

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

**The Clerk called the roll and the following Commissioners responded: Dennis Murray, Dick Brady, Steve Poggiali, Dave Waddington, Blake Harris, Mike Meinzer, and Wes Poole, 7.**

**City staff present: John Orzech – Interim City Manager, Colleen Gilson – Interim Asst. 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, Debi Eversole – Housing Development Specialist, James Stacey – Transit Administrator, 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 January 23, regular meeting and suspend the formal reading. President Brady declared the motion passed.**

### **AUDIENCE PARTICIPATION**

Sharon Johnson, 1139 Fifth Street, wanted to talk about the \$200,000 Economic Development Grant for the Mecca Motel owned by Lisa and Justin Brady with a majority control by a few other partners. She would like to know if they are related to President Brady. Is this their first adventure into real estate? She saw no previous business listed on their grant application. Their acquisition is \$690,000. She does not know if that is for one parcel or two or three. Is the motel being demolished or remodeled? Some of the costs they have listed are, stuffing the grant is what she calls it, \$104,000 room supplies, \$183,000 room furnishings, \$150,000 pool, \$300,000 enhanced outdoor space, \$50,000 landscaping and signage, \$50,000 food truck court setup, \$35,000 interest carried, \$50,000 contingency – they are really getting creative here. No details are listed on the application. There is a dog park plan as well. When you look at the certification for the funding there are two account numbers – an ED Fund and a Destination Fund. How much is coming from each fund? Later I heard the whole amount is coming from the Destination Fund. But the certificate you are approving today does not say that. Does the certificate have to be corrected? The Destination Fund has \$700,000. Why was this not disclosed at the ED meeting? When they approve grants, they know exactly how much money is in each fund. She states she had no idea grants could be paid from this fund.

Ryan Hodges, Executive Director for Firelands Habitat for Humanity, 7602 Milan Road, He has always spoken highly of this Commission and looks forward to a continued relationship with them. He thanks them for their continued support through another sale of property that will become a new home for Brittany Williams. Brittany and her three sons will be helping build their 1200 square foot, three-bedroom, one bath home. This will be Firelands Habitat for Humanity’s 114<sup>th</sup> home built through Erie-Huron counties. Thank you for your commitment, dedication, and your passion for the betterment of the City of Sandusky. I look forward to working with you for many years. May God give you wisdom in all the matters placed before you.

### **PROCLAMATION, Goodwill Industries**

**WHEREAS**, Goodwill Industries of Erie, Huron, Ottawa, and Sandusky counties have served their community for fifty years, since its inception on January 22, 1973, and

**WHEREAS**, the mission of Goodwill Industries is to assist individuals overcoming barriers to employment, whether it be an inadequate education or work experience, physical or mental health challenges, or help with resume building and interview coaching skills, and

**WHEREAS**, Goodwill Industries has made a significant impact in the lives of countless individuals and families in our community through its employment and training programs, their goal is to help individuals overcome any obstacles that may be preventing them from entering the workforce and helping them achieve their full potential, and

**WHEREAS**, Goodwill Industries has contributed to the economic vitality of our community through its retail operations and partnerships with local businesses, and

**WHEREAS**, Goodwill Industries is a valued member to the Sandusky community and is committed to making a positive difference in the lives of those it serves, and

**NOW THEREFORE**, I, Richard Brady, President of the Commission, City of Sandusky, Ohio, do hereby proclaim recognition of **“Goodwill Industries 50<sup>th</sup> Anniversary”**

And encourage all citizens to utilize, recognize and congratulate Goodwill Industries of Erie, Huron, Ottawa, and Sandusky counties for the important work they do on behalf of our citizens.

Dated this 13<sup>th</sup> day of February, 2023.

Comment:

Thank you for this proclamation and we invite everyone to our open house, at the downtown Sandusky location, 401 W. Market Street, February 27<sup>th</sup>, 12:00-2:00pm.

**PUBLIC HEARING: Vacation portion of Fremont Ave Right-of-way, Jonathan Holody, Community Development Director**

Mr. Holody stated that last year we received an application for the vacation of a portion of Fremont Avenue from Mr. Bruce Holmer. It is a little over 11,000 square feet of the street right-of-way, roughly a little over a quarter of an acre. Mr. Holmer and family own the property surrounding this proposed vacation. This was presented to the Planning Commission on October 26, 2022. Staff noted that no development plans were identified in the application and that this portion of right-of-way is very close to the waterfront which could potentially provide waterfront and lakefront access to the public as well as preserve the public views. Staff recommended that this vacation be denied, and the Planning Commission voted unanimously to recommend denial of the request.

Mr. Meinzer stated that it looks like the property is already being utilized by one of the homes.

Mr. Holody stated it does appear that one of the homes is using that property. However, but by vacating the property the owners would have exclusive rights to that property and prohibit any future public use to that property.

Mr. Meinzer stated that someday when the railroad goes down, we will have access to that waterfront. Maybe we should just let sleeping dogs lie.

Mr. Murray noted that if Commission chooses not to act or chooses to act, how might we move forward?

Mr. Heil stated if they would like to consider legislation to overturn the Planning Commission recommendation, he would suggest a motion directing staff to prepare that legislation, which would then be brought to the next Commission meeting. Overturning a Planning Commission recommendation would take six votes out of seven on this board. Alternatively, if you do not act at all the recommendation would stand, the vacation would be denied. Or if you would like to make a motion agreeing with the Planning Commission recommendation you can do that as well.

Mr. Poole inquired if anyone was in attendance in support of this? No one answered.

Mr. Poggiali stated as a member of the Planning Commission he did not recall that that the owner came and spoke on his behalf. The Planning Commission voted to follow staff recommendation, unanimously.

Mr. Meinzer inquired if because we are aware of the public sector using this public land does it cause some liability to be involved if something would happen on that property?

Me. Heil stated there is no increased liability to the City for having it remain as right-of-way.

Tom Lamarca, 206 48<sup>th</sup> Street, Mr. Lamarca commented it was mentioned that the Planning Commission was concerned about maintaining the public's use of that right-of-way for future it may then be used as access to the lake. The railroad runs through that property so it is very unlikely that we will be needing it for lake access. However, this Commission is giving up Battery Park and the access to the lake.

