

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

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

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

Upon motion of Pervis Brown and second of Diedre Cole, the commission voted to approve the minutes of the August 27, 2012 meeting and dispensed with the oral reading. The President declared the motion passed.

AUDIENCE PARTICIPATION (*agenda items only*)

Sharon Johnson, 1139 Fifth Street, asked if Item #1 was advertised in the newspaper and what other bids were received. Sharon Johnson said the bid chosen will get 40% – 50% of what is collected and asked how much EMS funding is uncollected to date.

CURRENT BUSINESS

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

ITEM #1 – Submitted by Paul E. Ricci, Fire Chief

Budgetary Information: The contract will not negatively impact the city's budget as this is an attempt to collect debt owed to the City of Sandusky for ambulance services rendered. This legislation, if passed, will generate revenue.

ORDINANCE NO. 12-089: It is requested an ordinance be passed **authorizing and directing the city manager to enter into an agreement with State Collection and Recovery Services LLC, of Sandusky, Ohio, for debt collection services for the Sandusky Fire Department;** and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

Upon motion of Pervis Brown and second of Wesley Poole, the commission voted to approve this ordinance according to Section 14 of the city charter.

Discussion: Paul Ricci said four proposals were received and three of the four were much higher (cost) and are on file in the Fire Division. The proposals were reviewed per the RFP and three of the four percentages were much higher. State Collection and Recovery Services is also a local company and deals only with medical collections. Paul Ricci said PCSO used to be a local company which the city contracted with for EMS billing and collections for unpaid bills. During the past two years, PCSO moved to Vermilion to more adequately service their clients and in doing so, no longer perform debt collection services which caused the city to seek proposals. Debt for EMS billing beyond the 90-day billing cycle for Sandusky is currently \$267,961 which is not uncommon. The city normally collects about 63% which, statewide and nationally, is a good percentage. Nearly 80% of Sandusky's accounts receivable comes from Medicare and Medicaid and only 14% are from self-pay resources. State collections can go back six years and once records are turned over, the city will know how the amount owed will be spread out. Unfortunately, this is a state of the times and some people do not have the ability to pay. The company is sensitive and is good at what they do and this is the nature of EMS billing; Paul Ricci said he is confident they are competent to perform this task. Diedre Cole asked Paul Ricci how much longer the city's contract is with PCSO and Paul Ricci said the contract is reevaluated on an annual basis with a 60- to 90-day notification for opting in or out of the contract. Diedre Cole asked if collection and billing can be done with one service provider and Paul Ricci said this is one of the reasons the recommendation is being made through the assistance of the legal department. The contract extends until December 31, 2013 and the city's contractual obligation will be evaluated with PCSO so as to entertain other options.

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

ITEM #2 – Submitted by Jim Lang, Interim Police Chief

Budgetary Information: The total cost for the five (5) Panasonic Toughbook 31 mobile computers and associated docking and mounting hardware is \$16,801.80. The Edward Byrne Memorial Justice Assistance Grant will fund \$15,883 and the remaining balance of \$918.80 will be paid with funds from the police department's 2012 budget.

ORDINANCE NO. 12-090: It is requested an ordinance be passed **authorizing and directing the city manager to purchase five (5) Panasonic Toughbook 31 mobile computers and associated docking and mounting hardware from Insight Public Sector of Tempe, Arizona, through the State of Ohio Department of Administrative Services cooperative purchasing program for the Sandusky Police Department;** and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

Upon motion of Keith Grohe and second of Jeff Smith, the commission voted to approve this ordinance according to Section 14 of the city charter.

Discussion: Diedre Cole asked if this technology is compatible with the city's current regional dispatch provider and Jim Lang said it is. Jim Lang said this purchase will make it so all 15 mobile computers are the same touch screen technology capable of working with the dispatchers.

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

ITEM #3 – Submitted by Todd J. Roth, P.E., P.S.

Budgetary Information: This legislation has no budgetary impact.

