

President Brady called the meeting to order at 5:00 p.m. followed by the Invocation, given by Blake Harris and the Pledge of Allegiance.

The Clerk called the roll and the following Commissioners responded: Blake Harris, Dick Brady, Steve Poggiali, and Dave Waddington (Wes Poole arrived late) 5. Mr. Poggiali made motion, seconded by Mr. Waddington to excuse Mr. Meinzer, Mr. Poggiali made motion, seconded by Mr. Harris to excuse Mr. Murray. President Brady declared these motions passed.

City staff present: Eric Wobser - City Manager, Cody Browning – IT Manager, Don Rumbutis - IT Technician, Brendan Heil – Law Director, Michelle Reeder – Finance Director, Jonathan Holody - Development Director, Jared Oliver – Police Chief, Mario D’Amico – Fire Chief, Aaron Klein – Public Works Director, John Orzech – Asst. City Manager, Colleen Gilson – Chief Neighborhood Developer, and Cathy Myers - Commission Clerk.

Upon motion of Mr. Waddington and a second by Mr. Poggiali, the commission voted to approve the minutes of the September 26 regular meeting and suspend the formal reading. President Brady declared the motion passed.

AUDIENCE PARTICIPATION

None.

SWEARING IN FIREFIGHTER PROMOTION, Lieutenant Dana Portentoso

Mr. Wobser, City Manager, conducted the promotional swearing in of Dana Portentoso. “I, recognizing my fundamental duty as a Lieutenant of the City of Sandusky Fire Department, do solemnly swear to uphold the standards of my profession by safeguarding the lives and property of our citizens against the threat of fire and disaster. I promise to obey the duly constituted laws of the United States of America, the State of Ohio, and the City of Sandusky and to accept the badge of my office as a symbol of public faith, leadership, and trust to be honored for as long as I remain a Lieutenant of the City of Sandusky Fire Department. I will continually strive to serve our community and to be an influence for good before my fellow officers and firefighters to the best of my ability, so help me.” Chief D’Amico stated that Lt. Portentoso has been a member of Sandusky Fire Department since March, 2015. Prior to working for Sandusky, he was Master Sergeant in the Air Force Reserve and worked for a private EMS company. He is a certified paramedic and member of the dive team; he is a member of the department’s Health & Safety Committee. He has worked out of class on a regular basis, filling in for officers when they were off, proving himself to others by coordinating company training and by having a strong determination to make Sandusky Fire Department a better organization.

PUBLIC HEARING: Great Lakes Community Action Partnership Programs, Amy Overmyer

President Brady introduced Ms. Overmyer as being over the CHIP program which provides furnace replacement, water heaters, electrical and plumbing upgrades, along with many ADA modifications. They provide many things which benefit many in our community. Ms. Overmyer stated that they are known as GLCAP. The CHIP (Community Housing Impact Preservation) program services 31 different communities over the state of Ohio. This provides rehabilitations for low to moderate income homeowners. The inspectors go into the homes and complete a full inspection, including pest and lead inspection. They perform a write-up which details what needs to be done to bring the home up to code. They remediate lead, upgrade, or replace furnaces, air conditioning units, replace windows and doors, ADA modifications, anything that needs to be repaired with the home we can assist with. The State formerly had a cap of \$64,000.00 per home but with raising costs of materials they have raised that limit and we recently completed a home costing \$108,000.00. The family is required to reside in the home for at least five years after the work is completed. All improvements include manufacturer warranties and labor warranties for a year. After that five-year period, 100% of the grant is forgiven. That is new this year, in the past they had to repay 20% if they sell or transfer their home. A weatherization program is also offered which can include blown insulation and education on how to be more energy efficient.

Comments:

Mr. Harris asked what the average turn around time was after the review. Ms. Overmyer explained that the grants were on a two-year cycle. We currently have thirty-four applicants in Sandusky, and they can assist eight to fifteen homes in Sandusky. Mr. Waddington asked who do senior citizens contact for this information especially those without computers. Ms. Overmyer stated she left brochures in the City Hall lobby. An applicant can call for an application and they have staff that can assist in completing the application for clients. Ms. Overmyer stated that most information is spread through word of mouth, the City website, the Sandusky Register and Serving Our Seniors as well. They are struggling to get contractors to work for the program as well. Mr. Waddington asked the City Manager if possibly the City Newsletter could relate this information to residents. Mr. Wobser stated that he would talk with Mr. Horseman and try to do that in 2023. Mr. Poggiali asked if this grant went thru Erie County. Ms. Overmyer stated that it does. Erie County applies and has been awarded a million over two years for Sandusky, Vermilion, Huron, and Erie County. The city of Sandusky receives about 8 units of the funding, which equates to roughly \$250,000. Ms. Overmyer stated she works closely with Mr. King in Erie County Planning and SOS as well. Mr. Brady asked Ms. Overmyer to explain the inspection process for homes. She stated they have five licensed inspectors that follow the project from start to finish. When they perform their final inspection, they checkoff each line item to verify it has been completed.

