purchase it. Mrs. Pickens does meet the guidelines under our program policy. Wesley Poole said the reading of the rules seems to run against the spirit of what we are trying to accomplish. Tabling this allows the parties to come up with another solution and he does not want to turn this down and we have rules with meaning which are meant to improve the community. If you do not meet the policy and owe taxes, this does not meet the spirit of what we are trying to accomplish. We do not want people to take advantage of us and this is a compromise. Amanda Meyers said the committee voted on meeting the qualifications of the policy and was looking at the commission to do this.

Roll call on the motion to table: Yeas: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the motion passed.

ITEM #4 – Submitted by Amanda Meyers, Paralegal

PURCHASE & SALE OF PROPERTY LOCATED AT 1513 BROWN STREET

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 from the nonrefundable earnest money deposits required to be paid by the purchasers 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 real property taxes and assessments once again.

ORDINANCE NO. 14-104: 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 #57-02307.000, located at 1513 Brown Street, Sandusky, is no longer needed for any municipal purpose and authorizing the execution of purchase and sale agreements 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 Scott Schell and second of Jeff Smith, the commission voted to approve this ordinance. Roll call on the motion: Yeas: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the motion passed. Roll call on the ordinance: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the ordinance passed.

ITEM #5 – Submitted by Aaron Klein, P.E.

EASEMENT AGREEMENTS WITH OLD PLATT, LLC

Budgetary Information: Old Platt, LLC will be responsible for recording of all these documents. There will be no impact on the city's budget.

- A. ORDINANCE NO. 14-105:** It is requested an ordinance be passed **authorizing and directing the city manager to enter into an easement agreement between the City of Sandusky and Old Platt, LLC, a copy of which is marked Exhibit "1" and attached to this ordinance;** 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 Scott Schell, the commission voted to approve this ordinance.

Discussion: Dennis Murray asked for an explanation of each ordinance for this item. Aaron Klein said there are two existing easements which the city maintains through the Old Plat LLC

property. The first one is the Market Street right-of-way to the art wall which provides access to Peddler's Alley. The second one provides access to the East side of the art wall to Peddler's Alley. Both of these are desired by the property owner to be utilized to expand an outside patio and expand the business. The compromise is there are four easements the city would be giving to the property owner. The first one is a 10' sewer easement which would allow them to tie downspouts into an existing storm sewer within the Jackson Street parking lot. The second is the area west of the trash enclosure to allow the property owner to put in a concrete pad to clean up the area and provide stability for trucks to access the trash enclosures at this location. The dumpsters would be placed inside of this enclosure to the west of the art wall. The other two are to help maintain the city's access from the Jackson Street parking lot to Peddler's Alley; the easements also declare no building construction or easement of any kind will be constructed so as to impede pedestrian access to Peddler's Alley and the intent is to allow a building owner to expand his business with outdoor dining in both areas. They will also maintain access from the city parking lot to the alley and the art wall. The property owner also agrees to maintain their portion of the art wall in good condition. Jeff Smith thanked Gary Ackerman for all he does for downtown Sandusky. Dennis Murray thanked Gary Ackerman for the investments he is making for the renaissance of Sandusky.

Roll call on the motion: Yeas: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the motion passed. Roll call on the ordinance: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the ordinance passed.

- B. **ORDINANCE NO. 14-106**: It is requested an ordinance be passed **authorizing and directing the city manager to enter into an easement agreement between the City of Sandusky and Old Platt, LLC, a copy of which is marked Exhibit "1" and attached to this ordinance**; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

Upon motion of Naomi Twine and second of Wesley Poole, the commission voted to approve this ordinance. Roll call on the motion: Yeas: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the motion passed. Roll call on the ordinance: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the ordinance passed.

- C. **ORDINANCE NO. 14-107**: It is requested an ordinance be passed **authorizing and directing the city manager to enter into a vacation of easement agreement between the City of Sandusky and Old Platt, LLC, a copy of which is marked Exhibit "1" and attached to this ordinance**; 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 Naomi Twine, the commission voted to approve this ordinance. Roll call on the motion: Yeas: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the motion passed. Roll call on the ordinance: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the ordinance passed.

