

Dennis Murray called the meeting to order at 5 p.m. after a moment of silence for David “Bo” Rather, a 1969 graduate of Sandusky High School who had a long Pro Football career with two Super Bowl Rings, the Invocation, given by Wes Poole, and the Pledge of Allegiance.

The Clerk called the roll and the following Commissioners responded: Dave Waddington, Nikki Lloyd, Greg Lockhart, Dennis Murray, Wes Poole, Naomi Twine and Dick Brady.

City staff present: Aaron Klein – Public Works Director, John Orzech – Police Chief, Rick Wilcox – Fire Chief, Matt Lasko – Chief Development Officer, Angela Byington – Planning Director, Stuart Hamilton – IT Manager, Don Rumbutis – IT, Hank Solowiej – Finance Director, Justin Harris - Law Director, Eric Wobser – City Manager and Kelly Kresser–Commission Clerk.

Upon motion of Dave Waddington and second of Naomi Twine, the commission voted to approve the minutes of the March 26 meeting and suspend the formal reading. The President declared the motion passed.

#### **AUDIENCE PARTICIPATION**

Tim Schwanger, 362 Sheffield Way, representing Save Our Shoreline Parks, said the city is into the Block By Block program (Item #2) for \$2,000 from last year and moving forward, another \$2,900, and asked if there are additional hidden costs to lease this building as \$150 per month seems low. People who have run the boat launch facility previously had to pay a monthly fee plus utilities and asked if this will limit us in the future to use this building for what it was intended. The former State Farm building on Monroe Street has five or six different offices and might be a good place for Block By Block in the future. Tim Schwanger said he has done some research about the smoking ban and there are minimal problems with secondhand smoke if you are 6’ away from a smoker (Item #4). The current law does not allow smoking 25’ from play equipment and this is far enough away from children who may be susceptible to secondhand smoke. We have a bigger problem with geese than we do with cigarette butts and need to come up with a compromise such as a designated smoking area in parks and this is about freedom of choice.

Kathryn Carter, 5309 Columbus Avenue, said she does not like smoke but does have the right to tell someone they cannot smoke in a park and suggested placing containers for cigarette butts. The city cannot empty containers full of trash so this would not be a good compromise.

Erica Coleman, 5214 McCartney Road, said she works with the Ohio Disability & Health program which is a CDC funded health grant and with the Ohio Department of Health on several tobacco cessation initiatives and is also a Certified Tobacco Treatment Specialist. She supports the smoke-free parks initiative and said it is important to recognize smokers have the right to smoke, but do not have the right to impede upon those who choose not to smoke. When children are in the parks with asthma or other health related concerns, secondhand smoke affects them. Smoking is not a one-way street and there are numerous studies which document secondhand smoke contains the exact same amount of deadly chemicals as those being ingested by the actual smoker. There is no safe level of exposure to secondhand smoke and it harms everyone. Secondhand smoke levels in outdoor public areas can reach levels as high as those found in indoor facilities where smoking is permitted. There are many areas in parks where people congregate such as picnic areas, bleachers and parking lots and people are exposed to secondhand smoke in very close contact. Secondhand smoke odor is detectable at 23’ from the source and irritation levels begin at 13’; furthermore, if the wind is blowing, anyone downwind from secondhand smoke will be exposed even at significant distances. Litter is another issue and cigarette filters are the most commonly littered item in the United States. Over 175 million cigarette butts are littered every year and these decompose after 15 years and should be considered. Butts can be ingested by toddlers, pets, birds and fish. As a community, we want to be smoke-free and promote positive role modeling for our youth and protect our children and the environment.

Marcie Platte, 1217 Columbus Avenue, said she was shocked to listen to comments made by Nikki Lloyd about making the parks non-smoking as she is not permitted to vote on legislation regarding the Jackson Street Pier or Shoreline Park. Most people smoke when they are drinking and said Nikki Lloyd owns two establishments where people are drinking and smoking should be banned in the whole downtown. People have a choice in a park and has never seen two people fight in a park over someone standing too close to another because of cigarette smoke. The city recently approved a budget to add two more persons for economic development but not one more person to take care of the parks. The commission should spend more time trying to make sure the parks are funded and taken care of than on the few people who will be smoking a cigarette. As a licensed independent social worker, she works with people who are trying to stop smoking and it is not easy. Cigarettes now do not contain the same compounds as they did in the 1930's to the 1950's. It is a difficult thing for someone to stop smoking and asked if the city will try to stop people addicted to other things. The 25' restriction should stay but the commission is over-reaching. Marcie Platte said the sidewalks around the new middle school were going to be taken care of by the Safe Routes to Schools project, but does not see these going in on Hayes Avenue. The city just approved a lot of money for Cedar Point to take some land over and we should at least give our middle school children sidewalks to walk to school on.

Mike Meinzer, 413 Cove Street, said limiting smoking is a good idea. Many members of his family smoked and died from heart or lung disease or have emphysema and there was a time when he smoked as well as everyone he worked with. When driving by and seeing Police Officers, Fire Fighters or hospital workers smoking, it sends a terrible message to youth in the community who are vulnerable and it would be best to keep this out of any public areas. He hopes by the time his grandchildren are older, smoking will be something that does not happen in the U.S.A. as it costs a lot with health care. This may be hard to enforce but perhaps by embarrassing people and letting them know this is not acceptable to most of society might be the route to go and is for anything the city can do to prohibit smoking in public areas.

Robin Hudnall, 511 West Washington Street, said she owns a business at 124 Columbus Avenue and is speaking on behalf of the smoking ban. She has been a smoker most of her life and has four children, but there are parental rights and she has the right to not have her children exposed to smoke and does not smoke in her house or car. She has watched her daughters as toddlers pick up cigarette butts and put them in their mouths. Although she has heard about smoking at bars, she does not take her children to bars, she takes them to parks. Alcohol can only be drunk at certain locations or places with liquor licenses and does not understand why there is controversy. It is a parental right to protect her children even from herself as a smoker and stands *for* the smoking ban.

