

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

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

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 Diedre Cole and second of Wesley Poole, the commission voted to approve the minutes of the September 10, 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 the property owner still owns the land and if this is a freebie, compliments to the taxpayer, or if a lien will be placed on the property (Item #7).

Tim Schwanger, 362 Sheffield Way, asked what the impact will be to the sewer capacity (Item #4). He asked if it is normal procedure to use CDBG money to tear down a building and if this will be written off (Item #7).

CURRENT BUSINESS

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

ITEM #1 – Submitted by Hank S. Solowiej, CPA, Finance Director

Budgetary Information: The city is required to accept the tax rates as determined by the Erie County Budget Commission before October 1, 2012. This approval establishes funding for 2013. The total amount for 2013 is 1% (or \$25,582) lower than the total amount certified for 2012. The prior year resolution was passed by city commission on September 26, 2011 (Resolution 038-11R).

RESOLUTION NO. 026-12R: It is requested a resolution be passed **accepting the amounts and rates as determined by the Erie County Budget Commission; authorizing the necessary tax levies and certifying them to the county auditor;** and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

Upon motion of Pervis Brown and second of Keith Grohe, the commission voted to approve this resolution according to Section 14 of the city charter.

Discussion: Diedre Cole asked if the 1% decrease is a trend as last year's decrease was 2.5%. Hank Solowiej said it is a little bit lower, but is not as much of an impact as people thought. Property taxes are not a real big revenue item for the city's general fund but approval of tax rates by the Erie County Budget Commission are based upon valuations. Diedre Cole asked if this was incorporated into the city's budgeting process and Hank Solowiej said the county's numbers were used as a starting point for 2013 budgeting. Hank Solowiej said 2013 overall revenue estimates are down. Pervis Brown said all property owners received a letter from the Erie County Auditor reflecting tax assessments and these show what is happening in the community right now.

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

ITEM #2 – Submitted by Hank S. Solowiej, CPA, Finance Director

Budgetary Information: The total cost for the annual support fee is \$11,019.53. Of this amount, \$5,509.77 will be paid by the general fund, \$2,754.88 by the water fund, and \$2,754.88 by the sewer fund. The prior year ordinance was passed by city commission on September 26, 2011 (Ordinance 11-092) that covered the period November 1, 2011 through October 31, 2012.

ORDINANCE NO. 12-095: It is requested an ordinance be passed **authorizing and directing payment to Software Solutions Incorporated of Lebanon, Ohio, for the annual software support fee for the period**

November 1, 2012, through October 31, 2013; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

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

ITEM #3 – Submitted by Scott A. Miller, Director of General Services

Budgetary Information: The total cost of the State Route 2 maintenance services for FY 2012 is \$12,524.42 and will be paid with the city's state highway funds (account 217).

ORDINANCE NO. 12-096: It is requested an ordinance be passed **authorizing and directing payment to the Treasurer of State, Ohio Department of Transportation, for the maintenance of State Route 2; authorizing the city manager to enter into an agreement for the maintenance of State Route 2 in the City of Sandusky by the Ohio Department of Transportation for the period of July 1, 2012 through June 30, 2013;** 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 Julie Farrar, the commission voted to approve this ordinance according to Section 14 of the city charter. Roll call on the motion: Yeas: Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton and Diedre Cole, 7. Roll call on the ordinance: Yeas: Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton and Diedre Cole, 7. The President declared the ordinance passed.

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

Budgetary Information: This legislation has no budgetary impact.

ORDINANCE NO. 12-097: It is requested an ordinance be passed **authorizing and directing the city manager to enter into an amendment to the sewer services agreement between Erie County and the City of Sandusky to allow for a new connection to the city's sewage system to service the Village of Bay View;** 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 Julie Farrar, the commission voted to approve this ordinance according to Section 14 of the city charter.

Discussion: Todd Roth said the agreement already in place with Erie County allows a certain amount of flow and even with this addition, it will not be exceeded. Todd Roth said there are about 300 homes in Bay View, the amount the system will service is small, and the line is 30" which has the capacity. This is a new (dry) system and the city is not collecting storm water, only sanitary sewer. This will go past our pump station and different options were looked at regarding capacity and meeting the already established guidelines in the agreement. This will be paid for as currently written in the agreement and according to the flow coming into the city's system.

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

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

Budgetary Information: None

ORDINANCE NO 12-098: It is requested an ordinance be passed **amending Part Thirteen – Building Code, Title One – Building Administration, Chapter 1305 – Permits and Fees and Chapter 1313 – Electrician Examining Board and Title Five – Additional Local Provisions, Chapter 1349 – Electrical Code, in the manner and way specifically set forth herein below;** and declaring that this ordinance shall take effect under suspension of the rules as contained in and in accordance with Section 13 of the city charter.

