

The President called the meeting to order at 5 p.m. after the Invocation, given by Dave Waddington, and the Pledge of Allegiance.

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

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

APPROVAL OF MINUTES

Upon motion of Dave Waddington and second of Naomi Twine, the commission voted to approve the minutes of the February 25, 2019, meeting and suspend the formal reading. The President declared the motion passed.

AUDIENCE PARTICIPATION

Tim Schwanger, 362 Sheffield Way, representing Citizens for Responsive Government (CRG), said he is here with some of the members of CRG and wants to share some of their concerns. The Cooke Building and Huntley Building grants and tax abatements are being voted on with identical legislation (Items 12, 13 & 14). Tim Schwanger asked what section of the city charter or Ohio Revised Code requires a repeal and a re-vote on legislation based upon Nikki Lloyd's conflicts of interest with the owner of these buildings. Legislation was first passed in June, 2018; since that time, their research team has contacted the Ohio Ethics Commission monthly to ask for the legal opinion Nikki Lloyd asked for pertaining to these items. To date, as of early this morning, no opinion has been rendered by the Ohio Ethics Commission so someone is once again not telling the truth. If the purpose of the repeal and second vote on these three issues is to save Nikki Lloyd from conflicts of interest, this will probably not save her from future prosecution or complaints with the Ohio Ethics Commission.

Sharon Johnson, 1139 Fifth Street, said three pieces of legislation are on the agenda for repeal and a re-vote. This is very embarrassing and this is a major project. This is being done because one commissioner could not get it through her head she is not supposed to vote on this. Public records are a wonderful thing; if you know where to search, you can find all kinds of stuff. When these were passed two weeks ago, she knew it would be big trouble. There is no excuse for this and the only reason the commission is doing this is to get her out of trouble and this should never ever have happened with all of her partnerships. There is a thick file on her (Nikki Lloyd).

Ted Kastor, 404 Linden Way and President of the Erie County Economic Development Corporation, thanked the commission for their support in previous years to help spur economic development in Erie County. There was a time when most of their clients and investment dollars were not going into the City of Sandusky. Through the efforts of everyone in this room, that has dramatically changed and most of their action, activity and efforts are within the city. They are proud to be aligned with the city and the city's Chief Development Officer Matt Lasko sits on their board. Abbey Bemis and Sarah Ross with ECEDC are good shepherds of the city's funds. Together, we are making a positive difference for Erie County and the City of Sandusky.

PRESENTATION

New Fire Fighter Steven Maat was sworn in who will begin working for the Sandusky Fire Department on March 21, 2019.

Jason Werling, **Recreation** Superintendent, said the Recreation Department has produced their first-ever spring camps and events guide and have distributed it to all youth in local schools. The second annual Spring Break camp is being held at Sandusky High School March 25 -27 and is highlighting a new archery camp. They will continue gymnastics, hip-hop dance, t-ball and coach pitch leagues. Mills Creek Golf Course will open April 1 and improvements have been made to

the clubhouse and on the course. Other events advertised include the Easter egg hunt, the Go Green Sandusky, drop-off day at the boat launch facility, the Arbor Day celebration, the Midtown Supper Club event, Dragons and Bacon Festival and the #Rundusky series.

Tondra Frisby, Youth Program Supervisor, said this is the tenth week of the Midtown Super Club, a sixteen week pilot program representative of kids from Sandusky City Schools, Perkins, St. Mary's, Monroe Prep and some who are homeschooled. This program will be assessed and evaluated after completion, but from the responses thus far from the kids, parents and members of the community, there will be a second one. April 28 is the "Midtown Supper Club Presents" event which will allow these kids to showcase what they have learned in the culinary program and other disciplines including dance and the collaboration with Mohawk Studio and Sandbox Records. The kids have formed a group called "A Bunch of Kids" to be showcased at this event with two dance routines and a four-course meal prepared by the chefs in training.

Annette Solet, Recreation Program Supervisor, said after a lot of research, the city will now be offering online registration allowing people to register for programs, camps and events at any time without having to come into a city office. This new application, **RecDesk**, is available through the city's website by creating an account for each family involved. Currently gymnastics, t-ball and dance are available and payments are accepted online. Registrations can still be taken in person by cash or credit. Facilities are also available for online bookings. This will help with human error or duplication of bookings although gazebos will still be offered in-house. This triggers a block for a location so the facility can be cleaned, prepped and ready to go as notification is sent to our maintenance departments four days prior to rentals. Dave Waddington asked about sponsorships to assist persons who cannot afford programs. Annette Solet said the hip-hop program in particular cost \$85 for four sessions which was a reduced rate from \$100. The city still offers scholarships for Sandusky residents to get this reduced rate and money is still set aside for this purpose; we also accept donations. Wes Poole said he hopes the community will get involved with the April 28 event to help make the kids smile. Tondra Frisby said Midtown Supper Club takes place between now and April 28 every Monday through Thursday from 4 p.m. to 6 p.m. and welcomed the commissioners to stop by and see the magic. Naomi Twine thanked staff in the Recreation Department for what they are doing and for providing a diverse slate of activities and events for our kids. This will continue to grow from here and encourages people to donate and help. We have been brought into the 21st century and these programs will pique the interest of a lot of different kids in the community. Nikki Lloyd said staff in our Recreation Department has the best jobs in the city because they get to have fun when they come to work and knows they have a great time with all of the kids and thanked them. Dennis Murray thanked the staff for being here tonight and for all they do and said without this work being done, we just have a bunch of pretty parks. These programs are what brings them alive and builds a community.