Jeanie Wertenbach, Director of Community Health at the Erie County Health Department, 420 Superior Street, said part of their job is to assess the health of the community. In Erie County, it has been assessed twenty percent of adults are smokers while eighty percent are not. Nineteen percent of our youth currently report they are using e-cigarettes while seven percent have admitted to smoking between sixth and twelfth grade. Of the twenty percent of current adult smokers, forty four have tried to quit smoking because they wanted to but this is a very difficult thing. With this new ordinance and this community conversation, it is an excellent time to choose healthy living to help residents and visitors make healthier choices. Children cannot speak on their own behalf and as an educator, specifically tobacco education, she hears students saying they understand and say they will commit to not smoking and ask for help for their parents. Role modeling is critical and saying it is okay to smoke in one place while not in another sends a message to children. Tobacco takes lives every single day and we have an opportunity to create policy to save lives. This is no different than years ago when the seat belt law was passed. This was a contentious topic and people did not want their rights taken, but thousands of lives have been saved because of it. Jeanie Wertenbach thanked the city for their efforts and encouraged the commission to consider adding e-cigarettes to the ordinance.

Christine Stelzer, Environmental Health Division of the Erie County Health Department, said one of her passions has always been children's environmental health and has worked to provide lead-safe housing in the community and has done some school environmental health inspections. The Community Health Assessment showed the need for the goal of reducing tobacco exposure in our community and part of this goal has caused the formation of a Tobacco Coalition. This Coalition works with different groups who want to move forward with smoke-free policies. Perkins Township adopted a smoke-free policy for all of their outdoor spaces last year without resistance and encouraged the commissioners to use reliable resources and provided different websites for tobacco statistics including the Ohio Department of Health and the CDC or Erie County's Community Health Assessment. Please consider the health effects of secondhand smoke and encourage adding e-cigarettes to the city's tobacco-free policy.

Catherine Simmons, Erie County Minority Health Task Force, said she supports the smoking ban. In Erie County, 31% of African Americans are smokers versus 19% of others and this is a huge difference. Catherine Simmons recognizes asking people to not smoke in places where they are accustomed to smoking can be seen as imposing or impinging upon their rights and not smoking at all when one is accustomed to doing it is very difficult. As a licensed professional clinical counselor, she understands working with addictions and her concern is for young people. Statistics have shown the biggest sign of whether children are likely to move onto drugs and alcohol is whether or not they started smoking. The Minority Health Task Force is concerned about minorities of all types and if they can prevent any child from smoking in the first place, all of us will be healthier. All of the statistics cited from the Health Assessment show the challenges which come from smoking and from second hand smoke and looks forward to all of us having better health.

Trini Lopez, 4707 Venice Road, said people who are trying to blame smokers for their kids smoking have choices. He did not smoke until he got older and his father told him he would knock his teeth down his throat if he smoked and this was good parenting. Smokers should not be blamed for bad parents; kids should be raised correctly. He has never been asked questions about smoking and does not know where these statistics came from. This is wrong and smokers have rights and 25' from play equipment is fine as it stands now. He hears second hand smoke kills but a lot of things kill people including drugs in our foods which cause cancer and police officers killing innocent people with guns. Trini Lopez asked who he turns his bills into for the money he has had to pay to get his truck fixed because of potholes.

Jude Guerra, 882 Crosstree Lane, said he is in support of the smoking ban and it is not news smoking is bad for people. People who smoke are addicted and many wish they did not smoke and thinks the city is doing another thing to curb an addiction. It would be great if smoking was socially unacceptable to our future generations.

Aaron Jacobs, 607 Wayne Street, said he supports the ban on smoking. As a parent, he does not want his son or his pregnant wife to be exposed to it. People should be able to breathe easily and is why this was outlawed in bars and this is taking it one step further. This will help clean the lake and will limit the amount of littering in the parks.

Tommie McDonald, 506 East Adams Street, said he quit smoking because his kids were putting the cigarette butts in their mouths and his place of employment smells of cigarettes and supports the ban. He has lived on Warren Street since he was a kid and has spoken to every Mayor about the condition of Warren Street. People throw trash because the road looks horrific. The city only receives a small percentage of taxes but Warren Street from Monroe to Water Street is a dumping ground and it looks like the projects in Detroit. It is a shame before the Lord this street looks this way and would like to see something done about it. He spoke to Jeff Keefe who told him the city was going to fill the potholes like they have been doing for 37 years and use DuroLast; Warren Street is not on the five-year plan and asked why it is not. He and his wife are fixing up their house and they deserve better as a taxpayer.

Kyle Johnson, 2020 Campbell Street, said he is against the smoking ban. When it comes down to voting, the commission needs to think in the long term. As an example, smokers heavily outweigh the non-smokers who smoke while fishing. If fishermen from out of town venture here to use our facilities, they will not go if they cannot smoke and this will cost the city and the ODNR money. People buy fishing licenses every year and all of this money goes into a fund for fish hatcheries and other wildlife. Nikki Lloyd owns two establishments downtown with ashtrays outside the doors which are in violation of Ohio law. The smoking ban is absurd and these should be enclosed outdoor patios. People should vote on things that matter and he should be able to light up while fishing and enjoy a cigarette while his kid is playing at the park.

### **PRESENTATION**

**Katie Semo, Regional Liaison with the Ohio Secretary of State's Office, said she is presenting the City of Sandusky with a commendation for being awarded with Site Selection Magazine's Top Micropolitan** in the country. The certificate is tendered on behalf of the people of the State of Ohio as a small token of their sincere gratitude and admiration for the exemplary achievement, hard work and dedication to developing a favorable business climate in the community. Sandusky has earned this coveted recognition and congratulated the City of Sandusky.