- D. **ORDINANCE NO. 14-108**: It is requested an ordinance be passed **authorizing and directing the city manager to enter into a vacation of easement agreement between the City of Sandusky and Old Platt, LLC, a copy of which is marked Exhibit "1" and attached to this ordinance**; 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 Scott Schell, the commission voted to approve this ordinance. Roll call on the motion: Yeas: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the motion passed. Roll call on the ordinance: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the ordinance passed.

- E. **ORDINANCE NO. 14-109**: It is requested an ordinance be passed **authorizing and directing the city manager to enter into a sewer easement agreement between the City of Sandusky and Old Platt, LLC, a copy of which is marked Exhibit "1" and attached to this ordinance;** and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

Upon motion of Scott Schell and second of Jeff Smith, the commission voted to approve this ordinance. Roll call on the motion: Yeas: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the motion passed. Roll call on the ordinance: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the ordinance passed.

- F. **ORDINANCE NO. 14-110**: It is requested an ordinance be passed **authorizing and directing the city manager to enter into an easement agreement for a concrete apron between the City of Sandusky and Old Platt, LLC, a copy of which is marked Exhibit "1" and attached to this ordinance;** 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 Julie Farrar, the commission voted to approve this ordinance. Roll call on the motion: Yeas: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the motion passed. Roll call on the ordinance: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the ordinance passed.

ITEM #6 – Submitted by Rebecca Corrigan, Chief Planner

ENTERPRISE ZONE TAX ABATEMENT FOR S & S REALTY, LTD.

Budgetary Information: There will be no impact to the general fund. The project will generate additional income tax and will employ 28 new positions within the city. The project will create additional bed taxes based on the increase rooms/suites; as well as increased real estate values.

ORDINANCE NO. 14-111: It is requested an ordinance be passed **authorizing an agreement with S & S Realty Ltd., providing for a project and tax exemption pursuant to the State Enterprise Zone program making determinations in connection therewith;** and declaring an emergency.

Upon motion of Naomi Twine and second of Scott Schell, the commission voted to approve this ordinance.

Discussion: Dick Brady said he will abstain on this item as Jim and George Sortino are godfathers to his twin children. Jeff Smith thanked the Sortino family and those at city hall for making this happen. Dennis Murray said there is a renewed energy among the staff at city hall and staff is promoting business opportunities and folks have the right attitude about this.

Roll call on the motion: Yeas: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith & Scott Schell, 6. Abstain: Dick Brady, 1. The President declared the motion passed. Roll call on the ordinance: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith & Scott Schell, 6. Abstain: Dick Brady, 1. The President declared the ordinance passed.

ITEM #7 – Submitted by Douglas A. Keller, Water Services Superintendent

RENTAL OF EXCAVATOR FOR BIG ISLAND WATER WORKS PLANT

Budgetary Information: The cost for one month rental is \$10,000 for the Kobelco SK260LR excavator with a 60' reach and a trucking charge to and from BIWW of \$2,000. This rental has a total cost of \$12,000. This cost will be paid out of the water funds.

ORDINANCE NO. 14-112: It is requested an ordinance be passed **authorizing and directing the city manager and/or finance director to make payment to Southeastern Equipment Company of Brunswick, Ohio, in the amount of \$12,000 for the rental of equipment to excavate sludge from the three sludge lagoons at the Big Island Water Works plant;** 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 Jeff Smith, the commission voted to approve this ordinance. Roll call on the motion: Yeas: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the motion passed. Roll call on the ordinance: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the ordinance passed.

ITEM #8 – Submitted by Aaron Klein, P.E.

PURCHASE OF POWDERED ACTIVATED CARBON FOR BIWW PLANT

Budgetary Information: This purchase of \$16,341.25 will be paid for out of water funds.

ORDINANCE NO. 14-113: It is requested an ordinance be passed **authorizing and directing the city manager to purchase an additional 21,250 pounds, more or less, of powdered activated carbon from Bonded Chemicals of Columbus, Ohio, for use at the Big Island Water Works plant during the calendar year 2014;** and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

Upon motion of Naomi Twine and second of Jeff Smith, the commission voted to approve this ordinance.

Discussion: Dennis Murray said this is a direct result of the algal blooms and taste problems with our water.