CURRENT BUSINESS

Upon motion of Mr. Waddington and a second by Mr. Poggiali, the commission voted to accept all communications. President Brady declared this motion passed.

President Brady asked if anyone would like to move any items from the Consent Agenda, none heard.

CONSENT AGENDA ITEMS

ITEM A – Submitted by Michelle Reeder, Finance Director

2022 BUDGET AMENDMENT #6

Budgetary Information: Appropriation amendments are required to update the 2022 budget. Amendments included for these funds:

- General Fund
- Sewer Fund
- Coronavirus Relief Bond
- Capital Projects Fund
- Street Fund

ORDINANCE NO. 22-196: It is requested an ordinance be passed adopting amendment No. 6 to Ordinance No. 22-004 passed by this City Commission on January 10, 2022, making General Appropriations for the fiscal year 2022; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM B – Submitted by Josh Snyder, Public Works Engineer

EASTSIDE & WESTSIDE INTERCEPTORS CLEANING PROJECT CHANGE ORDER 1 & FINAL WITH C&K INDUSTRIAL

Budgetary Information: This final Change Order is a decrease of \$85,790.93, which will revise the original total contract amount of \$594,930.85 to \$509,139.92 and will be paid from the Sewer Funds.

ORDINANCE NO. 22-197: It is requested an ordinance be passed authorizing and directing the City Manager to approve the first and final change order for work performed by C & K Industrial Services, inc., of Independence, Ohio, for the Eastside and Westside Interceptors Cleaning Project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM C – Submitted by Jarod Oliver, Police Chief

ERIE COUNTY GENERAL HEALTH DISTRICT BOARD OF HEALTH CONTRACT FOR VEHICLE INSPECTION SERVICES

Budgetary Information: The City will collect an annual registration fee of fifty dollars (\$50.00) per vehicle, for the purpose of inspection, administration, and enforcement of Chapter 955. One half of the permit fees collected will be paid by the City to the Board of Health for providing bulky and solid waste vehicle inspection services.

RESOLUTION NO. 054-22R: It is requested a resolution be passed authorizing the City Manager to enter into a contract for services with the Erie County General Health District Board of Health

for bulky and solid waste vehicle inspection services for the period of December 1, 2022. Through November 30, 2023; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion by Mr. Poole and a second by Mr. Harris, the commission voted to pass these ordinances and resolutions under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll call on the motion: Mr. Harris, Mr. Poole, Mr. Brady, Mr. Poggiali, and Mr. Waddington, 5. Roll call on the ordinances and resolutions: Mr. Harris, Mr. Poole, Mr. Brady, Mr. Poggiali, and Mr. Waddington 5. President Brady declared these passed.

REGULAR AGENDA ITEMS

ITEM 1

PERMISSION TO EXPEND FUNDS FOR THE IMAGINATION LIBRARY

Budgetary Information: The total commitment for five (5) years at \$8,400.00 per year is \$42,000.00 and will be paid with General Funds from the City Commission's operating budget.

ORDINANCE NO. 22-198: It is requested an ordinance be passed authorizing and directing the City Manager to expend funds to the Erie County Community Foundation for the Erie County Imagination Library, an affiliate of Dolly Parton's Imagination Library Program; declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion by Mr. Harris and a second by Mr. Poole, the commission voted to pass this ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll call on the motion: Mr. Harris, Mr. Poole, Mr. Brady, Mr. Poggiali, and Mr. Waddington, 5. Roll call on the ordinance: Mr. Harris, Mr. Poole, Mr. Brady, Mr. Poggiali, and Mr. Waddington 5. President Brady declared this ordinance passed.

ITEM 2 – Submitted by Jane Cullen, Assistant City Engineer

PERMISSION TO ACCEPT BIDS FOR THE WWTP SECONDARY DIGESTER #3 CLEANOUT PROJECT

Budgetary Information: The estimated cost of the project, including inspection, advertising, construction, and miscellaneous costs, is \$80,000 and will be paid out of the Sewer Fund.