ORDINANCE NO. 12-091: It is requested an ordinance be passed **authorizing and directing the city manager to enter into an amendment to the Erie County/City of Sandusky water contract;** 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 Diedre Cole, the commission voted to approve this ordinance according to Section 14 of the city charter. Roll call on the motion: Yeas: Diedre Cole, Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown and John Hamilton, 7. Roll call on the ordinance: Yeas: Diedre Cole, Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown and John Hamilton, 7. The President declared the ordinance passed.

ITEM #4 – Submitted by Todd J. Roth, P.E., P.S.

Budgetary Information: The cost of the project based on bids, including engineering, inspection, advertising and miscellaneous costs is \$185,617.70, to be paid with Community Development Block Grant funds.

ORDINANCE NO. 12-092: It is requested an ordinance be passed **authorizing and directing the city manager to enter into a contract with Precision Paving, Inc., of Milan, Ohio, for the 2012 city resurfacing program;** and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

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

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

Budgetary Information: The cost of the project based on bids, including engineering, inspection, advertising and miscellaneous costs is \$534,316.20. 50% of the construction costs will be paid with an Ohio Public Works grant in the amount of \$242,871 with the remaining amount of \$291,445.20 to be paid with the water fund.

ORDINANCE NO. 12-093: It is requested an ordinance be passed **authorizing and directing the city manager to enter into a contract with Speer Bros., Inc., of Sandusky, Ohio for the Thorpe Drive, Dorn Drive and Ferndale Drive waterline project;** 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.

Discussion: Julie Farrar asked if this waterline project will help with flooding in the west end and Todd Roth said "no", and this is for the waterline only.

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

ITEM #6 – Submitted by Kelly L. Kresser, Commission Clerk

Budgetary Information: The cost of the revisions of the codification supplements and updating the Code on the internet will be taken from the contractual services line item in the Commission's budget (50%), sewer funds (25%) and water funds (25%). This item is appropriated each year.

ORDINANCE NO. 12-094: It is requested an ordinance be passed **approving current replacement pages to the Sandusky codified ordinances for the period August, 2011 through July, 2012;** and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

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

ITEM #7 – Submitted by Kelly L. Kresser, Commission Clerk

A request has been received from the Ohio Division of Liquor Control requesting a **new C1 liquor permit (beer only in original sealed container for carry out only) for Party Store Ltd., dba The Party Store, 803 Hancock Street, Sandusky.** It is requested the commission clerk be authorized to notify the Ohio Division of Liquor Control the city has no objection to this request.

Upon motion of Julie Farrar and second of Wesley Poole, the commission voted to request the city commission clerk to notify the Ohio Division of Liquor Control the city has no objection to a new C1 liquor permit for Party Store Ltd., dba The Party Store, 803 Hancock Street, Sandusky. Roll call on the motion: Yeas: Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown and John Hamilton, 6. Abstain: Diedre Cole, 1.

CITY MANAGER'S REPORT

Upon motion of Diedre Cole and second of Pervis Brown, the commission voted to accept a donation in the amount of \$1,000 from Sandusky International for the Firefighters Combat Challenge. The President declared the motion passed.

Upon motion of Diedre Cole and second of Pervis Brown, the commission voted to accept a donation in the amount of \$1,000 from Snyder Collision for the Firefighters Combat Challenge. The President declared the motion passed.

Upon motion of Diedre Cole and second of Pervis Brown, the commission voted to accept a donation in the amount of \$25 from Sharon and Rolland Johnson to replace vandalized trees. The President declared the motion passed.

Upon motion of Diedre Cole and second of Pervis Brown, the commission voted to accept a donation in the amount of \$100 from Claudia Siciliano for lunches for officers in the police department. The President declared the motion passed.

Upon motion of Diedre Cole and second of Pervis Brown, the commission voted to accept a donation in the amount of \$250 from Sutphen Corporation for the Firefighters Combat Challenge. The President declared the motion passed.

Upon motion of Diedre Cole and second of Jeff Smith, the commission voted to accept a donation in the amount of \$1,800 from the Sandusky/Erie County Community Foundation for the Respect Book which was submitted to the City of Sandusky as a grant for the police department. The President declared the motion passed.