Talon Flohr, Neighborhood Outreach Coordinator, said in 2017, the commission asked the Law Department to look at the existing boards and commissions. They found a Youth Commission was on the books with a very specific makeup but had never convened; staff was tasked with reviving this Commission as it is needed in the city. When he reached out to youth organizations in the city, several residents reached out to him who were interested in helping and a discussion began. We are proposing this to start during the next school year with nine students, all either residing or attending school within the City of Sandusky, who would meet on a bi-weekly basis throughout the school year. These students would be selected by a committee made up of people representing each collaborating organization including the City of Sandusky, Sandusky City Schools, St. Mary Central Catholic, Big Brothers-Big Sisters of Erie County, the Boys & Girls Club and the Erie County Community Foundation. The purposes for this program are to collaborate with various youth organizations, provide leadership training with issues facing youth and to perform service project(s). Student selection will be taking place during the next two months and applications will be available at the schools and at City Hall. Talon Flohr said he is excited about the opportunities during the next school year for our youth and for the community. Dennis Murray asked to give thoughts as to how the City Commission will interface with the students and whether this would be via written reports or having commissioners speak from time to time and Talon Flohr said he envisions the commissioners working in an advisory role and the students will be introduced to the community at a commission meeting. Naomi Twine thanked Talon Flohr for putting this together and said it is a good idea to expose our youth to different things they may otherwise not be exposed to. There are great people in this community and this gives them an opportunity to see how businesses and government run. Wes Poole asked if there are other smaller organizations which are youth-oriented and may be able to interface with the youth. Talon Flohr said there definitely are more and all groups will be welcome to share their views and encourages them to participate regardless of size. Wes Poole asked if Acorn Ministries have been invited and Talon Flohr said he will add them to the list. Dennis Murray said if there are other organizations to add to the list to send them to Talon Flohr. Dick Brady said Talon is the right person to head this and the encouragement is for him (Talon) to simply expose what he has done with his life and the education he has received and his position with the city. He is a great role model and is glad he has taken this on. Nikki Lloyd said she is excited to see where Talon Flohr takes the Youth Commission and works with a very passionate group of people. It is also a great opportunity for the other projects to be integrated with youth from the community.

### **CURRENT BUSINESS**

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

Dennis Murray asked if anyone wished to remove any of the Consent Agenda items. There were no requests to do so.

#### **CONSENT AGENDA**

**A. Submitted by Kelly Kresser, Commission Clerk**

**NEW LIQUOR PERMIT FOR HAVINFUN TOO, LLC**

A Notice to Legislative Authority has been received from the Ohio Division of Liquor Control regarding a new D5I liquor permit (*spirituous 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.; restaurant meeting certain criteria*) for Havinfun Too, LLC, 101 East Water Street. It is requested the Commission Clerk notify the Ohio Division of Liquor Control the city has no objection to this permit.

**B. Submitted by Todd Gibson, Facilities & Properties Supervisor**

**DISPOSAL OF UNNEEDED ITEMS**

**Budgetary Information:** Proceeds from the sale of these items will be placed into the city's Issue 8 fund for vehicles.

**ORDINANCE NO. 18-076:** It is requested an ordinance be passed authorizing and directing the City Manager to dispose of vehicles and miscellaneous items as having become unnecessary and unfit for city use pursuant to Section 25 of the city charter; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**C. Submitted by Rick Wilcox, Fire Chief**

**RATIFICATION OF GRANT APPLICATION TO THE OHIO BUREAU OF WORKERS COMPENSATION**

**Budgetary Information:** The total amount of the grant project is \$9,216. Of that amount, \$7,680, if awarded, would be paid from the grant and the remaining balance of \$1,536 would be paid from the EMS account.

**RESOLUTION NO. 018-18R:** It is requested a resolution be passed approving and ratifying the submission of a grant application to the Ohio Bureau of Workers' Compensation for the safety intervention grant program for the Sandusky Fire Department; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

**D. Submitted by Rick Wilcox, Fire Chief**

**RATIFICATION OF GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND SECURITY**

**Budgetary Information:** The total amount of the grant funds applied for is \$16,500. The matching funds required for this grant is five percent or \$825, which will be paid from the EMS account.

**RESOLUTION NO. 019-18R:** It is requested a resolution be passed approving and ratifying the submission of a grant application to the U.S. Department of Homeland Security for the FY 2018 Fire Prevention & Safety program grant for the Sandusky Fire Department; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

**E. Submitted by Rick Wilcox, Fire Chief**

**RATIFICATION OF GRANT APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY**

**Budgetary Information:** There is no budgetary impact. This grant, if awarded, is one hundred percent funded by the Ohio Emergency Medical Services grant through the Ohio Department of Public Safety. There is no matching of funds.

**RESOLUTION NO. 020-18R:** It is requested a resolution be passed approving and ratifying the submission of a grant application for the 2018 – 2019 Ohio Emergency Medical Services grant program through the Department of Public Safety for the Sandusky Fire Department; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

**Upon motion of Nikki Lloyd and second of Wes Poole, the Commission voted to accept the Consent Agenda and declare all ordinances and/or resolutions as drafted and presented to the City Commission under the Consent Agenda shall take effect in full accordance with the**

Section reflected in the ordinances and/or resolutions, whether it be in full accordance with Section 13 or Section 14 of the City Charter. Roll call on the motion: Dave Waddington, Nikki Lloyd, Greg Lockhart, Dennis Murray, Wes Poole, Naomi Twine and Dick Brady, 7. Roll call on the ordinances and resolutions: Yeas: Dave Waddington, Nikki Lloyd, Greg Lockhart, Dennis Murray, Wes Poole, Naomi Twine and Dick Brady, 7. The President declared the ordinances and resolutions contained in the Consent Agenda passed in full accordance with the City Charter.

#### **REGULAR AGENDA**

**ITEM #1 - Submitted by Maria Muratori, Development Specialist**

**GRANT AGREEMENT WITH WINDAU HOLDINGS, LTD.**

**Budgetary Information:** The city will be responsible for providing \$15,000 in grant proceeds from the Community Development capital projects account on a reimbursable basis at the completion of the project.

**ORDINANCE NO. 18-077:** It is requested an ordinance be passed authorizing and approving a grant in the amount of \$15,000 through the housing development and beautification grant program to Windau Holdings, Ltd., in relation to the property located at 221 East Water Street; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**Upon motion of Dave Waddington and second of Nikki Lloyd, the Commission voted to approve this ordinance under suspension of the rules and in full accordance with Section 14 of the city charter.**

*Discussion:* Ed Windau said he and his brother rehabbed another building downtown and everything went very well. When they sold their business they decided to live downtown and made the investment. They appreciate the city's support and said the climate is correct to make these investments and they are excited about the downtown. Within the next 60 days, there will be a mammoth change at 221 East Water Street. A lot of the interior work is completed and the back of the building will be coming off and redone. This work should be completed this year. Dennis Murray said the city appreciates this investment in the community.