RESOLUTION NO. 055-22R: It is requested a resolution be passed declaring the necessity for the City to proceed with the proposed WWTP (Wastewater Treatment Plant) Secondary Digester #3 Cleanout Project; approving the specifications and engineer's estimate of cost thereof; and directing the City Manager to advertise for and receive bids in relation thereto; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion by Mr. Waddington and a second by Mr. Poggiali the commission voted to pass this resolution under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll call on the motion: Mr. Harris, Mr. Poole, Mr. Brady, Mr. Poggiali, and Mr. Waddington, 5. Roll call on the resolution: Mr. Harris, Mr. Poole, Mr. Brady, Mr. Poggiali, and Mr. Waddington 5. President Brady declared this resolution passed.

CITY MANAGER'S REPORT

DONATIONS

- Loris Printing has offered to replace the graphics on Sandusky Fire Department's fire safety house. They will be donating the materials and the labor to design and install the new graphics. This donation has an in-kind value of \$3,695.14. Thank you to Craig Hofer and the staff at Loris Printing for seeing the benefit that the fire safety house provides to this community and for their generous donation of time and expertise. **Mr. Poggiali made motion, seconded by Mr. Waddington to accept this donation. President Brady declared this motion passed.**
- The City of Sandusky Recreation Department would like to thank David Stedman for the \$500 donation to the Red Popcorn Wagon fund. The donation was given in the name of Lynne Nota (Grathwol) Stedman and will be deposited into the endowment account for the wagon. **Mr. Poggiali made motion, seconded by Mr. Waddington to accept this donation. President Brady declared this motion passed.**

BALLOT INITIATIVE UPDATE, Brendan Heil, Law Director

Mr. Heil stated he was asked to provide an update on the pending Charter amendment and litigation. As we know the City recently received Charter petitions too late to be placed on the November ballot. Upon review of those petitions, the City rejected a proposed Charter amendment based on an application of the law regarding Charter petitions at the time. A few weeks ago, the Supreme Court ruled that the law the City relied upon no longer applied and ordered the City to hold a special election for the Charter amendment. Once the Erie County Board of Elections certifies that the petition has enough valid signatures to qualify for submission. The ruling appears to have changed Ohio law, that the City of Sandusky and other municipalities have relied upon for years and has caused confusion regarding how the City is to handle petitions for Charter amendments – both this one and those of the future. For those reasons, the City requested clarification from the Ohio Supreme Court. The City has not received a response on that yet. The City is fully complying on the ruling from the Ohio Supreme Court, and as soon as the City receives a final ruling from the Ohio Supreme Court and the Erie County Board of Elections certifies that the petition has enough valid signatures to qualify for submission on the ballot, the City will present an ordinance to Commission to place the Charter amendment on the ballot at special election. President Brady encouraged any commissioners who had questions on this issue to contact Mr. Heil individually trying to avoid public discussion of items that are embroiled in litigation. He is sure Mr. Heil will make himself available. Mr. Poole stated he did not mean to get into the details but inquired if Mr. Heil stated that the petition documents were turned in late. He thought that was the first statement Mr. Heil made and thought that the documents were turned in were received three days before the deadline. Mr. Heil stated that they were turned in too late to be placed on the November ballot per timelines required by the Erie County Board of Elections. Mr. Poole stated because we held it up. He stated the key is that Mr. Heil received the documents in time, and he has no problem going through the process here, but we are not passing this off on the people who processed the petition. The documents were turned in a timely fashion, before the deadline, and whatever happened after that is fine but, let's not say that they turned them in too late, because they did not. President Brady stated that Mr. Poole does not know what he is talking about, and he will ask Mr. Poole to cease speaking at this moment, because he has the floor. President Brady reiterated the fact that we were not going to have this discussion in open session while this is in litigation. He is relying on the Law Director to speak with each commissioner individually but would not tolerate this being discussed in open session. President Brady asked Mr. Heil to present litigation that goes back many decades that now has arrived at a settlement.

ITEM 3 – Introduced at meeting by Brendan Heil, Law Director

SETTLEMENT AGREEMENT WITH MNE RELATING TO QUIET TITLE ACTION

Budgetary Information: The City will pay MNE in an amount not to exceed \$15,000.00 to settle the manner, \$2,777.50 to Bramhall Engineering for surveying services and \$1,612.00 to Fremont Fence & Guard Rail Company for costs.