Mike Zuilhof, 243 East Market Street, said a lot of the changes to the Landmark legislation are simply for housekeeping (Item E), and encouraged its passage as recommended by the Planning Commission.

Abbey Bemis, Erie County Economic Development Corporation (ECEDC), said the city has had a longstanding partnership with **ECEDC whose mission is to foster development in the region as a whole**. Fifty seven percent of workers in Erie County and surrounding counties are traveling between counties every day for work and this underscores the importance of not only the city performing well, but how north central Ohio is doing. It is important we all are successful together and this is ECEDC's focus day to day. Abbey Bemis mentioned all of the ECEDC board members including those new to the board who all get how they come to their vision and how they decide what activities are going to be facilitated through ECEDC. It is a merger of the vision of public institutions and private business leaders (new and old), and recognizing one cannot be successful without the other. ECEDC is about collaboration between these entities and public-private partnerships and vision in funding. In addition to governmental commitments, they frequently raise funds from private businesses, philanthropic institutions and private sector investors. The goal is to leverage these funds and make sure there is a cohesive vision as a

community and as an organization. ECEDC wants to grow the existing business base and statistics show this is where a lot of new job creation comes from in a community. Their commitment is to be proactive in this effort and make sure they are reaching out to existing businesses on a regular basis. The goal is understanding the challenges are increasing, understanding what opportunities they may have and connecting the necessary dots to make sure companies make an investment decision in Erie County. Last year, ECEDC assisted the CertainTeed Corporation in Milan which committed \$38 million for a business expansion to their asphalt processing center. This created ten new jobs and 200 were retained. Likewise, in the Milan area, a commitment was made by a small existing business, Lake Erie Arms, by establishing a major commercial presence. This was a \$12 million project with about forty new jobs and retention of five jobs. While physically located in Milan Township, this kind of opportunity will provide opportunity for residents of the City of Sandusky and beyond. The emphasis for their existing business strategy is to be well networked and make sure they are proactive about connecting businesses and touching base with things of pressing importance to their business. This can be about new technologies, challenges businesses are facing and connecting them to resources. Business attraction is another key focus and much of this is proactive and prepared. At the end of the day, it is all about speed, risk and money and making sure each of these are reduced. Often it would be less risky to make these decisions to be more cost effective and how to get there more quickly as speed to market is a big thing for a businesses in decision-making. This matters for both small and large businesses and ECEDC makes sure they have a lot of real estate site information and are responding to requests within two or three days. There has been thriving activity in Sandusky's downtown business district and ECEDC has partnered often with the city staff to help facilitate some of these opportunities. There is a lot going on in Sandusky and thanked everyone in the room for what we are seeing. When traveling in Erie County, many people talk about this and what is happening in downtown Sandusky. This makes a difference in the ability for companies to bring in key management positions which have been recruited. As an organization, the last strategic priority is Quality of Place which is about bringing the right people together for the best of resources from their region. This principle is about issues of importance to businesses and residents but there is no one owner. Workforce development is a key principle which comes to mind and there are many institutions which collaborate toward this effort and is a top issue for businesses in the community. As a regional organization and as a collaborative structure, part of ECEDC's job is to pull together these key institutions and resources to tackle things like this. This can be large-scale efforts such as bringing every Erie County school district together to participate in a business advisory council to making sure the right information is in the community. They tracked over 45 speaking engagements or research which was provided to different community partners. They look at what economic demographic statistics are needed for people to make good, informed decision in the region.

Sarah Ross, Erie County Economic Development Corporation, said entrepreneurship is one of ECEDC's key priorities and they focus on this in their office. Sixty-one percent of new jobs actually come from small businesses and in addition to some of the economic growth they see from nurturing small businesses, they also see strong community development which is key in areas like downtown Sandusky. They nurture entrepreneurs through their Regional Incubator for Sustainability & Entrepreneurship program (RISE) and use it to assist with the city's economic development programs through referrals. There has been great success with RISE over the years which has the highest volume of entrepreneurs in the program's history. Part of this can be attributed to the strong referral network which has been built over time. They work closely through this program with the city, landlords, building owners and past entrepreneurs to be sure they can continue this flow for people with ideas. There were 80 mentoring sessions last year and 44% were for Sandusky-based entrepreneurs. Some of these will open visible storefronts, some will operate as a "side hustle" online or some may still just be dreaming. Looking ahead, in 2019, a strong emphasis is being placed on diversity and inclusion and working on strategic partnerships, intentional language and outreach in this regard. A letter was distributed which is a testimonial from one of the clients who went through the RISE program and just opened shop in downtown Sandusky. Local image and advocacy is also a focus to reinforce to the public Erie County is business friendly and pro-growth. Their audience is targeted to business owners or