Jim Lang said he has been working on **the Respect Book for about the past year and this will be presented in Sandusky and Sandusky St. Mary schools, Grades 7 – 9.** The Respect Book shows how the kids should respect the officers and how the officers should respect the kids and what their rights are. There is a lot of information in the books about teen parties, what to do in the event of a traffic stop, curfew laws, runaways, sexting and stalking, and once presented through the schools, everyone will work together more. Pervis Brown asked why this is limited and does not include other high school students and Jim Lang said this is geared toward younger students in Grades 7 – 9. Jim Lang said they can look at doing this for students in other grades. Diedre Cole asked if this could be distributed to other entities in the community (i.e. the YMCA) and Jim Lang said the School Resource Officer will be teaching the course and he could possibly be scheduled to do this as simply reading the book might not mean as much. Jim Lang said time will be allotted in school for the students to have this coursework. Julie Farrar asked Chief Lang for a copy of the book and Jim Lang said he will provide a copy as soon as they are made.

Nicole Ard said **police officers at Sandusky and other jurisdictions have helped in a murder investigation during the past few days and a press conference was held this afternoon.** Jim Lang said Curtis Clinton was interviewed earlier today by detectives in the Sandusky Police Department. At the conclusion of the interview, Erie County Prosecutor Kevin Baxter authorized charges to be filed on Curtis Clinton, 41 years of age. Mr. Clinton was arrested and is currently incarcerated in the Erie County Jail for three (3) counts of Aggravated Murder. Mr. Clinton has also been charged with a rape count from an incident earlier last week in an unrelated case. Mr. Clinton was an acquaintance of Heather Jackson (the victim) for the past five months. Mr. Clinton has a lengthy criminal history. Mr. Clinton has served prison terms after being convicted of two counts of Felonious Assault and Involuntary Manslaughter in 1999 in Wood County. Mr. Clinton has a conviction for Corruption of a Minor in 1998. He was released from prison in February of 2012. The Lucas County Coroner's Office is conducting autopsies today and more charges may be filed. Jim Lang thanked Erie County Sheriff's Office, Perkins Township Police Department, The Ohio Bureau of Criminal Identification and Investigation, the FBI and the U.S. Marshal's Office for assisting with the investigation. It is through these collaborative efforts that things can be solved in a very short period of time and the SPD has been doing this for the past few years.

Nicole Ard said she received a report about **another incident where a citizen and personnel from the Sheriff's office assisted members of the Sandusky Police Department.** On August 10, a citizen assisted in the apprehension of an individual charged with burglary, theft, tampering with evidence and obstructing official business. This citizen observed the theft and personnel from different agencies assisted including Sheriff Sigsworth and Deputy Oliver. Jim Lang said this incident occurred on Perry Street when a laptop was stolen from a front porch and a citizen pursued the thief. The officer got to CVS at Warren and Monroe Streets and pointed the thief out to the officer and after a short foot pursuit, the subject was apprehended on East Adams Street.

Nicole Ard reminded citizens of another opportunity to participate in a **community cleanup on September 22** and to contact Kelly Kresser for details.

Nicole Ard said Mark **Gilliam was recently sworn in at the Sandusky Police Department.**

OLD BUSINESS

Diedre Cole said the city has been assigned a consultant and engineer for **the Safe Routes to School program** and a teleconference has been scheduled for September 17.

Jeff Smith asked Don Icsman to provide an update regarding the **Cedar Point area rental housing situation.** Don Icsman said an executive session was held at the last commission meeting to discuss options with the attorney. He has nothing but respect and admiration for the Judge and the city is not talking about the substantive decision nor criticizing it, but speaking to options of what the city may want to now do. The options are to:

- A. do nothing;
- B. file an appeal to the decision;
- C. file an appeal to the decision and rectify the alleged infirmities pointed out by the Judge in the city's ordinances;
- D. file an appeal to rectify the issues identified by the Judge and also regulate the activity in terms of some lawful administrative regulations that could be put in place for licensing and have some control for these types of units.