ORDINANCE NO. 22-199: It is requested an ordinance be passed authorizing and approving a settlement agreement & release between the City of Sandusky and MNE, LLC., relating to quiet title action; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion by Mr. Waddington and a second by Mr. Poggiali, the commission voted to pass this ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter.

Discussion:

Mr. Heil explained that what we have before us is ordinance approving a settlement agreement and release between the plaintiff and MNE, LLC., which is a local business. This matter dates back over twenty-three years ago when the City started to reroute Arthur Street and vacated a portion of the old Arthur Street. That has led to a property dispute mostly between private parties but also that the City has found itself embroiled in. This is to release all the claims against the City for \$15,000.00. Additionally, the City is paying for some litigation costs we have incurred for a survey and some other things throughout the litigation. This includes a release from all claims by the plaintiff against the City from that litigation and will end the City's involvement in that matter for once and for all.

Roll call on the motion: Mr. Harris, Mr. Poole, Mr. Brady, Mr. Poggiali, and Mr. Waddington, 5.
Roll call on the ordinance: Mr. Harris, Mr. Poole, Mr. Brady, Mr. Poggiali, and Mr. Waddington
5. President Brady declared this ordinance passed.

NEW & OLD BUSINESS

POLICE

- Sandusky Police are currently collecting new coats, hats, and gloves in sizes infant to adult 2XL. Our Community Impact Officers will deliver these to members of the Southside Enrichment and Empowerment group in December so they can be given to children in need.

FIRE

- The Sandusky Fire Department was awarded \$661.23 for the 2022-2023 Ohio Emergency Medical Services (EMS) Grant Program through the Department of Public Safety, Division of Emergency Medical Services. Approval for the grant was received back in March 2022. The funds will be used for the purchase of EMS equipment and supplies. The amount granted is much smaller than previous years because of Covid funds that public safety had received.

PUBLIC WORKS

- The Columbus Avenue lift station has suffered some structural damage resulting from the train derailment over the weekend. Norfolk Southern said that the City could hire a contractor to secure the building for safety and perform the necessary emergency structural and electrical repairs with full reimbursement from Norfolk Southern. I am requesting a motion granting permission to expend sewer funds to perform these repairs that will be determined by the City and the selected contractor. **Mr. Poggiali made motion, seconded by Mr. Harris to perform these repairs. President Brady declared this motion passed.**
- Mosser has mobilized to begin interior demolition activities on the first and second floors of the former administration wing at the Justice Center. The public should still enter and exit through the existing public entrance by the parking lot. Access to the sailing club will be maintained through this phase which is expected to last into spring or summer of 2023.
- We would like to extend a huge “thank you” once again to the Sandusky Gentleman’s Club for their help at the City-Wide Clean-up.
- Streets and Traffic staff will begin city-wide leaf collection on November 14. Once finalized, the schedule will be posted on the City’s website and social media pages. There will be a drop-off area for bagged leaves near the Marquette Drive entrance to the City Service Center, starting October 24 through Friday, January 20. For questions about the City’s Leaf Collection Program, call 419.627.5884.
- In preparation for the holiday season, Horticulture staff have started to remove flowering planters in various locations throughout the downtown business district and waterfront. In coming weeks, they will begin stringing lights in Washington Park and hanging light pole garlands and banners along Downtown streets in coming weeks.

PLANNING

- Work is nearly completed on the City’s first ArtBox project, funded by the Public Arts & Culture Fund. Darlene Wood, a local artist, has transformed the utility box at the intersection of Cleveland Road and Sycamore Line into an art piece telling the story about Sandusky’s Little Italy neighborhood. There is funding available for five more

ArtBox projects and we encourage local artists to apply. Visit the Public Art page on the city website to learn more.

RECREATION

- The sixth annual Race Before the Game is scheduled for Saturday, November 26 at 9:00 a.m. at Cameo Pizza near Central Park. Ohio State and Michigan fans can run or walk their respective courses through the streets of Sandusky to complete the script Ohio or Block M routes. Race Day registration is available at 8:00 a.m. the morning of the event or online sign-ups are available at www.runsignup.com/RaceBeforetheGame.

Comments:

Mr. Waddington stated the Columbus Street underpass was open and asked who inspected it to be sure it was safe for traffic after the derailment. Mr. Klein stated the underpass is closed to vehicular traffic, but the bridge was determined to still have structural stability by Norfolk Southern. They informed Mr. Klein they had people inspecting it over the weekend, but he has not seen a structural report. They did fix everything on the surface as well as completing the repairs to the rails that needed to be repaired. He was there when trains operated on the south and on the north tracks and did not see any movement or vibration. That doesn't necessarily mean that they are structurally sound, in his opinion, but it is Norfolk Southern's determination.