individuals looking to make an investment in the community. Their stories are very direct in this way as they feature best practices and case studies of innovative businesses - certain details a typical person watching television may not be interested in, but the business decision-maker would be. They held four major campaigns last year and the City of Sandusky was featured heavily due to the breadth of innovative and diverse companies and what they are doing in Sandusky. One of the feature campaigns was called "Centuries of Success" celebrating legacy companies in conjunction with Sandusky's Bicentennial. They featured Mack Iron Works, Gundlach Sheet Metal, Toft Dairy and many other local businesses. Their open rate is 31% which is above industry standard and there were about 3,000 to 4,000 unique readers for each campaign and they continue to grow these adding video and new multi-media features such as their recent effort with a *Progressive Sandusky* video. They partnered with Lake Erie Shores & Islands to play off of the Election Day decision and to show what else is happening in Sandusky and positioning it as being business-friendly.

Nikki Lloyd thanked Abbey and Sarah for being here today and said it can be very scary to open a new business which is a big risk to take, but it is nice to have this kind of an organization available to help entrepreneurs. Dennis Murray said he is proud to partner with ECEDC and said the city has done so for a lot of years through thick and thin. It was not so long ago Sandusky's economy was an anchor on Erie County but today it is an engine and we are much happier with this. This is a good investment for us and ECEDC provides access to talent and connections far outside of Sandusky on a cost effective basis; this has been an important part of turning Sandusky around and providing jobs for our residents. We know what we say is only too true and if a job is created somewhere in Erie County, there is a pretty darn good shot someone in the City of Sandusky will fill it. We depend upon these jobs and these income taxes to be able to provide services for our residents. Some people may work here but live someplace else and it is very important the rest of Erie County thrive because without it, Sandusky cannot thrive.

PUBLIC HEARING

Dennis Murray announced the opening of a Public Hearing regarding a proposed amendment to the zone map for seven parcels on First Street.

Tom Horsman, Assistant Planner, said a rezoning application is being presented for seven parcels. This originally began with the November, 2018, Board of Zoning Appeals (BZA) when an application was submitted for the parcels on the western end for a 9,600 SF boat and vehicle storage facility. Staff recommended against that and the BZA tabled it; it was then sent to the Planning Commission. The current zoning is single family residential and the rezoning application is for commercial recreation. Both of the properties are bounded by single family residential on three sides; to the north and across First Street, properties are zoned commercial recreation but their current use is primarily residential. Essentially, these parcels are surrounded by residential properties along First Street. Staff recommended against this change of zoning essentially because these are surrounded primarily by residential zoning and across the street is a residential use. The two pieces are not contiguous and staff had concerns about this being an instance of spot zoning. Staff is also concerned about the impact development in the commercial recreation district would have around the surrounding properties. Commercial recreational development also allows for uses in roadside business districts and would open this up to more things like automotive repair shops and things of this nature. Whether the residents are renters or homeowners, there are concerns about the impact this would have on them. The city's Comprehensive Plan calls for residential stabilization and this plan and our previous plan looked at this area and after much discussion and public input, this is a target area for residential infill and stabilization and is one reason why we ask the current zoning continue. Staff recognizes there has not been a lot of development on this land and is probably the case for the city over the last half of a century. As a whole, things have been changing in this regard and the First Street corridor has been targeted as a prime corridor in our Bicentennial Plan. With this comes a large public investment for the Sandusky Bay Pathway which will run through this area. The pathway has been more disconnected in past decades and this will do a lot to help in that regard. We have seen similar pathways across the country which help with development in areas they go through.

The residential tax abatement policy recently adopted by the city could also help spur this and recognizes this area has been challenged, but with these new tools the city has been putting into place, we believe they will be in line and in conjunction with the priorities which have been laid out in our Bicentennial Plan. The Planning Commission did vote to recommend approval of the rezoning with a 5 to 1 vote; however, staff's recommendation is to not approve the rezoning for reasons mentioned despite this approval.