Roll call on the motion: Yeas: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the motion passed. Roll call on the ordinance: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the ordinance passed.

ITEM #9 – Submitted by Aaron Klein, P.E.

AGREEMENT FOR PLACEMENT OF ADVERTISING ON SANDUSKY TRANSIT SYSTEM VEHICLES

Budgetary Information: Clean Zone Marketing Inc. shall pay to the Sandusky Transit System an amount equal to fifty percent of the gross revenue received from the advertisers during the term of the agreement. These funds shall then be deposited into the transit fund.

ORDINANCE NO. 14-114: It is requested an ordinance be passed **authorizing and directing the city manager to enter into an agreement with Clean Zone Marketing, Inc., of Fishers, Indiana, for advertising services for the Sandusky Transit System;** 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 Scott Schell, the commission voted to approve this ordinance.

Discussion: Dennis Murray asked for a brief summary of this additional funding for the STS. Aaron Klein said this is in response to a Request for Proposals which the city sent out a few months ago and it will allow the marketing firm to solicit advertising to put on vehicles, in vehicles and at various locations. Fifty percent of the dollars collected will come back to the city; fifty percent will go to the marketing firm. This will be revenue for transit and the estimate is as much as \$200,000 during a five-year period. Dennis Murray said this is the same deal this company has with other communities and they are very proficient. Aaron Klein said this company was the only firm which submitted a proposal and an interview process was held to make sure we were comfortable with them and their proposal before pursuing the agreement. Dick Brady said it is important to note this is revenue for the transit system.

Roll call on the motion: Yeas: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the motion passed. Roll call on the ordinance: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the ordinance passed.

ITEM #10 – Submitted by Hank Solowiej, C.P.A.**APPROPRIATION AMENDMENTS**

Budgetary Information: Appropriation amendments are required to update the budget for previous actions of the city. Examples include, but are not limited to:

- Refunding of the 2005 various purpose bonds
- Salt purchases for snow and ice removal
- General Fund support of transit operations
- CHIP grant administered by Ohio Regional Development Corporation
- CDBG grant
- Oakland Cemetery operations
- Computer purchases by the Municipal Court
- Nuisance Abatement
- Kronos timekeeping software/server upgrades

ORDINANCE NO. 14-115: It is requested an ordinance be passed **adopting Amendment #1 to Ordinance #14-013 passed by this city commission on February 24, 2014, making general appropriations for the Fiscal Year 2014;** 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 Julie Farrar, the commission voted to approve this ordinance.

Discussion: Dennis Murray asked Hank Solowiej to walk the commissioners through this as he learned some things after it was explained to him. There are a lot of additions and subtractions which come up to a big number, but of the various expenditures, we are about net \$147,000 over budget on these items. When considered in the context of the larger budget, there are savings in other areas. We are still very much on track to meet the overall budget numbers and this is a pretty normal thing. Hank Solowiej said when looking at the August budget numbers, we about \$156,000 to the good as compared to the budget and revenues are slightly down, but not as far off budget, and we are hopeful they will still come in closer to the actual budget numbers. It is a budgetary compliance requirement to authorize additional appropriations and there will be one more ordinance prepared at the end of the year to account for everything. The majority of this is related to legislation previously passed for bond refinancing passed several meetings ago and it is a book entry to record an expense to pay off the old debt and record proceeds of the new deb; the total principal amount does not change. This would be similar to getting a new loan at a new bank and the payoff is made with the first bank in order to pay the second bank.

Roll call on the motion: Yeas: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the motion passed. Roll call on the ordinance: Yeas: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the ordinance passed.

ITEM #11 – Submitted by Kelly Kresser, Commission Clerk

A request was submitted by the Ohio Division of Liquor Control for a new D5J liquor permit (*Spirituos liquor for on premises consumption only: beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30 a.m. – Community Entertainment District*) for Milan 1640 Ltd., 306 Water Street. It is requested the Clerk be authorized to notify the Division of Liquor Control the city has no objection to this request.

Upon request of Julie Farrar and second of Jeff Smith, the commission voted for the commission clerk to notify the Ohio Division of Liquor Control the city has no objection to this request. Roll call on the motion: Yeas: Julie Farrar, Naomi Twine, Wesley Poole, Dennis Murray, Jeff Smith, Scott Schell & Dick Brady, 7. The President declared the motion passed.