Don Icsman said the commission can do any of these items, or any combination, and with the exception of Julie Farrar, the commissioners heard what these entail with some specificity. There are about ten days left to file an appeal and the commission should now discuss what it is they want to do and why. Julie Farrar said she is of the opinion the city should file an appeal and rectify the shortcomings found by Judge Tone. Diedre Cole said she agrees with Julie Farrar and would like to file an appeal and regulate these units. Don Icsman said the Judge's decision addressed what he felt were shortcomings in the city's current ordinances and the city could go further with some reasonable regulations. Generally, this is a great vacation area and these types of rentals can be viewed as a commercial entity and this is not residential housing. In areas where this exists and is regulated as commercial for-profit, our code can be edited for reasonable regulations. Diedre Cole said this would not necessarily delay the appeal process and both can be worked on simultaneously. Don Icsman said the city's rights are preserved by filing an appeal and not compromising that the decision was incorrect. The city is moving expeditiously rather than waiting for the conclusion of the appeal to take action. Wesley Poole asked Don Icsman to involve what the Judge specifically found needs by tweaking the city's ordinances. Don Icsman said this was about terminology which the Judge found vague and as a legislative body, the commission can characterize property based upon objective criteria for the purpose of providing a land owner notice of what is and is not allowed through the zoning code, and what a reasonable person would understand is reasonable or not. The Judge asked for this to be made more precise and the terms better defined so that notice to a potential purchase is clear. The city will be clarifying and making sure, going forward, there would be a new set of rules or a new ordinance so that all of the legal issues will be addressed as this was criticized by the Judge. Julie Farrar said if the city goes with option C and is to regulate the rentals taking place, they will be able to rent either way. Julie Farrar asked how many of these houses are currently registered with the city and paying their fees, and if they will be grandfathered if this becomes law. Don Icsman said this is a good question and the way the Judge's order reads and if upheld, the city has lost its ability to regulate. People who are doing this (21 properties and 10 owners) would be able to continue to do this. If a new rule is passed, they would be grandfathered, but not grandfathered from the control and licensing which may be adopted. New property owners or future rental properties would have to comply with any new ordinance passed and this is a way to appeal the decision as it applies to anyone currently operating this type of commercial enterprise (who would be grandfathered). After the enactment of a new ordinance, this activity would be prohibited and the city will clearly be telling people what is and is not allowed going forward in traditional, residential neighborhoods. Don Icsman said in a recreational and vacation area, this is a commercial use in a traditional, residential neighborhood. In certain designated/zoned areas, this is permitted because of current classifications in our law such as the Chesapeake Lofts. Diedre Cole asked if the members of the Planning Commission will need to have input into the process and Don Icsman said he would defer to Carrie Handy but this is probably prudent. Julie Farrar said residential means residential and if this is going to happen, she is concerned about the quality of life for the people who bought homes in residential areas. There are people who are currently renting homes who had previously complained about the same things they are now doing, and the city needs to be cognizant of the people who live here; she does not want to see this go from 21 to 81 homes in a few years. The city is running home ownership out of town and rentals up.

Upon motion of Pervis Brown and second of Diedre Cole, the commission voted to file an appeal to this decision.

Discussion: Don Icsman asked if the motion is to file an appeal only, and Wesley Poole said this should be separate from any other action.

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

Upon motion of Diedre Cole and second of Pervis Brown, the commission voted to utilize option "D" (above) to correct any inconsistencies in the ordinance language and design regulations relative to transient, short-term rentals within the city limits.

Discussion: Wesley Poole asked Don Icsman if this works for his purposes and Don Icsman indicated it does.

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

John Hamilton said **a public hearing will be held on behalf of the Sandusky Transit System on Tuesday, September 18 at 5 p.m.** in the city building about expanded service areas and applications to the State of Ohio for operating and capital funds.

John Hamilton asked Nicole Ard about hiring a **full-time or part-time assistant for her office**. Nicole Ard said she is still figuring this out.