**Roll call on the motion: Yeas: Dave Waddington, Nikki Lloyd, Greg Lockhart, Dennis Murray, Wes Poole, Naomi Twine and Dick Brady, 7. The President declared the motion passed. Roll call on the ordinance: Yeas: Dave Waddington, Nikki Lloyd, Greg Lockhart, Dennis Murray, Wes Poole, Naomi Twine and Dick Brady, 7. The President declared the ordinance passed under suspension of the rules and in full accordance with Section 14 of the city charter.**

**ITEM #2 - Submitted by Matt Lasko, Chief Development Officer**

**LEASE AGREEMENT WITH BLOCK BY BLOCK, INC. FOR BUILDING AT SHELBY STREET BOAT LAUNCH FACILITY**

**Budgetary Information:** The city shall receive the equivalent of \$150 per month for the time period spanning May 1, 2018 to December 31, 2018 (\$1,200 annually). Block by Block, Inc. will make two installment payments to the city instead of monthly payments with the first \$600 installment payment being due on or before June 1, 2018 and the second \$600 installment payment being due on or before September 1, 2018. All revenues are to be deposited into the general fund.

**ORDINANCE NO. 18-078:** It is requested an ordinance be passed authorizing and directing the City Manager to enter into an agreement with Block by Block, Inc. of Louisville, Kentucky, for the lease of the building located at the Shelby Street boat launch ramp facility; 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 Nikki Lloyd, the Commission voted to approve this ordinance under suspension of the rules and in full accordance with Section 14 of the city charter.**

*Discussion:* Matt Lasko said several months ago the city voted to approve grant proceeds for Downtown Sandusky, Inc. for the Clean & Safe pilot project for the summer of 2018. We knew, given staffing levels of Block By Block, they would need to find a home to serve as a hub for their operations. Their staff will need a place to meet in the mornings and have office space to operate. Through this conversation, we identified this facility and terms of the lease are for CY 2018 at a rate of \$150 per month in two installments of \$600 each to cover the cost of the utilities. Block By Block will be responsible for separate metering for water usage and there will not be any additional improvements made and it is being leased in “as is” condition. While this is not uncommon to what the city has entered into in the past depending on the facility, the rent is modest to allow the city to have an operational entity overseeing and maintaining it along the shoreline. Justin Harris said last year the city sent this out for request for proposals to run the boat launch service and we received one response but were unable to reach terms. Wes Poole said he is under the impression the city is at approximately \$2,900 for the taxable portion of the downtown properties and said this is an additional expense. If there is any more money, other than what has been presented, we will have to make this work later on. Eric Wobser said this does not relate to the assessment process which will be for 2019 forward; this is for the pilot project and all of the city’s funding is identified including the \$50,000 grant. The city will actually receive revenue for this, not by expending revenue through rent payments. If we wish to continue this in future years, this would also mean revenue to the city but as of now, there is no planned further investment into a Clean & Safe program should a Special Improvement District be created and should we choose to invest in this program beyond the city’s assessment (around \$2,400 - \$2,900). Wes Poole said this lease is not the same as what the city does with Grinders at Shoreline Park. They are providing a service for the community and we do not pay them; we have \$50,000 tied up in Block by Block and in addition to getting a sweetheart deal on rent, this is a built-in money-making business. Although there are votes to make this acceptable, it is not the same thing; Grinders makes it or breaks it depending whether they sell enough product.

**Roll call on the motion: Yeas: Dave Waddington, Nikki Lloyd, Dennis Murray, Naomi Twine and Dick Brady, 5. Nays: Greg Lockhart and Wes Poole, 2. The President declared the motion passed. Roll call on the ordinance: Yeas: Dave Waddington, Nikki Lloyd, Dennis Murray, Naomi Twine and Dick Brady, 5. Nays: Greg Lockhart and Wes Poole, 2. The President declared the ordinance passed under suspension of the rules and in full accordance with Section 14 of the city charter.**

**ITEM #3 - Submitted by Jane Cullen, Project Engineer**

**PROFESSIONAL DESIGN SERVICES AGREEMENT WITH K.E. MCCARTNEY & ASSOCIATES, INC. FOR SAFE ROUTES TO SCHOOL PROJECT**

**Budgetary Information:** The not to exceed cost for professional design services is \$39,588. This project will be funded with federal highway administration funds through the Ohio Department of Transportation. The funding available for design services, utility relocation, inspection services and construction costs is capped at \$285,000.

**ORDINANCE NO. 18-079:** It is requested an ordinance be passed authorizing and directing the City Manager to enter into an agreement for professional design services with K.E. McCartney & Associates, Inc., of Mansfield, Ohio, for the Safe Routes to School project; 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 Dave Waddington, the Commission voted to approve this ordinance under suspension of the rules and in full accordance with Section 14 of the city charter.**

*Discussion:* Aaron Klein said this is one of the best programs operated by ODOT and projects are funded at one hundred percent and provide for safe pedestrian opportunities to get to various schools. One key component is to have a SRTS plan and this project was submitted by the city’s Planning Department in 2016 for curb ramps, pedestrian signals, new sidewalks and striping improvements between Hayes Avenue and Camp Street south of Pierce Streets. This portion of the project was included in the SRTS plan; there have been internal discussions about updating



this plan and may incorporate projects east of the middle school or proposed elementary schools. Unfortunately, as with any ODOT project, we do not foresee breaking ground until 2020 because of the planning process and other hurdles we have to go through. Dick Brady said we budget \$100,000 per year for sidewalks and through these efforts, we will get \$285,000 worth of improvements in the next year and one half to two years. Aaron Klein said these efforts are mostly through the Planning Department; we are simply implementing the project through the applications submitted.

**Roll call on the motion: Yeas: Dave Waddington, Nikki Lloyd, Greg Lockhart, Dennis Murray, Wes Poole, Naomi Twine and Dick Brady, 7. The President declared the motion passed. Roll call on the ordinance: Yeas: Dave Waddington, Nikki Lloyd, Greg Lockhart, Dennis Murray, Wes Poole, Naomi Twine and Dick Brady, 7. The President declared the ordinance passed under suspension of the rules and in full accordance with Section 14 of the city charter.**

#### **ITEM #4**

##### **FIRST READING – ORDERED IN 3.26.18**

##### **AMENDMENT TO SMOKING PROHIBITION IN CITY PARKS**

**PASSED AT FIRST READING:** It is requested an ordinance be passed amending Part Five (General Offense Code), Chapter 521 (Health, Safety and Sanitation), Section 521.101 (Smoking Prohibited at city parks) of the Codified Ordinances of the City of Sandusky, in the manner and way specifically set forth hereinbelow.