Mr. Poole stated before this comes up again could staff enlarge the pictures and give more information about the access we are talking about. Is it realistic that we are ever going to get any benefit from it?

**President Brady declared the Public Hearing closed. President Brady asked if anyone would like to move any items from the Consent Agenda, none were noted.**

**PRESENTATION, CAC Mortgage and Rental Program, Tim Brown**

Mr. Brown, Program Coordinator with Erie, Huron, Richland Counties Community Action Commission. He wanted to give a quick overview of the grant, which was able to assist sixty-eight households with \$150,000, which \$135,000 went to direct client services. A lot of emphasis was given to assisting with mortgages. Statistics include: 52 were women head of households, 16 were men, 31 were white, 36 were black, 1 was Indian. A final report will be submitted to Nicole Grohe upon expending of grant funds. Nicole did a great job and made sure all clients were Sandusky residents and adhered to guidelines.

Mr. Poole asked if this program would be ongoing next year.

Mr. Brown stated it would if the City so choose.

Mr. Poole would like to see how the grant recipients are doing a year from now.

President Brady inquired how long the CAC been active in our community.

Mr. Brown stated they have been active since 1965. We started as a two-county agency and added Richland county. This is just one program for low-income families, they run Head Start, heating assistance, a homeless shelter, food bank, and many others.

Mr. Murray inquired if the grant money was pandemic funds.

Mr. Brown stated it was.

**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 any items moved from the Consent Agenda to the Regular Agenda. Mr. Poole asked to move E, F, and G to the Regular Agenda.**

**CONSENT AGENDA ITEMS**

**ITEM A – Submitted by Cathy Myers, Commission Clerk**

**LIQUOR LICENSE FOR HALO LIVE LLC**

**Budgetary Information:** There is no budgetary impact for this item.

**Notice to Legislative Authority for NEW D3 Liquor License, Spirituous liquor for on premises consumption only until 1:00 am, for: Halo Live LLC, 805 Wayne Street.**

**ITEM B – Submitted by Cathy Myers, Commission Clerk**

**LIQUOR LICENSE FOR ORIGINAL MARGARITAVILLE**

**Budgetary Information:** There is no budgetary impact for this item.

**Notice to Legislative Authority for Transfer of Ownership of D1, D2, D3, D3A, & D6 Liquor License, Beer, wine, mixed beverages, and spirituous liquor for on premises consumption or in original sealed containers for carry out only until 2:30 am including Sundays, for: 212 Fremont LLC, DBA Original Margaritaville, 212 Fremont Ave & Patios.**

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**ITEM C – Submitted by James Stacey, Transit Administrator**

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**ADOPTION OF UPDATED TITLE VI PLAN FOR SANDUSKY TRANSIT SYSTEM**

**Budgetary Information:** There is no budgetary impact for this item.

**RESOLUTION NO. 005-23R:** It is requested a resolution be passed approving and adopting an updated Title VI Civil Rights Plan for the Sandusky Transit System as required by the Federal Transit Administration; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

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**ITEM D – Submitted by James Stacey, Transit Administrator**

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**AGREEMENT FOR TRANSPORTATION BILLING WITH MEDICAID BILLING SOLUTIONS**

**Budgetary Information:** The City of Sandusky agrees to a variable monthly fee for services rendered. These fees will be based upon Medicaid Billing Solutions providing billing services with MBS-owned software. Billing includes on-site and/or video conferencing consultation visits to discuss billing and revenue and to train staff as necessary or requested. Medicaid Billing Solutions fees will be the higher of \$75.00 per month or 3% of the revenue received by the City of Sandusky as a result of MBS's billing services.

**ORDINANCE NO. 23-013:** It is requested an ordinance be passed authorizing and directing the City Manager to enter into a new agreement for billing services with Medicaid Billing Solutions, Inc., of Cincinnati, Ohio, for services related to the Sandusky Transit System; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

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**ITEM H – Submitted by Colleen Gilson, Chief Neighborhood Development Officer/Interim Asst. City Manager**

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**FY22 BROWNFIELD GRANT AGREEMENTS WITH TERRACON AND MANNIK & SMITH**

**Budgetary Information:** The Brownfields Grant will fund 100% of this contract.

- 1. ORDINANCE NO. 23-014:** It is requested an ordinance authorizing and directing the City Manager to enter into an agreement with Terracon Consultants, Inc. of Cleveland, Ohio, for professional environmental services in conjunction with the FY2022 Brownfields Assessment Grant received from the U.S. Environmental Protection Agency; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.
  - 2. ORDINANCE NO. 23-015:** It is requested an ordinance authorizing and directing the City Manager to enter into an agreement with the Mannik & Smith Group, Inc. of Maumee, Ohio, for professional environmental services in conjunction with the FY2022 Brownfields Assessment Grant received from the U.S. Environmental Protection Agency; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.
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**ITEM I – Submitted by Aaron Klein, Public Works Director**

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**AWARD CONTRACT FOR REFUSE & RECYCLING COLLECTION TO REPUBLIC**

**Budgetary Information:** The cost of refuse and recycling collection at City properties is paid with General Funds, Recreation Funds, and Water Funds in the amount of \$90,775.40, plus a contingency amount of \$2,500.00 for additional dumpster service. Collection of recyclables at the City's Drop-Off Recycling location at the Service Center is paid with General Funds and Grounds Maintenance Funds in an amount not to exceed \$96,433.56. Total contract amount is not to exceed \$189,708.96.

**ORDINANCE NO. 23-016:** It is requested an ordinance authorizing and directing the City Manager to enter into a contract with Republic Services of Sandusky, Ohio, for refuse & recycling collection on City property and recycling collection at the City's Drop-Off Recycling location at the Service Center for the period of March 1, 2023, through February 29, 2024; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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**ITEM J – Submitted by Aaron Klein, Public Works Director**

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**WWTP EMERGENCY BACK-UP GENERATOR PROJECT CHANGE ORDER #1 & FINAL WITH MOSSER**

**Budgetary Information:** The original contract was not to exceed \$485,000.00. The final contract amount will be \$467,607.70, which is a deduction of \$17,392.30. This is an overall reduction of 3.6%. All costs will be from the Sewer Funds with 46.18% required reimbursement from Erie County as per the Sewer Services Agreement.