John Hamilton asked Don Icsman if he had anything to report regarding **the investigation requested at the last commission meeting involving the Police Chief Selection Committee**. Don Icsman said he has spoken with Pervis Brown and Diedre Cole as it mostly affects them. Attorneys are governed by the Ohio Rules of Professional Conduct which are promulgated by the Supreme Court of Ohio. Since the motion was made at the last meeting, he checked with the Ohio Ethics Commission regarding allegations made about certain behavior and the chairman of the committee. Don Icsman said the Ohio Ethics Commission has stated they do not want to be involved as even if the allegations are true, there are no ethical issues. Ethics are an illegal or unethical benefit sought or conferred upon by an elected official, his family or business associates; this is not present and is not a concern. Don Icsman said he is also required to analyze the situation in terms of potential conflicts of interest by his clients (the City of Sandusky and the city commissioners). Don Icsman said his relationship with the commission depends on loyalty and independence of judgment and when two of his "clients" have interests that are contradictory, incompatible, adversarial and irreconcilable; this has gone to another level. This is not merely a disagreement about policy, issue, project or a personnel matter. It is not litigation between two members, but it is an administrative investigation which puts the interests of one commissioner at odds or adversarial with another, and he cannot represent all of the commissioners and fulfill the requirements of loyalty and fidelity. Don Icsman said he cannot continue to investigate this and represent all of the commissioners and still continue having the confidentiality required of him. Don Icsman said he will need to preserve this relationship and it is not possible for him and this is similar to the county prosecutor who advises different boards when they are at odds. The prosecutor is required, in these types of situations, to recuse himself, and is analogous to what he is talking about. Don Icsman said this rule does negatively impact him and is a material limitation which is non-consentable as the end result is someone will not be happy about this and he has to continue working for all commissioners. Don Icsman said he has made contact with at least one lawyer who has not yet gotten back with him and he is looking for someone who is capable and competent in this area with a municipal perspective and who knows ethics to provide a quick, objective and thorough treatment and, hopefully, at a reasonable price. This is important and he will not bring in someone who currently performs work for the city (Marc Fischel or Bill Lang) and someone who is well qualified and highly recommended. Wesley Poole said based upon Don Icsman's comments, no matter what is done, there is no unethical behavior and asked if this is "done" or if the city should spend money on a consultant. Wesley Poole said he is not sure there is any more to be accomplished at the expense of consultant/lawyer fees. Don Icsman said he wishes to distinguish the motion made and Pervis Brown is not asking for an investigation about the candidates, but rather about the process, not the analysis which took place by the committee in terms of the candidates' qualifications. Inappropriate misconduct was alleged as well as manipulative behavior in terms of Pervis Brown and his interaction with the committee members. There were no allegations about the qualifications of candidates or the process of how they were eliminated. Don Icsman said while he has heard this, it is not what was asked for nor approved through the motion. Keith Grohe said there was no ethical violation and this comes back to a "he said/she said" situation. Keith Grohe said he does not believe taxpayer money should be wasted to go back and actually look at this situation if nothing unethical was done.

Upon motion of Keith Grohe and second of Wesley Poole, the commission vote to accept what was said by Don Icsman; there was not an unethical violation.

Discussion: Pervis Brown said this was not the purpose of his motion. There were allegations made about his actions pertaining to the job assigned to him (regarding the Police Chief Selection Committee) concerning undue influence and inappropriate actions. Pervis Brown said this is untrue and he was not asking whether something was unethical. If it is determined, regardless of what is said at the table to each other, the commissioners can speak untruths and then just let them be "unethical", this is not what he is saying. This is direct slander toward him as the chairman of the committee and saying he did something inappropriate in his action or duties; this is what he is asking to be looked into. The commission voted to do this (investigation) and if Don Icsman cannot do it, he needs to pass it on to someone else and what was voted on needs to be adhered to. Wesley Poole said they are getting into areas of interpretation of what was said. The attorney has advised the commission of what he took from this. He checked and indicated at the next level that this is not unethical. If Pervis Brown has a personal issue with Diedre Cole, rather than an ethical issue, which has no value or relevance to the City of Sandusky other than ethical behavior, he should contact his personal attorney. Wesley Poole said there is no more to be done dealing with ethics and this is not an issue for this body. Pervis Brown said what was said was not personal and Diedre Cole said it was not personal. Jeff Smith said the commission should not drop something because of a "he said/she said" situation and the citizens should expect more from them. Wesley Poole said so everyone is clear moving forward, Don Icsman took one