OLD BUSINESS

None.

NEW BUSINESS

1. President Brady asked for a motion for two Public Hearings for the November 14 meeting. The Planning Commission recommended approval from their September 28th meeting for a roundabout.
 - a. For a vacation of public right-of-way located contiguous to 301 Superior Street, 420 Superior Street, and Parcel #59-62001.000. **Mr. Poggiali made motion, seconded by Mr. Poole to set the Public Hearing. President Brady declared the motion passed.**
 - b. For a Zoning Map amendment of the proposed parcel created from the vacation of public right-of-way located contiguous to 301 Superior Street, 420 Superior Street and Parcel 59-62001.000 to be zoned "PF" Public Facilities. **Mr. Poggiali made motion, seconded by Mr. Harris to set the Public Hearing. President Brady declared the motion passed.**

AUDIENCE PARTICIPATION

Tom Baskin, 815 Bardshar Road, stated he was very disappointed in Mr. Heil's summary of the current status of the Charter amendment. His understanding is that the Supreme Court rejected the City's appeal for reconsideration. They said the order of the 23rd is live and the clock is ticking. He wanted to target his statement to the seven commissioners because they are in the line of fire. He stated they will be found in contempt of a court order from Ohio Supreme Court. You think this is funny don't you Mr. Heil? He stated it is not funny and he knows a couple commissioners do not or could not possibly agree with defying a court order, when you are the ones who are supposed to be upholding the City Charter. You are directed to follow Section 82 and schedule a special election from sixty to one hundred-twenty days out. He states he does not know what you are dragging your feet for. There are a lot of other things coming your way and it will embarrass the City terribly. I do not know where you got your claim that this is still a live appeal to the Supreme Court. It is over, they rejected it. Someone better get busy and get this on a calendar. He knows Mr. Heil and Mr. Murray have active law licenses; he knows Mr. Wobser's is currently not active. There are repercussions that can come from the Ohio Supreme Court on this. He stated he cannot make sense of this; he suspects the commission is not communicating. He believes there is a third commissioner that would not defy a court order. That is who is on the line – the order is directed to the seven commissioners. He stated the public is getting angry. You do not realize that the silent majority out here do not agree with defying court orders. Thank you.

Tom Lamarca, 206 48th Street, stated the recent train derailment took place on Saturday, and coincidentally as he was walking Saturday morning a citizen, and he sees a lot of citizens because he walks downtown almost every day, this gal mentioned to me that she fears for the falling rocks when she is walking under the subway. She asked that he bring it to commission attention that the rocks are always falling down on Columbus Avenue. Well now we had tank cars fall down off the tracks. So, Norfolk Southern says Sandusky take care of fixing this up. The question has come up previously who is responsible for maintaining the concrete and steel on these underpasses. I do not know if we have ever gotten an answer. It seems to me that that the City must be responsible for maintaining these trestles. They are all in horrendous condition and all need work. It is time we start paying attention to those trestles and pay less attention to the downtown perimeter and take care of what is holding up the trains. Maybe it was split rail, who knows. And now how much wax is in our sewer system that is going to clog up the sewer system and flood our basements again on 44th Street, 46th Street, 42nd Street and East Follet Streets. That is hundreds of thousands of gallons of wax down in the sewers. On the Supreme Court order, I do not know how you ignore that. If I was ordered to do something by the Ohio Supreme Court, I think I would be getting a little bit nervous about it, other than to react by ignoring it. He stated that is on you. Those documents were delivered in plenty of time to get them on the ballot. For the City Commissioners to ignore it and say it will just have to be a special election at the expense of the taxpayers, that is not good enough for me. I think the deal that was struck with the Marous brothers caused the waterline and street repair on Meigs Street to be put on the fast-track so they could perhaps start construction of a condominium commercial development at Battery Park. I think this should be slowed down or backed up and that item should be put on the ballot as well. The citizens should have the opportunity to be voting on what is going to happen at Battery Park. Now, not after it is done. Thank you.

ADJOURNMENT

Upon motion of Mr. Harris, the Commission moved to adjourn at 5:40 p.m. President Brady declared the meeting adjourned.



Cathleen A. Myers
Commission Clerk



Richard R. Brady
President of the City Commission