**Upon motion of Nikki Lloyd and second of Naomi Twine, the Commission voted to approve this ordinance at first reading.**

*Discussion:* Dave Waddington said he has listened to a lot of comments tonight, fielded a few phone calls and spoken to some residents. He questioned himself about this and asked if there is anyone in Sandusky who has not been harmed by smoking or by secondhand smoke. He worries about kids breathing secondhand smoke in the parks and the choices they do not get to make and parents may be disconnected; it has been proven secondhand smoke is dangerous and supports this legislation. Naomi Twine thanked everyone who came to express their opinions and is voting yes on this legislation as she is for a healthy community which we are trying to create in this area. She understands smokers have the right to smoke, but does not believe they have the right to infringe upon other people who do not wish to be around smoking. Greg Lockhart said he listened to everybody in this room, has listened to a lot of people outside of this room and has fielded a few phone calls and received thousands of comments online. The vast majority of those he has spoken to are against this ban and this is about more than smoking. There are a few people in this room who make a decision for all of the people who live and visit this city and appreciates opinions on both sides as they all matter and believes this is something the voters should decide rather than those in this room. This is an issue everyone should know about because the unsuspecting who may come into our parks will be affected by this. As a non-smoker, Greg Lockhart said he grew up with a smoker and it is difficult to get away from someone in an enclosed space, but we have the right to do anything that is legal with this and currently it is legal to smoke. This is not about litter and it is not just about smoking, it is about what we have the right to do. The first people to be affected by this are the average person who walks in the park. Greg Lockhart said he was approached by a veteran yesterday who said he wants someone to stand up for his rights because he fought for this country yet he comes back home and cannot have a cigarette. This is an opportunity for everyone to be involved in this process and smokers have rights as do non-smokers. This is about equality and why this needs to be put out to the majority for a vote. Nikki Lloyd said she lost three grandparents to smoking and has done a lot of research during the past couple of weeks, fielded phone calls and had conversations with random residents. After going over in more detail what the smoking ban entails, a lot of people appreciate the efforts we are making. In 2017, the National Parks & Recreation Association stated municipal governments have been passing ordinances banning smoking in public parks and on public beaches and more than 1,260 municipalities have tobacco free park laws on the books. It includes big cities like Boston, Los Angeles and Huston as well as small towns like Jasper,



Alabama, Wellington, Colorado and Sylvania, Ohio. The Huston Parks & Recreation Director said they needed help ensuring we had the tools to prevent a range of anti-social behavior in our parks and the ban gave them the chance to work with staff and the public health community to ensure all of Huston had access to safe and clean parks. According to the Ohio Department of Health, Ohio counties and municipalities with smoke-free laws include Strongsville (2013), Athens County (2014), Cleveland (2011), Cleveland Zoo (2011), Grandview (2015), Marysville (2013), Oakwood (2014), Oberlin (2014), Village of Lincoln Heights (2010), Village of Woodlawn (2011), Grove City (2016) and Perkins Township (2017). This is not new legislation and it is not a new idea, this is Sandusky trying to catch up with the times. A lot of information was brought up today and appreciates both sides because we need a conversation to let the community know this is a very important topic. Smoke-free parks are here to promote healthy living so creating smoke-free parks is a way for communities to make outdoor spaces more conducive to healthy environments. They are a place where people can expect to be free from secondhand smoke as there are no safe levels according to the CDC. Smoke-free environments help adults model healthy behavior for kids and can also encourage people who already smoke to smoke less or to quit. Most people who smoke do **not** want to smoke, they just have a very hard time with facing this addiction and if we have a supportive community, we may be able to help some of them stop. Personal rights have been brought up multiple times and local governments do have a legal right to protect residents when it comes to their health and safety and said we need to take on not just the right, but also the responsibility. Smoking restrictions do not discriminate against people who smoke and there is no constitutional guarantee for it. Someone tonight said it is a privilege and it is legal to smoke and every smoker has a right to smoke, but it is also legal to drink alcohol. It was mentioned she (Nikki) owns a couple of business which supply alcohol, but this is not allowed in parks and they do not condone drinking in front of children. 175 million pounds of cigarette butts are littered every single year from Americans and this is so sad as they take a long time to decompose. Nikki Lloyd said she does her best and does have cigarette butt containers outside of her businesses to curtail littering. Tobacco smoke contains more than 7,000 chemicals and compounds including hundreds which are toxic and at least 69 cause cancer. The U.S. Surgeon General has stated there is no risk-free level of exposure to secondhand smoke which causes nearly 3,000 deaths from lung cancer and 46,000 deaths from heart disease every year in the United States. Even if we had a designated smoking area, when the wind blows, the 25' restriction goes right out the door and if a child is playing on equipment in a park, at some point, they will need to use a restroom which is beyond this distance from the playground. Someone said we have more important things to think about like the geese and we need to work on this next. Another thing to think about is how we are going to enforce this. Most laws restricting smoke-free parks are self-enforcing and people police themselves and a knowledgeable community member can also educate those who know about the law. Nikki Lloyd said she is proposing this legislation because it is important to offer a healthy active lifestyle which is important for all of us and for our future generations. Wes Poole said he has listened to different people and appreciates folks coming in with their opinion. He generally tries to make balanced decisions on facts and one person questioned whether information came from an actual academic study and it came from a Stanford risk-study report. This report showed moving 6' from a smoker minimizes the exposure to almost nothing. Additionally, if someone at a sidewalk café sitting within 18" of a person who smokes two cigarettes over the course of an hour, the exposure to secondhand smoke could be the same as sitting for one hour inside the tavern with smokers. The question is, if there is just one smoker and a person can sit 6' away, there is little problem and asked why someone would choose to walk up next to the smoker. Wes Poole suggests banning smoking in the parks does not stop anyone from smoking, it just means the litter will be someplace else and would like for the legislation to serve some purpose other than limiting people who admittedly would prefer not to smoke. Not allowing smokers to go to a park seems pretty extreme when there is no real additional safety provided. Our parks are big and if someone is fishing in Shoreline Park, the fishing piers are 50' apart and seat one or two people. There is nothing which has been presented to suggest our children are unnecessarily exposed to smoke in our parks. We do not have a situation where children are endangered by secondhand smoke and invoking this ban on what limited evidence and shaky grounds presented might seem effective in the short run but it is hazardous for policy-makers to make rules because it irritates