Bob Waldock, 2013 Cedar Point Road, said he is part owner of 1643 Limited and is working on the former Apex site on First Street. He attended many of the Planning Commission meetings about rezoning the lots on First and Second Streets (Item #1). Until this afternoon, he has been reluctant to speak for or against the proposed rezoning on the south side of First Street and is only able to give limited information until various applications with the Corps of Engineers and the Ohio EPA have been approved. Over the past year, 1643 Limited has been working to redevelop the fifteen acres on the north side of First Street. By covenant with the Ohio EPA, the land is currently listed for commercial or industrial development only and they have been working to change this to restrictive residential. Staff is not in favor of changing the zoning from single family to commercial recreation. The Bicentennial Plan, approved by the Planning Commission and the City Commission, suggests the property along First Street remain residential. In his opinion, as a result of several discussions centering on the numerous residential lots available and the longstanding history of the Rengel's family ownership and desire to see something happen in the area, the Planning Commission chose to override staff's recommendation. All of this happened without formal knowledge of what was occurring across the street. In 2017 and 2018, Waldock Properties purchased parcels on the south side of First Street next to Jeff Rengel's property and removed two houses and a garage and seeded the land. This was done specifically to clean up the area and make way for a bigger residential development on the former Apex Site. For the record, Bob Waldock said they are not opposed to the building being proposed for this site, but do object to it being directly on First Street. They believe it would be better suited for other land owned by them further south. Bob Waldock said he and Jeff Rengel have a good relationship and applauds his efforts to start something on lots which his family has owned for decades. He asked the commission to return the recommendation of spot zoning back to the Planning Commission for further review based on new information. If approved today, the potential for a building not conducive to residential neighborhoods is too great. Bob Waldock said he owns the eight lots to the west of the western portion of lots owned by the Rengel family and also owns ten of the eleven houses between the two blocks. He has been reluctant to say anything about the development on the north side of First Street because it has not yet been made public because there are two pending applications in front of federal agencies. He does not want to pigeonhole the people who work there if he comes out with a big plan and they say he does not yet have permission to do so. Anyone who has driven down First Street can see the trees have changed, 1,200 loads of soil have been delivered to this property and they are starting to make an investment here. He bought the eight lots to the south and cleared two houses and a garage which he thought were detrimental to a large development going in across the street. Even if it would mean less taxes for a year or two because of two houses which should have been torn down, he thinks the bigger picture is the opportunity to do something dramatic on the north side. Currently the north side, from a development standpoint, is commercial and could be filled with a boat storage facility from one end to the other and there would be no view. By going residential, this is a higher and better use for this property. Part of his decision to purchase the property and get involved is because of efforts made by the City Commission, Cedar Point and the potential of having the bike pathway on the north side of First Street. He understands someone could say this is between the sports complex and a vibrant downtown and would want to live here. This is the hope for being able to come to the city in the future and show a full blown plan for a residential development. Part of what the commission has done to make this even more attractive is the 75% tax abatement authorized for residential development. Whether he does this or someone else, this new housing is a great and wonderful opportunity for the community.

Jeff Rengel, 421 Jackson Street, said while 25% of the lots on First Street and Second Street west of Farwell Street may be owner occupied, this begs the question about the property east of Farwell Street. By his count, there are approximately 145 lots on both sides of Second Street and on the south side of First Street east of Farwell Street; of these 145 lots, there are approximately 24 residential houses which is about 16% of the lots in this area. More importantly, he knows for a fact ten of the twenty four residential lots are owned by Bob Waldock, one by Cedar Point and one by Erie Metro Housing. This means there are approximately twelve residential houses out of the 24 (or 50%) which are rental properties. A stable neighborhood of owner occupied housing does not exist in this area as there are 80% which are vacant lots and approximately half of the 16% of residential housing is owner occupied (8%). The true character of this neighborhood for the last 75 years has not been owner-occupied housing, rather it has been undeveloped vacant lots. At one time, 30 or 40 years ago, his family owned approximately 200 vacant lots in this area and he currently owns about 40 of them which is still roughly about 30% to 40% of the neighborhood. While it is true commercial recreational zoning allows for one- and two-family dwellings, it also allows boathouses and other types of development, but the likelihood of a boathouse on the south side of First Street would not happen because there is not waterfront access. Many of the other permitted commercial recreational zoning uses such as beaches and swimming pools, hunting and fishing clubs, shooting ranges, arenas and auditoriums, golf courses, driving ranges, riding academies, bowling alleys, assembly halls, dance halls or skating rinks, are highly unlikely although a few of them could occur. It is extremely unlikely any of these types of developments will occur due to constraints and practicalities of the neighborhood. Similarly, if there were a bowling alley or a skating rink in this neighborhood, he cannot see where this would be detrimental as opposed to the existence of these very types of things in other neighborhoods. The commercial developments which actually do exist in this area appear commercial/recreational are very similar including dormitory housing to the east, boat repair directly on the north side of First Street, boat storage, condominiums and a drive-through. Commercial recreation zoning does allow transient occupancy as well but this is already allowed on the north side of First Street which is zoned commercial recreation directly to the east of the proposed development (by Bob Waldock). Allowing commercial recreational zoning on the south side of First Street is very similar to the nature of the area. As far as the city plan to make First Street residential in this area, Bob Rengel said it is residential from Sycamore Line to Lane Street, but from Lane Street east to Cedar Point Drive, there has not been any residential development for at least the last 50 years other than the boathouses built on First Street which were zoned commercial recreational. The type of development the city has actually seen along here has been for commercial and business including Waldock's offices, Lyman Harbor and any number of boathouses and boat storage buildings. If this is not rezoned and the immediate benefits the area to develop the vacant properties, it is highly unlikely anything will be done with it during the next 50 years. The only residential which exists along First Street is the line of houses his family built 75 years ago directly across from Bimini Drive and submits if this is not rezoned, nothing is going to happen. Jeff Rengel said he has been doing real estate and spot litigation for 40 years and this is not spot zoning. By definition, spot zoning means parcels are surrounded by different zoning on all four sides. For example, spot zoning is the Dairy Queen on the corner of Fifth Street and Cedar Point Drive. This is zoned on three sides by residential and on the fourth side by commercial recreational. The north side of First Street is not technically or legally spot zoning although it looks like it because it sits on a corner. As far as whether this property is going to be subject to more development in the future because of investment by the city for a pathway on the north side of First Street, there are no statistics on this. We only have what has happened in the last fifty years to look at. Simply putting in a pathway does not necessarily mean there will be more demand for residential housing in an area which has not had any residential housing built in the last fifty years. First Street is much different than Second, Third or Fourth Streets and in the summertime, it is a pathway to Cedar Point and is a high traffic street. Because of that, there is higher risk which means less safety for children and Jeff Rengel challenged anyone to tell him they have ever seen children playing in the front yard of any house along First Street from Sycamore Line to the entrance to Cedar Point in the summertime. It is not a safe place to play with all of the traffic. Likewise, this commission has had numerous noise complaints from Lyman Harbour and other developments along this area in the summertime with music being played