Upon motion of Diedre Cole and second of Wesley Poole, the commission voted to approve this ordinance according to Section 13 of the city charter.

Discussion: Pervis Brown asked what motivated this proposed change in the city's building code and what is going to be done differently. Todd Roth said Journeyman testing currently covers commercial and residential licenses. The proposed change would allow a Journeyman test for residential work only. If they want to further work on commercial, they would need to go back to test for both licenses. Todd Roth said there may be persons currently working on residential units without any license because they do not want to obtain a commercial license and recommends testing for only what they want to use rather than require both.

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

ITEM #6 – Submitted by Todd J. Roth, P.E., P.S.

Budgetary Information: The estimated amount of the consultant fee for professional design services is \$21,650 to be paid with water funds.

ORDINANCE NO. 12-099: It is requested an ordinance be passed **authorizing and directing the city manager to enter into an agreement for professional design services with the Mannik & Smith Group, Inc., of Beachwood, Ohio, for the Perkins Avenue waterline replacement design project;** and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

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

Discussion: Wesley Poole asked Todd Roth to explain this item and Todd Roth said there is a waterline on Perkins Avenue experiencing numerous breaks and a few years from now, it will need to be replaced. Because of the ODOT Perkins Avenue widening project scheduled for 2014 and while looking at plans and utilities, it was determined the city should replace the waterline now prior to making improvements to the intersection. The limits of the project are the widening of Perkins Avenue from Pipe Creek to the west where the subway was, or in the general area. Mannik and Smith Group is a qualified company which has already done the preliminary work on the project and will be utilized to save money. Wesley Poole thanked Todd Roth for his leadership and the engineering department staff for making good decisions on how to spend city money for this progress.

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

ITEM #7 – Submitted by Todd J. Roth, P.E., P.S.

Budgetary Information: The cost for this work is \$40,660 and will be paid with CDBG funds.

ORDINANCE NO. 12-100: It is requested an ordinance be passed **approving the emergency demolition work at the property located at 1636 Hayes Avenue, Sandusky, ratifying the award to and execution of the contract with Herbst Excavating LLC, of Sandusky, Ohio;** 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 Julie Farrar, the commission voted to approve this ordinance according to Section 14 of the city charter.

Discussion: Todd Roth said this is proposed for payment with CDBG funding and notifications were made so this can be assessed to the property although this process is not yet completed. The costs need to be one hundred percent complete prior to being assessed. Wesley Poole said tearing this building down was a positive step for this area and he is glad to see it is done. John Hamilton said he was in the building earlier this summer and it was scary. Todd Roth said the wall was leaning near the underpass and this needs to be cleaned up and completed.

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

CITY MANAGER'S REPORT

Upon motion of Julie Farrar and second of Pervis Brown, the commission voted to accept a donation in the amount of \$368 for the General Services Department/Greenhouse; these funds were collected through community donations at plant sales and other activities this summer. The President declared the motion passed.

Upon motion of Keith Grohe and second of Wesley Poole, the commission voted to accept a donation of 972 - 24 oz. bottles of Gatorade, 312 power bars, 18 one-gallon containers of Gatorade concentrate, 33 bottles of muscle milk and four boxes of power bar gel from the REV3 Triathlon for the Sandusky Fire Department. 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 \$1,000 from the Ohio Department of Justice, F.E.M.A. for the Fire Department for planning and public outreach on residential fire sprinklers.

Discussion: Paul Ricci said a \$1,000 media placement stipend was awarded through the Federal Emergency Management Agency. The Home Fire Sprinkler Coalition is being recognized as a U.S. Built for Life Fire Department because of our activities and demonstrations for the use of home sprinkler systems and work toward improving the quality of life in the community.

The President declared the motion passed.

Nicole Ard asked for action by the commission to offer **Mills Creek Golf Course passes through a sale by purchasing a 2013 pass at the 2012 price and receiving free golf during the months of October and November, 2012.**

Upon motion of Pervis Brown and second of Keith Grohe, the commission voted to offer 2013 season passes at Mills Creek Golf Course at 2012 price and to offer free golf to pass holders during the months of October and November, 2012. The President declared the motion passed.

Nicole Ard said the **Paper District marina manager is interested in offering an end of season discount for boaters** partly because of the low water levels in Sandusky Bay. It is being suggested to offer a rate of \$110 – \$120/week for a 41' boat. Nicole Ard has heard positive things from boaters about keeping their boats in the water rather than pulling them. Pervis Brown said it would be great to take advantage of this opportunity by offering a reduced price. Nicole Ard said it was suggested to charge a slightly higher rate of \$160 for larger boats and to allow this flexibility. Wesley Poole asked how this will impact area marinas and Nicole Ard said the Paper District marina is deeper than others. Nicole Ard said people have called and said they are running aground and the depth in the paper district marina is 8.5' and is an advantage other marinas do not have. Wesley Poole said this is a good idea and his concern is outreach to other marina owners to ensure the city is not taking advantage of tax dollars. Nicole Ard said she believes others pay in advance for storage and Wesley Poole said he also believes this is the case. Julie Farrar asked if it is agreeable to amend the motion to charge a higher rate not to exceed the \$287. John Hamilton said the charges would be according to the length of the boat. Nicole Ard said this could be adjusted as needed.