**ORDINANCE NO. 23-017:** It is requested an ordinance be passed authorizing and directing the City Manager to approve the first & final change order for work performed by Mosser Construction Inc., of Fremont, Ohio, for the Wastewater Treatment Plant (WWTP) Emergency Back-Up Generator Repair Project; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

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**ITEM K – Submitted by Aaron Klein, Public Works Director**

**WWTP SLUDGE HAULING FOR CY2023**

**Budgetary Information:** The estimated cost of disposal by the Wastewater Treatment Plant at the Erie County Sanitary Landfill for 2023 shall not exceed \$156,800.00, which will be paid out of the Contractual Services portion of the Operation and Maintenance budget through the Sewer Fund.

**ORDINANCE NO. 23-018:** It is requested an ordinance be passed appropriating funds for the dumping of class B biosolids (A.K.A. sludge cake) and other dewatered and compressed solids from the Wastewater Treatment Plant (WWTP) at the Erie County Sanitary Landfill for CY2023; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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**ITEM L – Submitted by Aaron Klein, Public Works Director**

**APPROVAL FOR PURCHASES FOR WATER SERVICE INFRASTRUCTURE FROM CORE & MAIN**

**Budgetary Information:** The budgeted cost for Core & Main, LP, as approved in the operating budget is \$824,000. This year's allocation for hydrants, valves, and miscellaneous materials (\$224,000) and meters (\$600,000 – split evenly with Sewer Maintenance) will be paid with Water Funds in the amount of \$524,000 and Sewer Funds in the amount of \$300,000. Purchases exceeding this amount from Core & Main, LP, would require approval from the City Commission.

**ORDINANCE NO. 23-019:** It is requested an ordinance be passed authorizing and directing the City Manager to expend funds to Core & Main, LP, of Ashland, Ohio, for the purchase of materials and parts for improvements and repairs to water service infrastructure in CY 2023; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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**ITEM M – Submitted by Jane Cullen, Assistant City Engineer**

**BIWW INSTALLATION OF HIGH SERVICE PUMP #5 CHANGE ORDER #1 & FINAL WITH FRESCH ELECTRIC**

**Budgetary Information:** Change order #1, a deduction in the amount of \$2,998.31 will revise the contract amount to \$11,721.69 for Fresch Electric, Inc. There is no change to the Rexel USA, Inc., contract. The final costs for the project are to be paid with Water Funds.

**ORDINANCE NO. 23-020:** It is requested an ordinance be passed authorizing and directing the City Manager to approve the first & final change order for work performed by Fresch Electric, Inc., of Sandusky, Ohio, for the emergency installation of a new Allen-Bradley Variable Frequency Drive (VFD) for the #5 high service pump at the Big Island Water Works (BIWW) Plant; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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**ITEM N – Submitted by Mario D'Amico, Fire Chief**

**PERMISSION TO DISPOSE OF HOSE DRYER**

**Budgetary Information:** Proceeds from the sale of the Circul-Air Hose Dryer will be placed into the EMS Fund.

**ORDINANCE NO. 23-021:** It is requested an ordinance be passed authorizing and directing the City Manager to dispose of one (1) Circul-Air hose dryer 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.

**Upon motion of Mr. Meinzer, and second by Mr. Poggiali, the commission voted to accept the Consent Agenda and declare all liquor licenses, ordinances and/or resolutions as drafted and presented to the City Commission under the Consent Agenda shall take effect in accordance with the Section reflected in the ordinance and/or resolutions, whether it be in accordance with Section 13 or Section 14 of the City Charter. Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. Roll call on the ordinances, resolutions, and liquor licenses: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr.**

Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared these ordinances and/or resolutions, and liquor licenses passed.

#### REGULAR AGENDA ITEMS

##### ITEM E – Submitted by Debi Eversole, Housing Development Specialist

##### **LAND BANK PURCHASE AND SALE AGREEMENT W. WASHINGTON/ LAWRENCE STREET TO SAN MARINO DEV.**

**Budgetary Information:** The City will recoup the cost of expenses associated with the acquisition of the parcel, maintenance of the parcel, and any other customary fees that may be due and payable in the ordinary course of the sale and purchase transaction. The taxing districts will begin collecting approximately thirty-six (\$36.00) per year in real estate taxes.

**ORDINANCE NO. 23-022:** It is requested an ordinance be passed declaring that certain real property owned by the City as part of the Land Reutilization Program identified as Parcel No. 59-00978.000, located at the northeast corner of Lawrence Street and W. Washington Street is no longer needed for any municipal purpose and authorizing the execution of a purchase agreement with respect to that real property; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

##### **Comment:**

Mr. Poole stated he is concerned about we arrived at the price of the property. The law requires that we use fair market value. For Reutilization restrictions the value we impose on the property can impact the price. We have set a flat \$1500 rate administratively; some are worth as much as \$9000 - \$12,000. The public should know why we are letting these properties go at such a low cost. I would be in favor if we looked this over and came up with a way to make these properties attractive to purchase by other means. The Land Bank committee last meeting had 3-4 people and they make a decision based on staff input. He is in favor of selling these properties but let us sell the at market value with some restrictions as we do for the Mow to Own property, it has a legitimate formula that applies to everyone who wants to purchase. We could set priority on owner occupied homes, as opposed to those that are buying for Air BNBs to make money. I suggest we have some conversation to do this in a fair fashion. I feel we need to hold off on this until we have it sorted out.

Mr. Murray shares the concerns that Mr. Poole has raised. He does not want to give away these properties. He went and asked Ms. Gilson some questions to get a better understanding of the process. We have all these properties sitting there with a fair market value that includes a lot of assessments and back taxes. We do not have people coming forward wanting these properties. The thought was to have a set price so people would know that property would be available for that price and encourage people to buy and build on them. The Land Bank still has the ability to set whatever price is appropriate and each sale has to come before Commission to approve that. If it is more valuable it would not be for \$1500. He was satisfied that his concerns were answered sufficiently.

Mr. Poggiali stated that those properties were brought forward to the Land Bank because there was no interest in those properties. This was a way to drum up interest in those properties. Ms. Gilson did a lot of research in other communities and found out they are doing it the same way. We can put restrictions on buildable lots, so that maybe someone must live there maybe five years before selling. There are carrying costs of lots sitting on our books.