late and people complaining about recreational zoning on the north side of First Street. This is not conducive to a residential neighborhood. If someone has a house and enters from First Street, it is very difficult and dangerous to back onto First Street and get into the traffic in the summer. For these reasons, the likelihood of residential houses being built along First Street is pretty slim. This property has been for sale for over ten years and the only inquiries received were for commercial and business development; never once has anyone contacted him saying they wanted to build a \$200,000 house on this property. This does not fit in with the nature of the neighborhood and because of the size of the lot, eight houses would have to be built (four on First Street and four on Second Street) which is highly unlikely since four of them have a drive approach on First Street. All of these things are being mentioned because they have to be considered by the Planning Commission, the City Commission and by a court of law as to whether general hardship prevails through the district which dictates a zoning change. Directly to the west of Bob Waldock's property is zoned commercial and there are no new houses. To speculate sometime in the future we will have residential homes along First Street because of the development of a pathway where people will transit from one end to the other will not be conducive to a neighborhood with this kind of high traffic unless there is some plan he does not know about to lower or reduce the traffic on First Street. The Planning Department mentioned they had plans for bump-outs and other things to adjust the traffic speed and flow at one point in time and one of the Planning Commission members wondered how Cedar Point would feel about this. Putting all of these things together, it is highly unlikely there will be any development here and to suggest this issue be tabled for a few more month simply guarantees he will not have a buyer for the property. He has already put this current buyer on hold for many months. He will be trying to sell this again on the market and will be getting the same kind of inquiries to put in a drive-through or a boat repair or storage location. There is boat storage and marinas on the north side of First Street and yet the city is suggesting perhaps this not appropriate for the south side of First Street. He can see where this argument could be made for Second, Third or Fourth Street as these are quiet neighborhood areas with low traffic where kids could play in the street without risking safety. There are so many other things brought up he does not think he can address all of them.

Mike Zuilhof, 243 East Market Street and Chairman of the Planning Commission, said in his opinion, he was surprised the rezoning was recommended and thinks even the applicant was surprised because staff recommended against it and the discussion went both ways. He agrees it would have been a slightly different discussion had they been aware of the development in the neighborhood, although maybe not a different turnout. Changes to the zoning map generally have long term implications and probably should be duly deliberated before they are made. Just because he voted against this and others voted for it does not mean he was black and white against it. He was very close as well as some of the other members of the Planning Commission. He is excited people want to do something here and appreciates the efforts and investment but said there is a better way to do it. Mike Zuilhof said he has a lot of trouble with spot zoning as it ties the city's hands. This first went to the BZA as a variance rather than it being a zoning change which would have been more of a temporary measure. That application did not go forward and Plan B was to request a zoning change. Even if the development is a good idea, it is probably better to do it more comprehensively and holistically from a long-term planner's perspective rather than through spot zoning. Zoning an area commercial would make it less likely for the adjoining properties to be developed for residential use. Some of the advantages of approving this would mean something would get done and the tax base would show activity. This would not harm an active, vital neighborhood and whether tenants or owners, the residents have rights and have an interest in maintaining their quality of life. A resident being a tenant does not invalidate their right to protection under zoning laws. The Planning Commission members knew nothing about the prospective development across the street and still have no knowledge of it as no one has seen any site plan and it would be better to make this decision in the context of that. It is not a good idea for the public to eliminate an owners' use or economic benefit of their land because of zoning, but this is not what we are doing. We could be at the moment where this area is rising in value because of the economic vitality of the area and the interest in Sandusky as a great place to live and vacation and this could become viable for many other uses including

residential or recreational. The argument it has not been viable under residential zoning for the past fifty years is not any proof and going forward, Mike Zuilhof asked what is likely to happen and is what we should focus on. It is not unreasonable to recognize how this is a tricky question. Mike Zuilhof said whether a legal definition or not, this does have the characteristics of spot zoning and there are two planning professionals who could clarify this. He would be more comfortable as a Planning Commission member if the entire area were being rezoned commercial and could still allow single- and two-family zoning and would be defensible to have multi-family zoning. The only other point he wishes to make is it has been argued nothing has happened in this area for fifty years, but the applicant has been the owner and this is not a very strong argument as it is the owner's decision. It may not be economically possible which may be true, but this has to be considered.