CITY MANAGER'S REPORT

Upon motion of Julie Farrar and second of Jeff Smith, the commission voted to accept a donation in the amount of \$500 from the Ashland County Sheriff's Office for the K-9 Fund. The President declared the motion passed.

Upon motion of Scott Schell and second of Jeff Smith, the commission voted to accept an in-kind donation from Mack Iron for four metal boxes for the new K-9 (\$500 value). The President declared the motion passed.

Upon motion of Naomi Twine and second of Scott Schell, the commission voted to accept an anonymous donation of fishing poles for kids (\$18.70 value). The President declared the motion passed.

Eric Wobser said he, Aaron Klein and Rebecca Corrigan met last week with **residents of the Cold Creek development to provide an update on the status of the parcels.** This was an engaging meeting and Eric Wobser said he had no idea the number of current or former city employees who lived in this development, but they were provided an update. The city is owed the assessments for these properties and the city's law department and the Erie County Sheriff's Office are working through the foreclosure process to bring them back to the city's land bank. We are looking to partner with the current residents so as we look at redevelopment of these parcels, we do so in the spirit of maintaining the investment they made which is important to the city. Dennis Murray said a comment was made perhaps the city had forgiven the special assessment debt to put water and sewer lines in as well as curb and gutter; Eric Wobser said this is an absolutely false statement and a list of these parcels was prepared prior to the meeting and approximately \$1.27 million is still owed to the city for these assessments. As we foreclose on these parcels and resell them, we will recoup as much of this as we possibly can and work toward a development project.

Eric Wobser said we are in the process **of amending the agreement with the Sandusky Rowing Club on River Avenue** and this has been a great agreement for the city and has helped give birth to a strong sense of community with the rowers along Pipe Creek. Aaron Klein said he has not received complaints about this property and they have done a great job in maintaining it and constructing the building; the agreement expired about one and one half months ago and we have an option to extend it for five years. We do not see any reason to change the language and will get moving on this as quickly as possible.

Eric Wobser said over the weekend there was an unfortunate incident where there were structural issues with an older building on Water Street and Shoreline Drive. Around 2 a.m., the wall on the Shoreline Drive side of this building collapsed and the city troops rallied along with George Poulos, Chief Building Official. George Poulos is now in active conversations with the owners of the property and the city takes the threat of additional damages very seriously and we are working to secure it and put into better hands so public safety is not further at risk. Dennis Murray said he was concerned the rest of this building could come down and right onto Water Street and is glad George Poulos is working on this. The bad news is we still do not have the adequate code enforcement resources; the good news is we do not have discrimination in the city because he lodged this complaint after he was elected and still nothing was done about it. Jeff Smith asked if it were safe for people to be in adjacent buildings; Eric Wobser said he met with George Poulos today and he did not raise this particular issue but will look into this specifically. Eric Wobser said George Poulos expressed concern about this building in the future as far as snow storms or other weather conditions may affect it. He is working as quickly as possible to make sure those who own it are able to secure it to the extent possible or alternatively to find an owner who can do this. Eric Wobser said the city does not have the resources necessary for code enforcement to eliminate blight from the community and this is one of the resources which could be made available through the income tax increase. The increase will be on the ballot, Issue #8, in November. One quarter of these revenues will be made available to eliminate blight and in a serious case like this, to have the necessary resources to the extent possible to remedy them while also trying to recoup as much of the

investment as possible once the building comes back online. Dick Brady said he had the opportunity to speak with George Poulos about this issue today and was assured we are not going to have another situation like the closure of Shoreline Drive for years. The city will ensure this is taken care of to our satisfaction in a matter of days, not months or years. No one is willing to go through this painful process once again.

Eric Wobser said **fall cleanup begins at Oakland Cemetery on October 1 and decorations should be removed from graves by September 30.**

Eric Wobser said **employees in the Water Distribution Division will begin fire hydrant flushing on September 29 starting on the East end of town, North of the tracks and heading West.** This process will take approximately four to five weeks and is required to ensure high quality palatable water.