Mr. Meinzer questioned the taxes that were attached to these properties.

President Brady spoke with Ms. Gilson as well, and he went through pages of properties we have owned for decades. It is time to get those off the books, they do not serve our tax role well. We will not sell them to flippers, we are looking at owner occupied properties. We can approve every price of every property sold.

Mr. Poole agrees what everyone has said would be nice to do, but that is not what is in front of us. No one knew this process, or this pricing. Only the buyers knew this. We need to go over the guidelines.

Mr. Murray suggests that we approve this legislation tonight and request that we receive by email a more flushed out version of the policy.

Mr. Meinzer thinks Mr. Poole is getting a little bit off track. Reading the many documents supporting these sales look in depth. He believes staff did due diligence.

**Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole-Nay, 6. Roll call on the ordinance: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole-Nay, 6. President Brady declared this ordinance passed.**

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**ITEM F – Submitted by Debi Eversole, Housing Development Specialist****LAND BANK PURCHASE & SALE AGREEMENT 423 FULTON STREET TO SLIP IN CONCRETE**

**Budgetary Information:** The City will recoup the cost of expenses associated with the acquisition of the parcel, maintenance of the parcel, and any other customary fees that may be due and payable in the ordinary course of the sale and purchase transaction. The taxing districts will begin collecting approximately one-hundred-twenty-three (\$123.00) per year in real estate taxes.

**ORDINANCE NO. 23-023:** It is requested an ordinance be passed declaring that certain real property owned by the City as part of the Land Reutilization Program identified as Parcel No. 59-00829.000, located at 423 Fulton Street is no longer needed for any municipal purpose and authorizing the execution of a purchase agreement with respect to that real property; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**Upon motion of Mr. Murray, and 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. Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. Roll call on the ordinance: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this ordinance passed.**

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**ITEM G – Submitted by Debi Eversole, Housing Development Specialist****LAND BANK PURCHASE & SALE AGREEMENT 1129 & 1131 E. PARISH STREET TO HABITAT FOR HUMANITY**

**Budgetary Information:** The City will recoup the cost of expenses associated with the acquisition of both parcels, maintenance of each parcel, and any other customary fees that may be due and payable in the ordinary course of the sale and purchase transaction. The taxing districts will begin collecting approximately one-hundred-fifty (\$150.00) per year in real estate taxes, which will increase once the home is built.

**ORDINANCE NO. 23-024:** It is requested an ordinance be passed declaring that certain real property owned by the City as part of the Land Reutilization Program identified as Parcel No. 57-02035.000 and 57-04809.000, located at 1129 & 1131 East Parish Street are no longer needed for any municipal purpose and authorizing the execution of a purchase agreement with respect to that real property; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**Upon motion of Mr. Waddington, and 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. Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. Roll call on the ordinance: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this ordinance passed.**

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**ITEM 1 – Submitted by Josh Snyder, Public Works Engineer****PERMISSION TO BID WARREN STREET CONSTRUCTION PROJECT**

**Budgetary Information:** The engineer’s estimate for the construction costs is \$3,169,476.00, which is estimated to be split between the following:

Fund	Amount
OPWC - grant	\$ 325,000.00
OPWC - loan	\$ 162,500.00
Issue 8 Street	\$ 300,000.00
PRK/ADM - Path	\$ 150,000.00
PRK/ADM - Street	\$ 517,827.00
Stimulus Street	\$ 168,649.00
Water Loan (OWDA)	\$ 834,000.00
Sewer Loan (OWDA)	\$ 711,500.00
<b>TOTAL:</b>	<b>\$ 3,169,476.00</b>

**RESOLUTION NO. 006-23R:** It is requested a resolution be passed declaring the necessity for the City to proceed with the proposed Warren Street Reconstruction 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 of Mr. Harris, and 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. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. Roll call on the resolution: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this resolution passed.

**ITEM 2 – Submitted by Josh Snyder, Public Works Engineer**

**AWARD 2022 W. MONROE STREET DRAINAGE PROJECT TO ED BURDUE**

**Budgetary Information:** The total construction cost for the project shall not exceed \$105,749.16 and shall be paid with Sewer Funds.

**ORDINANCE NO. 23-025:** It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with Ed Burdue & Co. LLC, of Sandusky, Ohio, for the 2022 W. Monroe Street Drainage Project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Mr. Meinzer, and 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.

**Comment:**

Mr. Klein is on Monroe Street from Cold Creek to Decatur Street. This project will improve the drainage at the Decatur intersection, and we want to get this installed before we resurface Monroe Street. We will move quickly on this in the next couple weeks.

Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. Roll call on the ordinance: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this ordinance passed.

**ITEM 3 – Submitted by Josh Snyder, Public Works Engineer**

**AWARD THE CLEVELAND ROAD WATERLINE REPLACEMENT PROJECT TO ED BURDUE**

**Budgetary Information:** The total construction cost for the project shall not exceed \$298,699.92 and shall be paid with Water Funds.

**ORDINANCE NO. 23-026:** It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with Ed Burdue & Co. LLC, of Sandusky, Ohio, for the Cleveland Road Waterline Replacement Project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

**Comment:**



Mr. Klein stated we do not want to have a problematic water main in place especially under the center of a round-about as well. This project is trying to get in and out before the other project begins in 2024. We hope to get it completed before the tourist season, but if we need to push it out to fall Mr. Burdue is willing to hold his pricing.

**Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. Roll call on the ordinance: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this ordinance passed.**

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**ITEM 4 – Submitted by Jane Cullen, Assistant City Engineer**

**AGREEMENT FOR 2023 PROJECT CONSTRUCTION ADMIN & INSPECTION WITH K.E. MCCARTNEY & ASSOC.**

**Budgetary Information:** The estimated amount of the Consultant fees for contract administration and inspection services is not to exceed the following amounts (Total=\$257,907.00) and will be paid with Issue 8 Street Funds from the Capital Projects Fund:

\$80,912.00 for ERI-SR4-10.66 (Hayes Avenue)

\$76,996.00 for ERI-CR0504-00.49 (Monroe St)

\$99,999.00 for ERI-CR0503-00.81 (E Water St)

- 1. ORDINANCE NO. 23-027:** It is requested an ordinance be passed authorizing and directing the City Manager to enter into an agreement for professional services with K.E. McCartney & Associates, Inc., of Mansfield, Ohio, for contract administration and inspection services for the Healthy Hayes Safety Improvements Project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**Upon motion of Mr. Waddington, and 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. Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. Roll call on the ordinance: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this ordinance passed.**

- 2. ORDINANCE NO. 23-028:** It is requested an ordinance be passed authorizing and directing the City Manager to enter into an agreement for professional services with K.E. McCartney & Associates, Inc., of Mansfield, Ohio, for contract administration and inspection services for the East Monroe Street Resurfacing Project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**Upon motion of Mr. Harris, and 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. Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. Roll call on the ordinance: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this ordinance passed.**

- 3. ORDINANCE NO. 23-029:** It is requested an ordinance be passed authorizing and directing the City Manager to enter into an agreement for professional services with K.E. McCartney & Associates, Inc., of Mansfield, Ohio, for contract administration and inspection services for the East Water Street Resurfacing Project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**Upon motion of Mr. Waddington, and 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. Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. Roll call on the ordinance: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this ordinance passed.**

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**ITEM 5 – Submitted by Jane Cullen, Assistant City Engineer**

**WWTP SECONDARY DIGESTER PURCHASE & INSTALL OF DYSTOR MEMBRANE FROM EVOQUA**

**Budgetary Information:** The estimated not to exceed cost for the new Dystor Membrane Unit including installation is \$558,000.00 and will be paid with Sewer Funds.

**ORDINANCE NO. 23-030:** It is requested an ordinance be passed ratifying the emergency purchase of a new Dystor Membrane Unit for the secondary digester #3 building at the Wastewater Treatment Plant (WWTP); authorizing and directing the City Manager and/or Finance Director to expend funds for the purchase and installation to Evoqua Water Technologies, LLC., of Holland, Michigan, in the amount of \$558,000.00; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

**Comment:**

Mr. Murray commented that if we do not get this replaced, we will hear from the residents on the westside.

President Brady commented that he read it was sixty feet of roof.

Mr. Klein this roof is the muffin-top, double layer membrane roof.

Mr. Murray stated that it is used to capture the methane waste gas and it was hard to stomach before we had it for the neighborhood. The gas is used as energy.

Mr. Klein responded that he did not have exact numbers, but when it was installed several years ago it was hundreds of thousands of dollars that we save by burning and reusing that methane, it used to just flare. He will get those numbers and send them to Commission via email.

**Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. Roll call on the ordinance: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this ordinance passed.**

**ITEM 6 – Submitted by Jane Cullen, Assistant City Engineer****PERMISSION TO BID FOLLETT & MILLS STREETS WATER TANK INSPECTION & THM REMOVAL PROJECTS**

**Budgetary Information:** The estimated cost of the project, including construction, engineering and inspection is \$250,000 and will be paid with Water Funds.

**RESOLUTION NO. 007-23R:** It is requested a resolution be passed declaring the necessity for the City to proceed with the proposed Follett Street and Mills Street Elevated Water Tank Inspection & THM Removal System 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 of Mr. Waddington, and 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.**

**Comments:**

Mr. Klein stated we must complete an EPA inspection every five years and we folded that into this, so we did not have to hire that out separately with an engineering firm. We already have done an equipment inspection and know we have to replace the nozzles, but the EPA is a much broader inspection.

**Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. Roll call on the resolution: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this resolution passed.**

**ITEM 7 – Submitted by Jonathan Holody, Community Development Director**

**ADOPTING TRANSIENT RENTAL PROPERTY REGULATION CHAPTER 1341 OF CODIFIED ORDINANCES**

**Budgetary Information:** Adoption of the ordinance will enable staff to collect new and renewal fees for 2023 transient rental permits.

**ORDINANCE NO. 23-031:** It is requested an ordinance be passed amending Ordinance 17-088, amending Chapter 1341 (Environmental Health Housing Code), by the replacement of former Section 1341.32 (Transient Rental Property Regulation), of the Codified Ordinances, in the manner and way specifically set forth hereinbelow; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**Upon motion of Mr. Murray, and 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.**

**Comment:**

Mr. Heil stated that we recently received a decision from a court invalidating Ordinance 17-088, which includes both a number of zoning provisions relating to transient rentals and then our Environmental and Safety Code – our Building Code – is actually the regulation of how permit and how we enforce transient rental regulations. We are reintroducing specifically the non-zoning portions this evening, which will allow us to permit and enforce transient rental rules as we have done historically. The only change between this and our previous section 1341.32 is that there is now language that provides for a transfer of permit to someone who purchases that property from them during the same year. Currently if you were to buy property that was previously had a transient rental permit you had pay another \$500 to finish out the year and to continue using that property. The rest of it is verbatim with some minor typos cleaned up. The other portion of Ordinance 17-088 is in the Zoning Code and has a more arduous process for introduction and has been introduced at Planning Commission and a certain notice will need to be provided at a public hearing to reinstitute that portion of the Ordinance 17-088, that portion determines the geographic location of where a certain transient rental is allowed to operate. This is the enforcement side of things.

Mr. Poole inquired if a transfer is done to a new owner – do we not do another inspection?

MR. Heil stated that an inspection is done, and this would continue that requirement. The new owner would have to register but would not have to pay an additional \$500. The same property does not pay twice in the same calendar year.

Mr. Poole stated that they should pay prorated for an additional inspection. We should be compensated for that.

Mr. Meinzer stated when he went through the Air BNB process, there were a lot of bed and breakfasts operating. He has gotten calls from bed and breakfasts complaining about being charged the \$500 now.

Mr. Poggiali stated he has had calls as well. His recollection when this process was set up in 1989 there was separation of what we would charge a bed and breakfast, a rooming house, and then a rental property. Somewhere along the line they all fall under the same umbrella. He is not sure if that is appropriate.

President Brady stated that bed and breakfasts have somehow got lost in the shuffle.

Mr. Meinzer stated he did not have a bed and breakfast but thought you would not want inspectors coming into your home that you lived in.

Mr. Pole asked what motion was needed to get this addressed properly.