Upon motion of Pervis Brown and second of Keith Grohe, the commission voted to offer a reduced rate of \$110 - \$120/week. Roll call on the motion: Yeas: Wesley Poole, Keith Grohe, Jeff Smith, Julie Farrar, Pervis Brown, John Hamilton and Diedre Cole, 7. The President declared the motion passed.

Nicole Ard thanked staff from the planning division who participated in a **joint effort with Erie County regarding investors coming into Ohio.** The city's economic development materials were updated for business expansion and retention and for potential visitors and residents. A new brochure was distributed to the commission which is a quality effort.

There will be several departments working at the **Chamber of Commerce After Hours event** at Kalahari on Thursday evening from 4 p.m. – 7 p.m. to show other area businesses what the city has to offer.

Nicole Ard thanked Paul Ricci, John Hamilton, Keith Grohe, Kelly Kresser and volunteers from Home Depot for their efforts this past Saturday in **cleaning up the MacArthur Park area.** Children tested the playground equipment and more work needs to be done.

Diedre Cole said **a meeting was held recently with downtown property owners and residents** and asked if a resolution was made. Nicole Ard said Todd Roth did a great job facilitating this meeting and

those in attendance agreed to disagree. This was a good meeting with residents and property owners to understand each other's perspective and working together regarding **downtown dumpsters and parking issues**.

OLD BUSINESS

John Hamilton said there will be a **special meeting of the city commission on Monday, October 1 beginning at 5 p.m. at City Hall to further address strategic planning for the City of Sandusky**.

The next **regular city commission meeting will be held on Tuesday, October 9 as city offices will be closed on Monday, October 8 in observance of the Columbus Day holiday**.

John Hamilton said **the City of Sandusky is still accepting applications for the 2012 P.R.I.D.E. Awards**. Nomination forms can be obtained at city hall or on the city's website and the deadline for nomination is Friday, October 5.

Wesley Poole asked if the city is on target to meet the ODOT deadline to have **funding for the Ferndale project behind George Street**. Nicole Ard said Carrie Handy met with the owner of the company last week. They had an unfortunate incident and she is working to confirm information from them to meet the November 1 deadline.

Diedre Cole asked if there is an agenda **or outline for the strategic planning session on October 1** and Nicole Ard said she will be getting this out.

NEW BUSINESS

Keith Grohe distributed a pamphlet about **urban farming/gardening in vacant parking lots** and this might be a good idea for areas where buildings are being torn down. There is already a very nice community garden in Churchwell Park which is about one acre in size and a lot of products are given away.

Keith Grohe said he is a member of the **Friends of Pipe Creek** and recently attended a meeting. Breann Hohman and Crystal Dymond said there are **grant funds available for storm water runoff projects** and he would like to help them determine what may be available for this purpose. The Chagrin Falls watershed was recently awarded an \$821,000 grant.

Keith Grohe said **Ohio Birding** brings in \$27 million annually to the State of Ohio and 283 jobs to the Northern Ohio economy. Birdwatchers recently came to the area and Keith Grohe invited Nicole Ard to join him in touring the Pipe Creek pathway.

Diedre Cole said the Cleveland area is hosting a **storm water management training facility** and she will provide more information about this.

Diedre Cole said members of the **Human Relations Commission (HRC) are requesting authorization allowing them to submit a grant to the Mylander Foundation which is due October 1**. She asked Naomi Twine (Chairperson) to talk about this proposed grant. Naomi Twine said the HRC has been busy behind the scenes and an appeals process has been put in place. The HRC has also drafted by-laws for their operation and these are currently being reviewed by the Law Department. Naomi Twine said members of the HRC now believe it is time to obtain some funds to market themselves. The city budget is strained, but they would like to write a grant in the amount of \$1,500 to obtain educational and promotional items for this purpose.

Upon motion of Diedre Cole and second of Wesley Poole, the commission voted to support the efforts of the members of the Human Relations Commission to proceed by filing a grant application with the Mylander Foundation.

Discussion: Wesley Poole said committees are working toward improving the community and building bridges with the residents and hopefully this motion will be supported.