interpretation of the motion and currently, Pervis Brown has said he meant something else. Now it is being suggested the commission will determine whether the actions of the committee are according to what the charter outlines. Pervis Brown said he wants the accusation addressed that he influenced the committee to eliminate members of the Perkins Police Department from the selection process which is exactly what Diedre Cole said he did. Don Icsman said he mentioned ethics because this is being questioned by Pervis Brown through conduct and alleged undue influence or improper manipulation of the process the committee was engaged in. The ethics is part of it, but he believes Pervis Brown is saying he never acted unethically although there have been allegations made about how he behaved and conducted the selection committee. This was not about the candidates or requirements as this is very different. The commission can do this, but they would implicitly or explicitly be saying to stop the process because that part of the process has not been requested to be investigated. This is why the motion at the last meeting was about the conduct, behavior and influence made by Pervis Brown was at issue. Don Icsman said the implications and innuendo, whether true or not, is not what Pervis Brown asked about. The motion made at the last meeting was for "the law director, or someone through his office, to investigate the allegations and accusations made by some on this commission concerning the conduct of myself as chairman of the selection board and the actions and interactions of the members of that board with me and each other. False and baseless criticisms are nothing more than speculation and innuendo and have been made to attempt to impugn the actions of the selection board. I am asking for this even though the process is almost complete and the selection board has nearly finished its work. I think it is important for the community and the board members to dispel any myth about alleged improper conduct or undue influence by me or anyone else on this board." Julie Farrar said Don Icsman explained the motion and there was not an ethical violation but this was not what the motion was so she believes what Pervis Brown has asked for is understood by Don Icsman and this motion does not really make sense.

Roll call on the motion: Yeas: Wesley Poole, Keith Grohe and John Hamilton, 3. Nays: Diedre Cole, Jeff Smith, Julie Farrar and Pervis Brown, 4. The President declared the motion failed.

NEW BUSINESS

The City of Sandusky is **accepting applications for the 2012 P.R.I.D.E. Awards**. Nomination forms are available at city hall and on the city's website and are due to the City of Sandusky's Division of Planning by Friday, October 5.

Julie Farrar said she would like to attend the **Ohio Municipal League annual conference scheduled for November 1 -2 in Columbus**. Diedre Cole and Wesley Poole have also expressed interest in attending this conference (Wesley Poole for one day/Thursday only). There are expenses associated with traveling to this conference and Kelly Kresser said full conference registration is \$170 per person while a one day registration is \$120 per person. Julie Farrar said this would include \$460 for registration (Julie Farrar, Diedre Cole and Wesley Poole); \$20 to register for the Women in Government session (Julie Farrar and Diedre Cole); \$548 for two hotel rooms for two nights (Julie Farrar and Diedre Cole); \$133.20 mileage for one vehicle; meals will be at their own expense. Wesley Poole said he will not be spending the night.

Upon motion of Pervis Brown and second of Jeff Smith, the commission voted for the city to pay for the expenses for this conference. Roll call on the motion: Yeas: Diedre Cole, Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown and John Hamilton, 7. The President declared the motion passed.

Diedre Cole said she recently had an opportunity to attend the "**County Commissioners, Decision Makers and Interested Parties Lake Erie Day**" at **Gibraltar Island**, and was the only person in attendance from Sandusky, Perkins and Erie County. There were 30 or 40 other elected officials and this was an incredible day spent learning about the lake. Diedre Cole said she was disappointed that others could not attend because of scheduling problems, but spoke with the director about the city commission and staff going back as a group. This is well worth the effort and investment of time as Lake Erie is facing serious issues which are going to directly affect Sandusky in the future. Diedre Cole would like to arrange for a trip/tour before the end of October. There are 2.9 million people who depend on the lake daily for water, 14,000 jobs are generated annually and of the eight surrounding counties, \$10 million tourism dollars are generated which is significant for the area. With the algal bloom and other problems with the lake, legislators need to be informed and take aggressive action before it is too late. John Hamilton said he would be interested in this. Julie Farrar asked if this would be an all day session and Diedre Cole said she went in the morning and spent most of the day touring, testing and sitting in informational sessions. The Clean Marina program was discussed and where they are in the process. Diedre Cole said she had thoughts about putting a storm drain directly into the lake on Curran Street