smoking haters as opposed to evidence this actually accomplishes anything. Wes Poole said both of his parents smoked but neither he nor any of his brothers do and the entire generation who went through Camels and Marlboro-Man have had lifetime expectancies increased by twenty years in spite of intense exposure to secondhand smoke in our homes. We can get excited about this, but the reality is this law does not do anything constructive which justifies telling Veterans who got hooked on cigarettes they are not welcome. Amvets painted the ballfield and cleaned it up for us and thirty percent of Veterans are hooked on tobacco. Additionally, if broken down by age groups, up to 56% of younger Veterans smoke and we really need to make sure we are getting something out of this. It is not the government's purpose to set examples for children at the expense of people who want to use the parks. The concept of banning smoking in the parks because it will influence children not to smoke is a step too far and suggests the city has no obligation to create policies which simply protect cigarette-haters from irritation. Nothing has been offered to suggest any individual kids are overly-exposed to smoke in all of these parks named. At the ballparks, we can put a sign up with park regulations indicating no smoking in the bleachers as this is a place where people are crammed together without an ability to get away. If someone was sitting in a car and smoking, we should not be writing this kind of a policy. Dick Brady said this commission has committed hundreds of thousands of dollars to playground equipment in many of our parks and this legislation being considered is probably more meaningful than all of those dollars put together. You do not have to look any further than the statistics on infant mortality about what secondhand smoking does to raise this number and he will vote tonight for his two-year old granddaughter. Nikki Lloyd said the CDC indicates breathing drifting tobacco for even brief periods can be deadly and drifting tobacco smoke outdoors can trigger asthma attacks from bronchial infections and other serious health problems for non-smokers. Knowing almost 100 million Americans who have asthma and chronic bronchitis and other breathing issues, it is not good for them to be around secondhand smoke. When we talk about playgrounds versus the rest of the parks areas, children are very important in this legislation as well as runners. She talks to people fishing while running on the Pier and if an asthmatic is running by, that could trigger an attack. Greg Lockhart said Las Vegas came up with casinos as well as did other states far before Ohio which proved to be a bad thing. In some places, prostitution is also legal and asked if we should vote to legalize this to keep up with everybody else. Alcohol was prohibited at one time but brought back and is a most dangerous thing. A most interesting fact about alcohol is it can be far more dangerous and kills more than opiates. If someone is incarcerated, our local jails have to keep a certain amount of alcohol so people would not die because of alcohol withdrawal. This is different from opiates where they would simply recover from them. Sandusky allows chickens but they are not allowed in other places so it is not about catching up. Smoking is not necessarily a good thing, it is about the choice which we have and what we are doing to impose this on other people. We are about to impose a lifestyle on people in this community; we are passing a law which has equity and we have to know what everyone wants imposed upon them. We pass laws so in the future they benefit those who come after us and understands this, but the people who built this community live in these parks. Seniors who live in buildings around the parks, pay taxes and have been around for 50 to 70 years come out to sit in the park to fish and they have a right to have a cigarette. Everyone in this room will be a senior citizen at one point and some young person is going to come through and tell them they cannot do something by outlawing it and he does not believe in this.

**Upon motion of Nikki Lloyd and second of Dave Waddington, the commission voted to amend the motion to create a tobacco and vape-free environment not only in the parks, but on piers, plazas and the bicycle path.**

*Discussion:* Dennis Murray said he supports the vape-free environment, but does not support this amended motion with regard adding the piers as they are a unique place.

**Roll call on the motion: Yeas: Dave Waddington, Nikki Lloyd, Naomi Twine and Dick Brady, 4. Nays: Greg Lockhart, Dennis Murray and Wes Poole, 3. The President declared the motion passed.**

**Roll call on the ordinance, as amended: Yeas: Dave Waddington, Nikki Lloyd, Dennis Murray, Naomi Twine and Dick Brady, 5. Nays: Greg Lockhart and Wes Poole, 2. The President declared the ordinance passed at first reading.**

#### **CITY MANAGER'S REPORT**

- **Upon motion of Dave Waddington and second of Naomi Twine, the commission voted to accept a donation in the amount of \$50 for the Kenny Jensen Memorial Tree Fund from Fresch Hair Designs. The President declared the motion passed.**
- **The 2018 Service Ohio Award for Northwest Ohio will be presented to Christine Boesch and Kendra Faulkner with the OHgo organization on April 20.** Each year, the Ohio Commission on Service & Volunteerism honors an individual or organization in each geographical region of the state. OHgo will be representing Northwest Ohio and will the first winner in Erie County and the commission has supported their work and wants to congratulate them.
- **The Commission recently voted to enter into a three-year contract with FirstEnergy Solutions as the city's residential and small commercial electric supplier.** On March 31, FirstEnergy Solutions voluntarily filed petitions under Federal Bankruptcy Code for a Chapter 11 financial restructuring. We have been assured this financial restructuring will not affect our contract nor its original terms and questions or concerns can be directed to Trevor Hayberger 419.627.5852.
- **On April 10, the Sandusky Library will be unveiling its Bicentennial Traveling Exhibit at 3:30 p.m. and members of the community are welcome to attend.**
- **On April 18, the next Bicentennial Banter history series will take place and this month's discussion will cover Jay Cooke, an influential Sandusky native who went on to help shape the United States during the Civil War. This will be held at 6 p.m. at the Sandusky State Theatre.**
- **Heritage Sundays will begin on April 22.** These special Sundays are an initiative of our faith-based community to get people involved in the Bicentennial and get people into different sanctuaries. There will be historic exhibits, architectural discussions and open houses. Information about these events are at: [www.Sandusky2018.com](http://www.Sandusky2018.com).
- **The Sandusky Police Department donated an Easter Basket which was raffled at the Easter Egg Hunt.** Eric Wobser thanked Chief Orzech, Sgt. Susana and Officer Rankins for donating the items for the basket.
- **Several members of the Police Department participated in the Recreation Department Spring Break Camp;** it was an excellent turnout and programming was provided by the Recreation Department.
- **The 2017 Police Department Awards Banquet was held on April 4.** Citizens and officers received recognition for their contributions to the department and community for the year 2017. Congratulations to Officer Ed Ohlemacher who received "Officer of the Year Award" and Det. Ron Brotherton who was recognized with the Chief's Award for his efforts combatting the drug issues in the community. Dennis Murray said this was a special evening to share with our officers and enjoyed seeing the camaraderie. We have a tendency to lionize the Police Department as super humans, but they are people like anyone else and what they do is amazing because of the leadership Chief Orzech and others provide and we are grateful for them.
- **The city is offering full testing services for the position of Police Officer through National Testing Network.** The testing period is April 9 through May 31. To fill out an application and schedule a written test, go to: [www.nationaltestingnetwork.com](http://www.nationaltestingnetwork.com), select law enforcement and sign up for the Sandusky Police Department; interested persons must register prior to

reporting to the testing facility. The closest testing locations to Sandusky are EHOVE Career Center and Owens Community College.