Eric Wobser said **leaf collection efforts will commence Monday, October 27 and a daily schedule is available on the city's website: www.ci.sandusky.oh.us.**

Eric Wobser said signage indicating locations of **community gardens** has been erected and the city has been working with our community garden partners to erect them.

Eric Wobser said there was a nice article in the newspaper about our Planning Department working with **students from Kent State University on December 3, in partnership with the Sandusky State Theatre.**

Eric Wobser said the **Department of Housing & Urban Development has verbally approved the city's five-year plan for its Community Development Block Grant.**

OLD BUSINESS

None.

NEW BUSINESS

Upon motion of Dick Brady and second of Scott Schell, the commission voted to hold an executive session for personnel, Charter Officer annual review procedures. Roll call on the motion: Yeas: Julie Farrar, Naomi Twine, Wesley Poole Dennis Murray Jeff Smith, Scott Schell and Dick Brady, 7. The President declared the motion passed.

Dennis Murray asked to schedule a **public hearing on November 10, 2014, to consider the amendment of the zoning map** on behalf of Tamara Trent and Misty Higham for 1503 Clinton Street, Parcel #58-02911.000. There being no objection, the President announced the public hearing is set for November 10.

Dennis Murray said there is a vacancy on the **Civil Service Commission for which the city advertised and received a number of applications. Dennis Murray announced the appointment of Marva Jackson effective November 22, 2014, for a six-year term.** Mrs. Jackson's extensive Human Resource background will make her a great fit for this position. Dennis Murray thanked everyone who expressed interest in this position. Naomi Twine said Mrs. Jackson is also a member of the Human Relations Commission and asked if she will continue being a member; Dennis Murray said she had some question about this and she really wanted to engage in this service.

Dennis Murray commended Hank Solowiej for the outstanding job he and his team does and said it is worth mentioning the Auditor of State Award with Distinction was given to our Finance Department and the requirements include filing a timely Consolidated Annual Financial Report as well as timely financial reports in cooperation with GAAP accounting standards and receiving a clean audit report without findings for recovery. On this occasion, Auditor Dave Yost was in town (at Kalahari) as part of a convention and presented the award to Hank Solowiej.

Dennis Murray said Sandusky's cash balance goes up and down and right now it is at its high point. We are a cyclical community whereas we have revenues in the summer from admissions taxes which we do not have in the winter. Our cash balance peaks in September and then starts to go down, but goes up again in June. The members of the Audit/Finance Committee made a recommendation to maintain a 25% cash balance and we do, on average, maintain this, but by the time we get to May, we are way short of this. This does not say anything about needing new revenue, but does show how well managed the city's finances are as State Auditor Dave Yost recently acknowledged. Dennis Murray said the issue of sewer and water comes up from time to time and the EPA has said the city needs to do a better job with sewer and water and we have done what is required. This has been good for the environment, but this debt is paid only from water and sewer charges by city and county residents; not a dime of tax money goes to pay this debt. It cannot be used for anything else or someone would go to jail. It is important to note this city debt (general obligation debt) which is funded by taxpayers has gone from \$20.2 million to \$9.8 million today. The city has done a great job of managing this debt and it is half of what it was just a few years ago.

Dennis Murray said there will be a **Town Hall meeting Wednesday, September 24 at 5:30 p.m. at the Sandusky Library** and will be an opportunity to speak about income and admissions tax issues this fall. Eric Wobser said he apologizes for the late notice but he has been working on this and it came together late last week and wants to take as many opportunities as possible to get information out about our tax situation. There will be other opportunities throughout the remainder of the campaign season and this year to update the community.

AUDIENCE PARTICIPATION

Jennifer Brindley, 547 50th Street, said she wishes Item #1 was tabled and is conflicted about it as there is a donation box in her parking lot (Sail In) and it was placed in the wrong spot. She contacted Planet Aid and asked for it to be moved because it was in a spot where customers could park. This was never moved and when the publicity happened, she asked for the box to be removed yet it remains in the parking lot. Jennifer Brindley asked if she would be in trouble if she personally removed it and asked if she can do this. Dennis Murray said if it were on his property he would take it to Sandusky Steel and have it recycled. Jennifer Brindley said she is very concerned about the building that collapsed on Shoreline Drive and cannot imagine how the City of Sandusky let it get so bad as now each business on either side is in jeopardy. There is a business next to the photography place which is moving because the second floor has been condemned. They are relocating to the brick garage and had signed a 99-year lease when they first moved into it. This is going to be a problem and she hates to see this collapse.