because of attending this session. Pervis Brown said he commends Diedre Cole for this information but with so many other problems the community is facing and should be solving, he would not be interested in participating at this time. Diedre Cole said to some degree she agrees, but the lake and the bay is Sandusky's lifeblood and we should either protect it or pack up and move. This is a critical issue which cannot be put off until the city gets itself together. This will allow the city to make the decisions necessary to move forward. John Hamilton said this could be set up and those who are interested can attend.

AUDIENCE PARTICIPATION

Doug Ebner, who owns five rental properties on Cedar Point Road, said when this issue came up one year ago (rental housing units on Cedar Point Drive), it was brought to the attention of the law director and other attorneys involved. The Ross case was ruled upon by Judge Tone and the city voted to appeal in Toledo Court which is where the ruling initially came from. He asked how much money the city is willing to spend on the same issue and how much has already been spent as he has spent over \$30,000 as well as other property owners. This can be a win-win situation and the city should embrace tourism. Vacation rentals are going on all over the world: the Hamptons, Vail and Aspen and we are not too good for this here. Wesley Poole asked about behavior of the renters and experiences; John Hamilton said this is not up for discussion tonight.

Sharon Johnson, 1139 Fifth Street, asked for updates on the Keller Building chimney and Todd Roth said the removal has not yet been scheduled and the contractor is pursuing a second possibility. Sharon Johnson asked if union negotiations have begun yet and Nicole Ard said they have not started and are not yet scheduled. Sharon Johnson asked if the police chief selection will be held up because of the investigation and Don Icsman said the point made is that this will move forward. Sharon Johnson asked how long the \$267,000 ambulance debt has been accumulating and Paul Ricci said he does not know, but when PCSO meets with the new contractor, this information will be provided. Paul Ricci said there is a six-year period of time to go back with collections in this line of work. Any debt beyond six years is non-collectable. Sharon Johnson asked if the city has used the same collector for the past five years and Paul Ricci said the collection agency approved (Item #1) is a different company.

Andy Ouriel, [Sandusky Register](#), asked what the next step is in the police chief selection committee process since the motion regarding the investigation was rejected. Don Icsman said the commission will be proceeding with the motion made at the last meeting by Pervis Brown. Andy Ouriel asked who the local representative is for the Erie County Land Bank Committee and asked Julie Farrar if she made the decision about hiring the new director. Julie Farrar said it was discussed at the last Land Bank Committee meeting. Andy Ouriel said Erie County is set to name Scott Schell as the new director of the program and he (Scott Schell) was associated with the defunct Marina District project. As the county's land bank program represents the City of Sandusky, Andy Ouriel asked Julie Farrar to give the public a statement why she supports (or not) Scott Schell as the new director. Julie Farrar said this question might be addressed to the chairman of the committee, Pat Shenigo, who brought Scott Schell's name forth as the top candidate for the job. Julie Farrar said Scott Schell definitely has the credentials for the job. Andy Ouriel asked if a vote was taken regarding this decision and Julie Farrar said the last time the committee met, Scott Schell was going to be called and offered the job. Julie Farrar said the committee members will have to collectively approve his employment. Andy Ouriel asked if Mark Gilliam was a police officer previously in the Sandusky Police Department and Nicole Ard said he was. Nicole Ard said this pre-dates her employment with the city, but Mark Gilliam's employment was terminated and he is now a police officer. Andy Ouriel asked for more background and Don Icsman said an appeal was filed regarding this termination and the court filed in his (Mark Gilliam) favor. Andy Ouriel said he will make a written request to inspect Mark Gilliam's personnel file.

Upon motion of Jeff Smith and second of Pervis Brown, the commission voted to adjourn the meeting at 6:30 p.m. The President declared the motion passed.

Kelly L. Kresser
Clerk of the City Commission

John F. Hamilton
President of the City Commission