- The city was selected for a **pension audit with the Ohio Public Employees Retirement System** for CY 2017 by the State Auditor's Office; there were no issues noted. The State Auditor's Office will release the audit report in the next several weeks.
- Sandusky was named a **2017 Tree City USA** by the Arbor Day Foundation in honor of its commitment to effective urban forest management. An awards ceremony will take place on May 8 in Avon Lake and several members of the city's Tree Commission will attend.
- Crews at Oakland Cemetery will be conducting **spring clean-up** on April 18. All items placed at grave sites during the fall and winter months will be removed and artificial flowers are not permitted for spring and summer months.
- Contractors for the following projects are currently re-mobilizing for completion of punch list items due to winter weather: **Lions Park improvements, #14 Cedar Point lift station replacement, Lincoln Street utility replacement, 2017 sidewalk program.**
- In March of this year, the city received approximately \$70,000 in **revolving loan fund repayments** resulting in two loans being paid in full. These repayments came from Ability Works (approximately \$67,000) and Erik's Clothing (\$3,000). The city wants to thank both entities for their past investments and wishes them both continued success in the future.
- The city's Building Division and Fire Department issued **demolition orders to the property owner of the former Silas Auto Group at 3704 Venice Road** based on a result of an inspection in late December of 2017. As a result, the property owner has hired a private contractor to complete the demolition work. The property has been and crews are removing debris from the site. A special thank you for employees who worked to secure voluntary compliance in removing this blighted property from Venice Road.
- The city has once again received overwhelming interest and participation in our **economic development programs** in 2018. As of April 1, approximately \$90,000 in uncommitted funding remains from the original \$450,000 in program funds. The interest in the program and types of projects seeking funding is a testament to the continued economic growth and reinvestment the City of Sandusky and the region is experiencing. Projects interested in receiving funding for 2018 are encouraged to submit applications as quickly as possible as funding is expected to be fully committed in either May or June of this year.
- The regular **Planning Commission** meeting is scheduled for April 25 at 4:30 p.m. in the first floor conference room.
- A **Landmark Commission** meeting has not yet been scheduled for April.
- The regular **Board of Zoning Appeals** meeting is scheduled for April 19 and the normal meeting time of 4:30 p.m. has been adjusted to 3 p.m.
- We have done a very detailed analysis of the properties which are considered finalists for the new Justice Center location. While there are complications, we hope to be able to work through complications quickly and get the selection committee back together during the next thirty days to recommend a final decision.
- There will be a dedication for the **new play equipment at Foxborough Park on April 18 at 5 p.m.**

**OLD BUSINESS**

None.

**NEW BUSINESS**

**Upon motion of Dick Brady and second of Naomi Twine, the commission voted to hold an executive session regarding personnel, promotion of an employee. Roll call on the motion: Yeas: Dave Waddington, Nikki Lloyd, Greg Lockhart, Dennis Murray, Wes Poole, Naomi Twine and Dick Brady, 7. The President declared the motion passed.**

Dennis Murray said we are approaching a new season and **additional seasonal employees have been hired to keep up to a certain level of maintenance in our parks and public areas** and applauds Eric Wobser for making these hires and getting them into our budget.

**AUDIENCE PARTICIPATION**

Mike Zuilhof, 243 East Market Street, said the hallmark of the smoking ban is that there has been restraint and respectful discourse and absence of sanctimony and is the kind of discussion where people have been deliberative in making decisions. He has endured a lot of secondhand smoke and is probably feeling some of the health effects and there are other things the city can take action on to promote the health of our community. A recent article from the New York Times about the health hazards of lead was distributed and most people think of lead as a neurological hazard to children in particular, but research is starting to show a lot of heart disease is caused by lead. There is no safe amount of lead and every molecule bouncing in a body does damage. It is expensive to do something about lead and we did slowly get lead out of house paint, but we are still suffering from its effects and it is expensive and difficult to mitigate this and we will suffer from this as long as these houses stand. We have an infrastructure issue in Sandusky with water lines which still include lead components and wants to make sure the city does not miss a chance to support the health district and make investments to improve the lead hazard. A lot of older water lines need replacement and new taps and new connections can be made and would be surprised if half of the water produced at our plant goes to leakage. We need to make sure every citizen in Sandusky does not endure the hazards of one molecule of lead they do not need to. Dennis Murray said we have no lead pipes in the City of Sandusky but the pipes which go from the homeowners' pipe are still in use may have lead. The chemicals we use to treat water seals this off so as to not cause a corrosive layer and believes our water loss is closer to fifteen percent which is the national average. Aaron Klein gave credit to staff at Water Distribution who have done an amazing job in catching up with work orders regarding water loss issues.

Marcie Platte, 1217 Columbus Avenue, said she is confused about what the commission voted on tonight regarding the smoking ban. Nikki Lloyd is not supposed to be voting on anything for the Jackson Street Pier or Shoreline Park because of the proximity to her business. Justin Harris said this legislation affects every single park in the city and by virtue of this analysis, everyone would have some sort of property located on or near a park. Marcie Platte said Nikki Lloyd would like to see this enforced person-to-person, but the legislation states this would be a minor misdemeanor. It would be nice if the legislation were tidied up so everyone was voting on the same thing. Marcie Platte said a person is not charged if they overdose on the Jackson Street Pier, but they would be charged with a misdemeanor for smoking a cigarette and this is a big reach. If people smoke in front of bars and are not allowed to smoke on balconies adjacent or connected to them, we need to enforce this here too. We have real crime needing to be addressed in Sandusky and we should not be addressing whether folks smoke cigarettes as this is their decision and their right. This was argued years ago and the 25' recommendation was made and it should be left that way. As someone who counsels veterans, many people get addicted to cigarettes while out in the field because there is nothing for them to do.