Greg Lockhart asked how the Sandusky Bay Pathway development would fit into this area and how it fits into residential zoning. Tom Horsman said the SBP represents a large public investment of this corridor and when looking at recommendations and at the Comprehensive Plan, staff looks long-term for the best use of the land and the property. In the past, there has not been viable development on these parcels and the SBP is an example of a new investment which connects it in ways it has not before. Particularly, with its proximity to the water, we think the SBP will help to make these connections as well as to Cedar Point. This is one investment the city has been making in this area which will be different from what it has been in decades past. Greg Lockhart asked how physically the SBP will have an impact on what could be done with the rezoning. Tom Horsman said the SBP will run along the north side of First Street and development often spurs from these types of investments. Wes Poole asked what the specific impacts or concerns are. Tom Horsman said the impact changing this zoning would have is there would be a lot more development which could happen here, by rights, including business uses such as automotive and repair shops. Changing to allow for these heavier uses in immediate proximity surrounding residential housing and neighborhoods could negatively impact them, their livelihood, property and quality of life. The point of zoning is to make sure certain uses in neighborhoods are compatible and because it is single family, everything which goes here is conducive to those surrounding it. Eric Wobser said in addition to the SBP investment, another significant infrastructure investment being made is the construction of a new elementary school for SCS which is less than one mile from this site. While going through the "Building Better Dreams" planning process, SCS heard loud and clear residents wanted to stay as closely as possible to a neighborhood and the strategy is the schools are making significant investment not far from here which we believe will create increased housing demand for the existing housing stock on this side of town and on vacant land. These things combined will change the long-term trajectory of this neighborhood and the surrounding area. Tom Horsman said the current investments and policies this commission has enacted allow for this residentially zoned property to continue to be zoned as such and despite lack of investment in previous decades, the policies created will be of help to spur this and this zoning is conducive to development as is. Greg Lockhart asked if there was any indication why members of the Planning Commission voted the way they did. Tom Horsman said he does not have a specific sense of a particular point made, but believes the members felt the lack of development in this area was something that had come up at the meeting. There was a desire to try to spur this to happen; staff's argument is we are doing this and it will take time, but we are looking for the long-term viability and policy for this particular neighborhood. Wes Poole said the Planning Commission exists to make these plans for us and notwithstanding, they apparently do not agree with staff's assessment of things which are going to happen although personally, he does agree, and would like some insight into their thinking. Eric Wobser said in spite of this vote, he has had at least two members reach out to him who voted in the affirmative who had reservations about their vote and with new information would potentially consider changing it. This was a complicated vote and issue and seems to be an evolving process. Dave Waddington said he voted in favor of this zoning change but after looking into it further and reexamining his vote, he has changed his mind because of the planned investments including the SBP and private investments including the city's Bicentennial Vision and Comprehensive Plan as they all relate to this area. When this was discussed during the Planning Commission meeting,

they discussed these homes being here for over 50 years and nothing else had happened and felt change could be a positive thing and perhaps this could re-energize the area.

Dennis Murray asked for procedural clarification where the city is regarding this as he understands there is a request for rezoning which is contingent upon the sale but there is no enforceable guarantee the city or anyone else has regarding what would go there. Trevor Hayberger said once this zoning is changed, any of these uses which commonly come under the commercial recreational zoning can take place on this land. These uses include car repair as a principally permitted use with no further legislative action. Naomi Twine asked if there is any other place Jeff Rengel would consider putting this proposed business. Jeff Rengel said this was raised at the Planning Commission meeting but unfortunately, this is the only contiguous block of eight lots he owns and the next largest is six lots which lie on the south side of Second Street. This area is more residential. There was discussion at the Planning Commission meeting as to whether these types of storage units would be more appropriate on Second or Third Street where it is quieter. In his opinion, it could go either way because an argument could also be made when it is quieter, it should be more of a residential neighborhood than First Street. Personally, Jeff Rengel said he does not come down either way on this as from a practical standpoint, this particular buyer wanted eight lots and he does not have eight anywhere else and this is the only place it could go. The buyer wants to put in private storage, not commercial. The problem is when the BZA heard this issue, they were of the opinion it was too big of a block of property to qualify for a variance and sent it to the Planning Commission on the argument it was more appropriate for them to decide the zoning change. Nikki Lloyd said she appreciates the definition of spot zoning provided by Jeff Rengel and asked about inquiries concerning a drive through at this location. She asked how he (Jeff) feels about the rest of the block being zoned residentially. Jeff Rengel said he owns three lots on the corner of Second Street (south), six or eight lots on the southeast corner of Second and Wildman Street, five on the northeast corner of Second and Wildman Street and one or two more so he does not own another contiguous block of eight lots. Nikki Lloyd asked what we would do with the two properties next to his if we were to change the zoning and Jeff Rengel said it would be a deterrent for anyone to purchase or develop them. There is a good argument for both sides of this issue and understanding this would be spot zoning if it were changed. Jeff Rengel said there have been people looking for one and two lots to build a personal storage garage but this is not permitted under residential zoning as there has to be an occupied residence attached and these are out of the question. He has never had one person contact him in the last ten years saying they want to buy a lot or a group of lots to build a house in this area. Greg Lockhart asked if this is likely to be for private use and Jeff Rengel said it is but it must be zoned commercial because it will not be attached to a residence. Wes Poole asked who owns the property to the west of his (Jeff Rengel's) lots and Bob Waldock indicated he owns them. Greg Lockhart asked how many units would be in the development on the north side of First Street and Bob Waldock said he cannot answer this until the Ohio EPA allows him the opportunity to present them with an application taking the area from industrial commercial to restricted residential. Greg Lockhart said many trees were cut down (north side of First Street) and Bob Waldock recently built new offices (south side of First Street). Bob Waldock said he has owned this commercial building for the past 25 years and a corporate decision was made to move out of the downtown area and consolidate their operations into one facility.