Sharon Johnson, 1139 Fifth Street, asked if the building which collapsed on Shoreline Drive was condemned and where the inspectors were in following up and keeping track. Dennis Murray said he thought the building was marked condemned some time ago and has seen the sign up previously. Dennis Murray said he filed a complaint as a private citizen and this is why the tax issue is on the ballot. The city has had to cut and cut and Sharon Johnson said the city still has a collapsible building and the city has staff to address this. Dennis Murray said this takes qualified staff members and a police officer or fire fighter cannot be sent to deal with this nor can someone who works in parks as they are not qualified the staff qualified to do this has been cut. Wesley Poole asked what the city's options are once a building is condemned and the city does not own this building. Don Icsman said the city has done everything it can and Dennis Murray is talking about not just the resources, but people who need to follow up and abate nuisances like Hopper's and Wisteria Farms. With the condition a lot of these properties are in, Dennis Murray asked where all of this money would come from. The whole point of the levy is to have resources to go above and beyond. The other one is G & C Foundry and the city spent \$50,000 - \$60,000 to abate this; they are all over the city. It is not necessarily about inspection resources, but the follow through. If the building official makes a determination and the commission agrees it is dangerous and a nuisance to the public, the city will want to take some action and will need money to do this. Wesley Poole said this makes his point the city has done what it can by condemning the building and last week in the newspaper, he read a complaint from a citizen who is angry because the city spent CDBG funds to clean up Wisteria Farms; this

is a commercial property we do not own. Wesley Poole said to suggest the city is not doing that can be done is just not accurate and we are darned if we do and darned if we do not. If we fix it, the letter to the editor states people should not vote for a tax increase because the city misspent the money cleaning up commercial properties with CDBG funds. The very next week, here is a citizen who is unhappy because the city has not abated a commercial building which the wind blew down and it has been condemned for years. Wesley Poole said to give the commissioners a fair shake when evaluating what they do. Wesley Poole said he can go through the letter to the editor written by Tim Schwanger paragraph by paragraph and point out the inconsistencies. People cannot talk about the city having an abundance of funds and then switch back and say the city is \$70 million in debt, has \$5.3 million in the bank, \$70 million in debt. This is not financially, as described, that we have a great deal of money. The fact of the matter is the commission is spending the money and have been for this entire year as best as can be done by picking and choosing what we will abate and what we will improve and you cannot have it both ways. People say to fix one thing, but then are unhappy the city has spent money and to just think about this. Wesley Poole said you (Sharon) are not Tim Schwanger, but in general, the public should be able to balance the observations people make about shortcomings and things going on in the community versus what the city can realistically improve. Sharon Johnson asked if this will fall to the taxpayers to take the building down if it gets critical. She said she is sure it will go to court and the city does not have the money to go to court and the people know this and is why they do not care. Dennis Murray said this is marketable property and he doubts the city would spend a dime. Jeff Smith said Sharon Johnson would be disappointed if the city spent money and we have done everything we can. Rebecca Corrigan, Chief Planner, said Thriving Communities will begin their field study this week and we are one of the only cities who requested a commercial review for signage, parking and lighting. This will be done within a month and the city can take this data and write and implement a plan to address these issues. Rebecca Corrigan thanked the foundations for funding this to address unsafe structures in the city.

Jennifer Brindley said she will support the school bond Issue #6 and it is a very important thing. Regarding Issue #8, some of her customers are confused about giving up too much with the income tax increase but not with Cedar Point and it is important for the voters to understand there is also \$500,000 which goes along with the income and admissions tax funding and it is important to get this word out.

The President announced a recess of the meeting at 7:27 p.m. At 7:32 p.m., the commission went into executive session; at 7:40 p.m. the President announced adjournment.

Kelly L. Kresser, CMC
Clerk of the City Commission

Dennis E. Murray, Jr.
President of the City Commission