Ed Windau, 420 Bay Breeze Drive, said the city deserves credit on their approach to eliminating lead. He is involved with two projects where new streets, curbs and sidewalks are being put in and lead lines are being removed between the main and the meter pits so there are not future water leaks. The city also deserves credit for the thorough housing inspections which are being

done thoroughly and making sure all of the plumbing is lead-free. This must be in the specifications and must be presented at the site when the plumbing inspector does his inspections.

Dashawn Bethea, 120 Perry Street, said he is totally for the smoking ban and has asthma. When waiting in line for a coaster at Cedar Point, people vape and smoke and he does sometimes ask them to go to the designated areas. There is a non-smoking area in front of Bayshore Towers which Erie Metro Housing is creating at all of their properties starting in July and they are trying to help people stop smoking. Smoke comes into his apartment no matter what he does and hopes the commissioners can agree to something.

Robin Hudnall, 511 West Washington Street, said she does not know if Wes Poole or Greg Lockhart are veterans, but they do not speak for every veteran as she is a wartime veteran and knows what she fought for. She fought for everybody's rights, as a parent, as a smoker, and one has to be taken with the other. The importance, health, safety and well-being of our children and our community takes precedence over everything and is why alcohol cannot be drunk outside of regulated places. When she took her children to the pier, she had to leave because her daughter almost got burnt. Wes Poole said he is a veteran and served 23 years in the Army National Guard and does not propose to speak for all veterans, but is only talking about the denial of access to use the parks. If he thought for a moment Shoreline Park was not big enough for someone to smoke at one end while children play at another, he would vote to ban smoking. The fact of the matter is, what is presented does not help children because they are not in danger. Our parks are big enough we should be able to allow all the citizens access to it and if there is actually a real problem, people whose children caught cancer from secondhand smoke in the parks would have been here before now to talk about it and describe it in terms of the experiences they actually had. Folks have seized an opportunity to pick out a group of people who have an addiction they often cannot do anything about and are in the minority. He does not see any reason why there is not enough space in our parks, as little as they are used, there is not room for everyone. If someone hassled by chasing a child around with their cigarette, this would be a different story.

Kyle Johnson, 2020 Campbell Street, said he fully and wholeheartedly respects opinions and statistics brought to the table today whether he agrees or disagrees with the vote. He grew up with asthma and in third grade, he could have died because of an asthma attack but started smoking at 15 or 16 years old. This was breaking the law and he may not be able to run a 100 yard dash in 20 seconds, but he still gets it done. He is willing to bet there are people who can cause an asthma attack or an allergic reaction to secondhand smoke but so can perfumes and colognes and asked if this will be next on the ban list. Kyle Johnson said he has had people tell him his cologne is strong and to move away. Justin Harris stated earlier Nikki Lloyd was allowed to vote because it did not particularly advocate to her business but if he recollects correctly, the commission voted on a fishing matter at the Paper District Marina which Dennis Murray abstained from voting on because of his ownership in a marina. This ban is directed toward Nikki Lloyd's business yet she can vote on this smoking ban. Greg Lockhart said it is the commission's job to find common ground for everybody and this is not to say one veteran is right or wrong. There must be parity for everyone here to make sure everyone is represented. This is the reason why he would like to see this put to the voters to decide as the parks belong to everyone.

Tim Schwanger, 362 Sheffield Way, suggested the ramps be put in at the boat ramp facility and does not know if this has been done yet; Aaron Klein said they are going in this week. Tim Schwanger asked if the lease with Block By Block is for one year and if the city will seek proposals to run the facility and asked if the city did this for the 2017 season.

Sharon Johnson, 1139 Fifth Street, said the city needs to get a task force to keep the ball rolling on getting streets done aggressively and seriously. We cannot look the other way anymore. At a recent meeting about the pathway, she heard there are miles of pathway to be constructed at a cost of about \$1 million or more. She does not know how the city can rate a pathway over streets in this town as a priority. When the CDBG document came out, no local streets were proposed

except for \$725,000 for the Pier and along the shoreline. Last year we had about \$365,000 for streets which is hardly anything. She was also told CDBG will not pave just a street, it must be for full construction and asked why we are not shovel ready. She is sickened to hear it cost about \$1 million per mile for a pathway and has had more repairs on her car.

Carol Hey, 1024 Hayes Avenue, said she cannot say she is ashamed of the city but welcomed someone buying her out and giving her enough money to go elsewhere. The talk tonight about something anyone can purchase (cigarettes), who are of age. Most smokers are respectful because of the state law and recognize the dangers of secondhand smoke. This is in place for the parks, but vaping is still allowed around the children and vaping causes spots on the inside of the lungs. Carol Hey thanked all of the first responders for the excellent job they are trying to do. Nikki Lloyd said the amendment was made tonight to add a vape-free environment. Carol Hey asked how many more police officers will be patrolling if this goes through. She picks up bottles, needles and condom wrappers on her main street and people dump in the yards there. She asked if the city has had a lot of complaints about smoking in the park.

Kathryn Carter, 5309 Columbus Avenue, said kids know at the age of five smoking is icky and it will make someone sick or will kill you. The house was stacked today with all of Nikki Lloyd's friends who brought in data but percentages do not matter to those who smoke. She grew up with smokers and they are now all gone but none of them died from cigarettes, they all died from old age. There has been so much about cigarettes being bad for a person in the past forty years and in a public place, anyone who smokes knows it is bad for them and for other people and most are courteous enough to move and smoke near a tree or away from children. She asked if the city going to ask people not to smoke during Ohio Bike Week, during other festivals or on the Jackson Street Pier.

Erica Coleman, 5214 McCartney Road, said she watched the video of the last commission meeting and heard Greg Lockhart say in order to move forward with something like this, he needs to see data and statistics and we should thank Nikki Lloyd for bringing someone in who has been educated and has knowledge of statistics and data behind this issue. This law does not say people who smoke cannot go into parks or they cannot fish; it states people who want to come to the park cannot emit a poisonous substance which is harmful to others. She has been referred to as a tobacco hater but this just promotes conflict and she respects the rights of others but they should not impede upon each other especially when it affects one's health.

**At 7:12 p.m., the President announced a recess of the regular session. At 7:49 p.m., the Commission returned to open session and upon motion of Dick Brady and second of Nikki Lloyd, the commission voted to adjourn. The President declared the motion passed.**

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Kelly L. Kresser, CMC  
Commission Clerk

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