There being no further input, the President announced the Public Hearing is closed.

Dennis Murray announced the opening of a Public Hearing regarding the city's 2019 budget.

Hank Solowiej, Finance Director, said budgeting is a plan to spend monies available and is no different than at home on a daily basis. There are demands for spending but limited resources and this budget plan is based on estimated incomes and revenues and will be used for decision-making. The main question is how to prioritize our spending. The City Commission is the legislative body who outlines the overall goals and objectives. They did this in 2016 when the Bicentennial and Strategic Vision Plan was passed which is used as a blueprint for our priorities every year. The five main priorities of this plan involve making Sandusky a vibrant, livable and

connected destination and celebrated city. The budget being presented tonight addresses all five main priorities in this plan. We are presenting a balanced general fund budget in anticipation of adding a modest amount to the balance at year end. We are estimating our general fund balance to be at or about twenty percent which is in our target range. We are estimating general fund revenues to come in at \$24.8 million which is about a six percent increase from last year. We are also anticipating general fund expenses to be at or about the same level. The overall plan is to present this budget to the Audit/Finance Committee at their March 22 meeting to see if they have any other comments or questions. This is a balanced budget which meets the goals and objectives of the Strategic Vision Plan adopted by the City Commission. Eric Wobser said the Finance Department did a really good job in this process and the reality is this is not any significant or material change as far as staffing or programming from last year although there are some modifications. This is for continued implementation of the Bicentennial Vision Plan. Most of the existing programs will continue to exist and with very modest staffing changes. The only actual new position is one which will work on storm water and landscaping issues and is to be funded through the Public Works Department. This is a budget which allows us to do the important work of the last several years.

Wes Poole said this proposed budget shows an income tax increase of 4.1% and asked where this will come from and this struck him because this is 1¾ the amount it increased this year. With the economy slowing, he wonders what we have come up with to jump this high as we have not had a 4% increase in our income tax or revenues for as long as he can remember. Hank Solowiej said he looks at historical data and trends which have been indicating about a two to three percent increase. In addition, there is a significant amount of investment taking place this year with building construction and many construction jobs which increase our income tax. We feel building in an extra one percent should accommodate for this growth in construction projects which are occurring. Wes Poole asked how much the total of \$475,000 includes in salaries; Hank Solowiej said it is hard to pinpoint this, but based on the overall \$300 million in projects, this will contribute to the tax base. Wes Poole said he is not as sure as Hank Solowiej is and said the numbers do not add up for him. Wes Poole asked about the 10.8% increase in admissions tax which has actually decreased the last two years. Hank Solowiej said we ran this scenario by Cedar Fair to make sure because last year was a down year with admissions taxes; they feel 2019 will be a much better year and will have better results for the city. He agrees the number did go down last year, but there is enough built up and we will monitor income and admissions taxes throughout the year. If revenues do not come in as projected, we will be able to scale back some things and make sure we do not spend more than we bring in. Wes Poole asked what the city draws in rental income which shows a 25% increase and Hank Solowiej said the primary revenue source for this is the submerged lands lease income we receive from the State of Ohio. Wes Poole said there is a 27% increase in Police Department revenues and asked what this is from since revenues for most of the departments are decreasing. Hank Solowiej said a lot of the police revenues will correspond to the court increases because much of the money from fines goes to the Police Department. We anticipate the court costs increasing thus the fines the Police Department will also increase. In addition, there are a lot of jobs which the Police Department is reimbursed for when services are provided and these are probably the two main revenue sources for them. The Municipal Court is also looking at revising their fee structure this year and a modest increase is built in. Wes Poole said parking fees for Jackson Street Pier show a \$24,000 increase. Hank Solowiej said this is a typo; the city used to get money from the parking machine on the Pier which is part of the revenue for the Development Department. A portion of money collected from the vacant and abandoned building program goes into the general fund. Dennis Murray said he went through a lengthy process with Hank Solowiej and Eric Wobser to have some of his questions answered and encouraged the commissioners to spend as much time with them as they like to get additional feedback.