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

Upon motion of Diedre Cole and second of Pervis Brown, the commission voted to hold an executive session regarding personnel, law department. Roll call on the motion: Yeas: Keith Grohe, Jeff Smith,

Julie Farrar, Pervis Brown and John Hamilton, 5. Nays: Wesley Poole and Deidre Cole, 2. The President declared the motion passed.

AUDIENCE PARTICIPATION

Sharon Johnson, 1139 Fifth Street, asked when Shoreline Drive will reopen now that the Keller Building chimney stack has been removed. John Hamilton said there is concern about block falling from the north wall. Sharon Johnson asked if the north wall will collapse and Pervis Brown said there is concern and it is better to be safe than sorry. Sharon Johnson asked if the wall going to the water tower will fall too and John Hamilton said he is not a civil engineer, but it is a possibility and this is why the road is blocked off. Sharon Johnson asked if any emergency steps can be taken. Todd Roth said the stack was just removed and he does not want to recommend opening the road because of deterioration of the north wall and he has not had a chance to get back in the building since the chimney stack was removed. One leg of the tower is supported by the northwest column and he will not recommend reopening the road until he looks at this. Sharon Johnson asked for clarification about the Paper District marina discounts and John Hamilton said this marina is deeper than others in the area and instead of boaters pulling out of the water early, they can store their boats at the marina for the month of October at a discounted rate. Sharon Johnson asked when marinas normally close and John Hamilton said the Sandusky Sailing Club closes October 31, but boats are already dragging in the mud. Sharon Johnson asked when the Paper District marina was supposed to close and John Hamilton said he believes October 31 and any money the city gets in the form of rent is money for the city. Sharon Johnson said if these people are paid up at another marina, they can spend additional money to come to the city's marina and asked how much will be discounted. John Hamilton said about fifty percent, but when sitting empty, any money brought in is money to the positive.

Andy Ouriel, [Sandusky Register](#), asked for an update on the Police Chief Selection Committee and Pervis Brown said the committee is in the process of checking out the finalists for the position. Andy Ouriel asked if the timeline to hire a police chief by October is reachable; Pervis Brown said it is reachable but does not know if it is possible. Andy Ouriel said based upon the roll call for an executive session, two commissioners voted not to go behind closed doors. Andy Ouriel said he assumes this is about Officer Mark Gilliam's termination and Marc Fischel (the city's attorney). When this was brought up two weeks ago by him (Andy), no one said anything. Andy Ouriel said he went to various city departments to obtain the necessary documents and why - if he wanted to talk about this two weeks ago - would the city commission **now** go into a closed door session after-the-fact. Julie Farrar said if the city commission wants to speak with personnel about a personnel matter, it is allowable by law to go into an executive session. Andy Ouriel asked if this were so even if it is a contracted employee and Julie Farrar said she wants the executive session so she can obtain more explanation and she will call Andy Ouriel afterward.

Fred Farris, 1114 C Street, thanked Nicole Ard for getting weeds out of the garden. Fred Farris said he has a serious problem with the police department as he has an adversary who has filed frivolous complaints against him. He had a Temporary Protection Order issued against him on September 12 as this person was driving on Columbus Avenue in his pickup truck and was seen at the light, shot left of center and tried to run him over. Fred Farris filed a report at the police department and nothing has been done. Lt. Mike Campbell wrote the report and something needs to be done so he (Fred) is not hurt or killed. Fred Farris said this gentleman does not have a driver's license, yet he is driving and officers know where he lives. It seems like the Sandusky Police Department picks who they want to arrest and this is not fair to the public and he (Fred) should be protected and served also. Fred Farris said he respects the SPD but they are doing things that are not right and showing favoritism. Fred Farris said he has a history of violence but has turned his life around, yet this guy is still driving around and something should be done about it. Fred Farris said he does not want to have to say "I told you so" and if he killed the guy, he would make headlines. People do not seem to care when a black person kills a black person, but when it is a white person and a black man, it is different. There are many more weeds that need to be cut out of the garden. John Hamilton said he also has a black cloud over his head and was arrested before, but it is just a matter of time before this guy is pulled over and/or arrested. Julie Farrar asked if Nicole Ard could follow up with Jim Lang and Fred Farris. Fred Farris said he tried to do this today.

Tim Schwanger, 362 Sheffield Way, said the building which was approved for removal at 1636 Hayes Avenue (Item #7) was torn down because it was an emergency, but believes the property owner should be held financially responsible so the city can get its CDBG money back for other uses.

The President announced a recess of the regular session at 5:52 p.m. One executive session was held beginning at 6:06 p.m. Upon motion of Jeff Smith and second of Pervis Brown, the commission voted to adjourn the meeting at 6:35 p.m. The President declared the motion passed.

Kelly L. Kresser
Clerk of the City Commission

John F. Hamilton
President of the City Commission