Mr. Heil stated there were two options: you could move to amend the current legislation specifically what you would like to charge a bed and breakfast, I believe there is no specific bed and breakfast definition in our code. Alternatively, if you would like to make a motion directing

staff to bring subsequent legislation addressing all of these issues, they could be reviewed, we can circulate a draft early, get feedback from Commission, it might be easier than trying to amend it at the table my motion. But you could also amend by motion.

Mr. Poole commented he choose the second option. Please reconsider a cost for the second inspection as well.

Mr. Murray is not sure he sees a justification anymore differentiating an Air BNB and a bed and breakfast or other short-term rental properties, it is the same policy issues at play. We want to be sure that the people visiting as receiving the goods they were sold, and the neighbors are treated appropriately. He believes they should have to compete on the same basis.

Mr. Poole asked that staff bring these facts to Commission.

Mr. Meinzer stated there was a difference between a flophouse and a bed and breakfast – inspections need to happen.

**Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. Roll call on the ordinance: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this ordinance passed.**

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#### **ITEM 8 – Submitted by Jonathan Holody, Community Development Director**

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##### **APPROVING ED FUND AGREEMENT WITH EPH SANDUSKY (MECCA MOTEL)**

**Budgetary Information:** The City will be responsible for providing a total of \$200,000 in grant proceeds from the Economic Development Capital Projects Fund on a reimbursable basis at the completion of the project. The project will have an ongoing positive impact on the general fund due to increased income and property taxes.

**ORDINANCE NO. 23-032:** It is requested an ordinance be passed authorizing and approving a grant in the amount of \$200,000.00 through the Economic Development Fund Program to EPH Sandusky, LLC, in relation to the property located at 2227 Cleveland Road, Sandusky; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**Upon motion of Mr. Murray, and 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.**

**Comment:**

President Brady stated he will answer one of Ms. Johnson’s questions, the only thing that he shares with the applicants is the same last name. He will abstain from discussion and voting on this issue because he is in the sign business and these people may at sometime in the future want to purchase a sign.

Mr. Holody stated at EPH Sandusky is a locally owned business. Lisa and Justin Brady are the primary principals and are with us this evening. Last year the company purchased the former Mecca Motel on Cleveland Road. They have plans to redevelop the property into the Explorer Motel which will be a boutique twenty-five room motel catering to active travelers. As part of their renovations, they plan to fully renovate each guestroom, install new signage, construct outdoor amenities, and a new food truck park. The total investment they will be making at this location is over two million dollars. A grant in the amount of \$200,000 was recommended for approval by the Economic Development Incentive Committee at their January 10<sup>th</sup> meeting this year. This is not the first venture for these applicants, they have been active in the tourism industry locally for a number of years. This property does consist of one parcel. He will defer to the Finance Director about the Accounts issue. We intend to fund this grant through the Destination Development Fund. This is strategic property in a strategic location right along the Route 6 corridor, it is a major gateway into the City located between Cedar Point Sports Center and Cedar Point. This Mecca Motel renovation project conversion to the Explorer Motel will really serve as a catalyst for that corridor and can bolster our local tourism economy.

Lisa Brady, 1007 Dockway Drive, we own Lake Erie Adventure Company in Huron, she has lived in the community for ten years and her husband has resided here all his life. We are thrilled to see what this Commission had done from a development perspective, improving the community and the downtown – a huge thank you. The Mecca project is a property that has been under invested in for decades. The Sandusky Bay Pathway Project is something we feel is so important to the community – a place to recreate, a place to bike, a place to walk. This property was the final piece to enable the Pathway project to happen. This project would not have been possible without this grant. There is so much deferred maintenance with this property from electrical to plumbing, it has seen the impact of investment neglect. The incentive really does bridge the gap and make it possible to bring this property back to life.

Justin Brady stated there is \$100,000 of electric work and we just found out there is the same \$100,000 price tag for the whole plumbing infrastructure due to neglect.

Ms. Reeder explained that when this Fiscal Certification was done it was done on February 8<sup>th</sup>, we were still having conversation of what account was going to be used, but the whole time the Economic Development Capital Projects Funds was going to be funding the project. The Incentive Development Committee will be looking at the allocation of those buckets in the future. Either account had funds available. It was decided late Friday that we will be using the Destination Development Funds.

Mr. Murray stated has watched this corridor since the Sports Force went in and knew that corridor would take off. There should be restaurants and hotels over there, he stated he came to conclusion that everyone was just waiting for someone to take the first step. He believes this will be catalytic. There is a lot of money to be made if you put the appropriate restaurants and hotels in that space between Cedar Point Road and Sports Force. The people that are flocking there on the weekends just in droves are driving further than they need be. This will be a smart investment.

Mr. Poggiali has always heard when he was on the campaign trail and even after that about how we focus all our money on the downtown, it is good to see some of the money go out the western edge of the City. That property needed to be freshened up.

Mr. Poole stated he agreed. All these grant issues are truly open to discussion, and everyone has a different opinion about it. He does want to suggest that the issue of the accounts we use – we represented to the public that we were using two accounts – it would have been simple just to change it. There are some folks we consider nit-picky, but he would suggest that nit-picky that the sixth court of appeals just made us redo an ordinance over. People take what we say at our word, and we need to make sure our word is open to not being questioned. Rather than defend what we did, that was not quite exactly according to Heil, that we make greater effort to walk the line.

Mr. Harris commented it is a great project and necessary for this corridor. As the applicant mentioned it was an under invested property, and at times it looks a little dreadful coming down Cleveland Road. Adding the food truck element will be cool, really looking forward to this.

**Roll call on the motion: Mr. Murray, Mr. Brady-Abstain, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 6. Roll call on the ordinance: Mr. Murray, Mr. Brady-Abstain, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 6. President Brady declared this ordinance passed.**

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## ITEM 9

### **AGREEMENT WITH INTERNATIONAL ASSOC OF FIRE FIGHTERS LOCAL #327**

**ORDINANCE NO. 23-033:** It is requested an ordinance be passed ratifying, accepting, and approving a collective bargaining agreement between the City of Sandusky, an Ohio Charter Municipal Corporation, and the International Association of Fire Fighters Local #327, the collective bargaining unit for certain employees of the Sandusky Fire Department, for the period January 1, 2022, through December 31, 2024, a copy of which is attached to this ordinance; and

declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

**Comment:**

Mr. Meinzer thanked the Law Director and the union President, Mr. Snyder for this resolution.

**Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. Roll call on the ordinance: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this ordinance passed.**

**ITEM 10 (WALKED IN – Brendan Heil)**

**AGREEMENT WITH INTERNATIONAL ASSOC OF FIRE FIGHTERS LOCAL #327 RESOLVING CONTRACT DISPUTE**

**ORDINANCE NO. 23-034:** It is requested an ordinance be passed authorizing and approving a settlement agreement between the City of Sandusky and the International Association of Fire Fighters Local #327 AFL-CIO, resolving a contract dispute and grievance; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**Upon motion of Mr. Meinzer, and 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.**

**Comment:**

Mr. Heil stated this was a companion piece to the legislation approving CVA. This resolves a grievance ending a contract dispute that we have had with the IFF resulting from the fact finding that we received last year. This is a good resolution that we bargained for with the IFF. He thanked them for their time and effort on it. It basically makes an amendment to the CVA that resolves the staffing issue and allows the City flexibility, while giving the IFF the staffing level they requested through the collective bargaining process. This was sent to Commission via email a few days ago.

**Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. Roll call on the ordinance: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this ordinance passed.**

**CITY MANAGER'S REPORT**

**DONATIONS**

- The Rec Department would like to thank Tim Crowell and the Sandusky Firefighters for their donation of dodgeballs for Mills Rec Center. **Upon motion by Mr. Meinzer, and a second by Mr. Poggiali, the commission voted to accept this donation. President Brady declared this donation accepted.**
- The Rec Department would like to thank the Erie County Health Department for their \$300.00 donation to Midtown Supper Club and youth scholarships. **Upon motion by Mr. Meinzer, and a second by Mr. Poggiali, the commission voted to accept this donation. President Brady declared this donation accepted.**

**NEW & OLD BUSINESS**

**PUBLIC WORKS**

- We are excited to announce that the City was recently awarded a grant of \$200,000 with a \$50,000 grant through the US DOT's Safe Streets for All program which will allow for a comprehensive evaluation of safety and multi-mobility throughout the city. This effort will include public input from residents, stakeholders, and other interested parties. Further details, including timing, have yet to be received.

**COMMUNITY DEVELOPMENT**

- We have been informed that we have been selected to be a sub-site to the 2023 Ohio CDC Association AmeriCorps\* VISTA Project. We have been allocated 1 VISTA member to serve in the City of Sandusky Community Development Department for the June 2023 – June 2024 service year. The VISTA member will assist staff with implementing projects, programming, and community involvement actions on the South Side specifically, but throughout the City as needed.
- The housing development and beautification program applications were released on Monday, February 6. In less than 1 weeks' time, we have collected 66 completed improvement grant applications and 14 completed home purchase grant applications.

**RECREATION**

- Midtown Supper Club Season 5 Meets New Orleans tickets are on sale. A table of 8 is available for \$220, 2 individual tickets for \$55 and single tickets for \$30. This event takes place at 5:30pm on Feb. 21 at Mills Rec Center. Proceeds benefit youth scholarships.
- Sandusky Recreation would ask the city commission for permission to apply for bicycle helmets for the 2023 PUT A LID ON IT BIKE HELMET SAFETY AWARENESS CAMPAIGN for up to 600 bike helmets. The helmets will be used for the National Night Out Touch a Truck Event, a collaboration with Sandusky Police and Fire Department. The deadline for application is March 3. I would like to ask for a motion to allow Sandusky Recreation to apply for the 2023 Put a Lid on It Bike Helmet Safety Awareness Campaign. **Upon motion by Mr. Meinzer, and a second by Mr. Murray, the commission voted to allow for application for this grant. Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this motion passed.**

**OLD BUSINESS**

Mr. Waddington comment about the Housing Development Beautification Program, initially they had \$400,000, this kicked off last Thursday. A lot of people he has spoken to stated that by the time they apply there is nothing left. **Upon motion by Mr. Waddington, and a second by Mr. Poggiali, the commission voted to transfer an additional \$100,000 to the Housing Development Beautification Program for 2023.**

**Comment:**

Mr. Murray stated he could not agree more. It is a great investment for the City, for every dollar we put in there is the additional investment by the homeowners.

President Brady stated since the Finance Director is just hearing this now, we want to give her the latitude to find these funds. Ms. Eversole runs a great program. Maybe in the future we can do a couple rounds every six months.

Ms. Eversole stated it was a very busy week last week. We opened the program February 6<sup>th</sup>; we have received eighty-eight improvement grant applications and fifteen home purchase assistance grant applications. We approved one hundred twenty-three applications last year. For substantial redevelopment grants a homeowner would have to invest \$15,000 for the City to invest \$5000. For exterior repairs it is a 50-50 match, with a maximum of \$3000 from the City. Variety Beverage is seeking a total rehabilitation and a church on Columbus Avenue is seeking rehabilitation for residential housing.

Mr. Meinzer wanted to be sure that construction audits were in place.

**Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this motion passed.**

Mr. Poole inquired where the funds were going to come from. Ms. Reeder stated it would be in the form of an amendment at the next meeting.

**NEW BUSINESS**

Upon motion by Mr. Murray, and second by Mr. Poggiali, to set an Executive Session to discuss personnel issues in relation to hiring the City Manager. Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this motion passed.

Upon motion by Mr. Poggiali, and second by Mr. Harris, to set a Public Hearing for March 27, for the Transient Rental Zoning Ordinance. Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this motion passed.

Upon motion by Mr. Murray, and second by Mr. Poggiali, to set a Public Hearing for March 27, for the 306 W. Water Rezoning. Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this motion passed.

Upon motion by Mr. Harris, and second by Mr. Poggiali, to set a Public Hearing for March 27, for the 1315 Campbell Street Rezoning. Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this motion passed.

Upon motion by Mr. Poggiali, and second by Mr. Waddington, to set a Public Hearing for February 27, for the CDBG Annual Action Plan. Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this motion passed.

Upon motion by Mr. Waddington, and a second by Mr. Poggiali, to appoint Tom Darden to the ADA/Fair Housing Committee. Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this motion passed.

Mr. Harris stated as co-chair of the Minority Business Empowerment Team, he was pleased to announce they are hosting the Second Annual Black Business Pioneer Awards Ceremony on February 16 at 5:00pm, at Venue 634, 634 Columbus Avenue. We would be honored to have anyone interested to join us for the event during Black History Month recognizing three locally owned businesses that were nominated by residents for their outstanding contributions to the economy and the community. There is limited space, however if you have any questions or are interested in attending, please reach out to Mr. Harris, or contact any other steering committee member.

**AUDIENCE PARTICIPATION**

Sharon Johnson, 1139 Fifth Street, wanted to make a couple suggestions. She was wondering if the city website could list the vacant land lots in Sandusky. Then it would make sales of them a fair process. Also, vacant houses could be rehabbed as well. It seems no one is aware of these properties.

Mr. Orzech stated that they are already on the website under the Community Development, Land Bank, and are updated by Ms. Eversole.

Sharon Johnson suggests that when Mr. Holody presents grant awards that he presents a disclosure of what fund the money is dispersed from, that would be most helpful to the ED Committee. She also asked for clarification from the Mecca Motel project vote, she saw Civista Bank was the loan holder. She pointed out that Mr. Murray voted on that issue, and he is a paid board member of that bank.

Mr. Murray stated he has long been a member of the Civista Bank Board of Directors. The Board does not vote on loans unless they are over \$25,000,000. The Mecca Project is of no



direct personal benefit to himself. It is not a conflict. He does a public disclosure annually of his interest in Civista Bank.

Craig McCloskey, 2042 Campbell Street, representing Sanduskians for Sandusky, stated as part of the parks chart amendment coming up for vote, there is a general question people keep asking; How did the Law Director come to the conclusion the charter amendment petitions were actually handed in late to the City?

Mr. Poole inquired if there could be an answer for that question.

President Brady stated that question has been answered numerous times for this Commission.

Mr. Heil stated that the answer has been sent to Commissioners twice in the written legal opinion that Mr. Poole requested along with the notes from a previous statement. In short, there is a ten-day waiting period in the Ohio Revised Code which would have required the petitions be turned in on July 29<sup>th</sup>, because of the weekend. The City is required to wait the ten-day waiting period, even though it was before the Board of Elections deadline, there was another timeframe of which needs to be considered. Although that is not the reason the petitions were rejected. They were rejected for other technical deformities.

Mr. Poole stated, just to be clear, if he is not mistaken, the reason we had to put it on the ballot to begin with is because the court found that the Ohio Revised Code said the reasons Mr. Heil spoke about do not apply because we have a Charter Amendment, a Charter City. I am pretty sure as I read that it says Section 65 does not ally to this.

Mr. Heil stated that president came down after this decision was made. At the time it was applicable to the City. The Ohio Supreme Court changed the law, applicable to the City, in late September – early October. And it would not call into question a ten-day waiting period.

Mr. Poole stated he did agree that when Mr. Heil made the decision, you thought you were correct. When you made the statement that the petition was actually late, that was after the court had told you it was not late. We were simply wrong.

Mr. Heil stated that is not correct. But I understand that you disagree with me.

Mr. Poole stated that it is not complicated. On September 28, they told us that we were wrong. Simple as that. For you to come forward after that and continue to mislead the public to believe it was actually late – it was not actually late. We just believed it was late. I am not questioning that you did not believe it, you did. But after we were told that it was not late, the section you used did not apply, it is not good for us to continue to mislead the public to believe otherwise. Because it was not. Lateness is moot – because we denied it anyway. On August 8<sup>th</sup>, we denied it.

Mr. Murray stated he has chosen up until now not to weigh in on this publicly, but since it keeps coming up I will. The fact of the matter is the petitions were late on July 30<sup>th</sup>. The City Charter adopted the State law and the Supreme Court, which it has the right to do, subsequently changed the law. We were following that law. The law shifted and of course in the process, which can be frustrating, can be very confusing, but that is the state of affairs.

Mr. Poole stated that Mr. Murray was kind of right. The Supreme Court stated that our interpretation of our own Charter was not one they would support. The Charter did not change. The Charter is exactly what it was. Simply we have been applying Section 65, something that did not belong. It is like accusing these folks of running a stop sign when the sign was a yield sign. That is what has occurred here, that is not the same as a Charter change. The Supreme Court simply reversed what happened. He stated he read the documents specific and clearly and he agrees with them. After they informed us, we were wrong, to continue to tell the public that they were late is the reason we are having this election and must pay for it. It is unreasonable.

The election is being held because we were found to be wrong, not because they turned in the petition late.

Mr. Heil stated that is not exactly accurate. Not only were there procedural deformities, but even after we received the Supreme Courts ruling the City tried to avoid the special election by specifically reaching out to the Charter petition citizen group on October 7<sup>th</sup>, they directed us that they would not work with us, and it would have to be placed on the ballot by their attorney.

Mr. Poole stated that is the story you should tell. It was not late. You thought it was late.

Mr. Heil stated at the time it was late.

Mr. Poole stated he is only interested in making sure that this body is completely honest with the public and the information we give. Folks can vote the way they choose.

Mr. Murray stated in defense of Mr. Heil, he realizes this can be frustrating when the law changes, under your feet. And it did. Mr. Heil was right at the time. He correctly applied the law at that time. The law changed. We need to keep that in mind. The Supreme Court's decision was to change a lot of cities interpretation. The Supreme Court has that right to change law. It just happed to do so on our watch. It does not make Mr. Heil wrong, it shifted under our feet.

#### **EXECUTIVE SESSION**

The Commission moved into Executive Session at 6:50pm. The Commission returned from Executive Session at 7:14pm and moved back into Regular Session. **Upon motion by Mr. Meinzer, and a second by Mr. Murray, for legislation to be brought forward to approve a contract to appoint the Slavin Management Consultants for the City Manager search and selection.**

#### **Comment:**

President Brady wants to inform City Management and HR to begin that process immediately and legislation will be brought to approve payment for such contract.

**Roll call on the motion: Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, Mr. Harris, Mr. Meinzer, and Mr. Poole, 7. President Brady declared this motion passed.**

#### **ADJOURNMENT**

**Upon motion of Mr. Murray, the Commission moved to adjourn at 7:15 p.m. President Brady declared the meeting adjourned.**



Cathleen A. Myers  
Commission Clerk



Richard R. Brady  
President of the City Commission