The President announced the Public Hearing is closed.

CURRENT BUSINESS

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

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

CONSENT AGENDA ITEMS**A. Submitted by Kelly Kresser, Commission Clerk****APPROVING 2018 REPLACEMENT PAGES FOR CODIFIED ORDINANCES**

Budgetary Information: The cost of the revisions for the codification supplements and updating the Code on the internet for 2018 will be taken from the contractual services line item in the Commission's budget (50%), sewer funds (25%), and water funds (25%). This item is appropriated each year.

ORDINANCE NO. 19-037: It is requested an ordinance be passed to approve current replacement pages to the Sandusky Codified Ordinances for the period of January 1, 2018, through December 31, 2018; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

B. Submitted by John Orzech, Police Chief**PURCHASE OF BODY ARMOR VESTS**

Budgetary Information: The total cost for the new body armor vests, carriers, and plates is \$23,763.29 of which \$17,822.47 (75%) will be paid with funds received through the Ohio Law Enforcement Body Armor Program and the required local match of \$5,940.82 (25%) will be paid out of the police department's operating budget.

ORDINANCE NO. 19-038: It is requested an ordinance be passed authorizing and directing the City Manager to purchase body armor vests, carriers, and plates through the State of Ohio Department of Administrative Services Cooperative Purchasing Program from Rakich and Rakich, Inc. of Lorain, Ohio, for the Police Department; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

C. Submitted by Debi Eversole, Housing Development Specialist**PURCHASE AND SALE AGREEMENTS FOR LAND BANK PROPERTY**

Budgetary Information: The cost associated with these purchase agreements is the total amount of the title examination, recording and transfer fees, and survey and deed preparation. Any such costs shall be recouped by the City from the nonrefundable earnest money deposits required to be paid by Purchasers upon sale. By returning this nonproductive land to tax producing status, the taxing districts will begin collecting real property taxes in the amount of approximately one hundred twenty dollars and eighty eight cents (\$120.88) per year.

ORDINANCE NO. 19-039: 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. 57-05304.000, located at 533 Taylor Street, Sandusky, is no longer needed for any municipal purpose and authorizing the execution of purchase and sale agreements with respect to that real property; and declaring that this ordinance shall take immediate effect in accordance with section 14 of the City Charter.

D. Submitted by Nicole DeFreitas, Transit Administrator**TRANSPORTATION SERVICES AGREEMENT WITH SANDUSKY CITY SCHOOLS**

Budgetary Information: STS will receive \$9.00 per passenger trip from Sandusky City Schools for the length of the proposed contract. This money collected will be used to offset the capital planning and operating expenses through the 5311 Rural grant program.

ORDINANCE NO. 19-040: It is requested an ordinance be passed authorizing and directing the City Manager to enter into an agreement for transportation services between the City of Sandusky and Sandusky City Schools for services related to the Sandusky Transit System for the period of November 1, 2018, through December 31, 2019; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

SECOND READING**E. Submitted by Tom Horsman, Assistant Planner****AMENDMENT TO CHAPTER 1161 – LANDMARK PRESERVATION**

Budgetary Information: The Comprehensive Plan calls for preserving Sandusky's historic buildings and neighborhoods as they are an important asset in revitalizing the city.

ORDINANCE NO. 19-041: It is requested an ordinance be passed amending Part Eleven (Planning and Zoning Code), Title Five (Additional Zoning Requirements), Chapter 1161 (Landmark Preservation) of the Codified Ordinances of the City of Sandusky, in the manner and way specifically set forth hereinbelow.

Upon motion of Wes Poole and second of Dave Waddington, the Commission voted to accept the Consent Agenda and declare all ordinances as drafted and presented to the City Commission under the Consent Agenda shall take effect in full accordance with the Section reflected in the ordinances whether it be in full accordance with Section 13 or Section 14 of the City Charter. Roll call on the motion: Yeas: Dick Brady, Wes Poole, Greg Lockhart, Dennis Murray, Nikki Lloyd, Naomi Twine and Dave Waddington, 7. Roll call on the ordinances: Yeas: Dick Brady, Wes Poole, Greg Lockhart, Dennis Murray, Nikki Lloyd, Naomi Twine and Dave Waddington, 7. The President declared the ordinances contained in the Consent Agenda passed in full accordance with the City Charter.

REGULAR AGENDA**FIRST READING****ITEM #1 - Submitted by Thomas Horsman, Assistant Planner****ZONING CHANGE FOR PARCELS LOCATED ON FIRST STREET AND SECOND STREET**

Budgetary Information: There is no impact to the general fund.

- ~~A. It is requested an ordinance be passed disapproving the recommendation of the Planning Commission to amend the official zone map of the City of Sandusky to rezone seven parcels from "R1-40" single-family residential district to "CR" commercial recreation district.~~
- B. PASSED ON FIRST READING:** It is requested an ordinance be passed disapproving the recommendation of the Planning Commission to amend the official zone map of the City of Sandusky to rezone seven parcels from R1-40, single-family residential district, to commercial recreation district.

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

Discussion: Dennis Murray said the commission was presented with two ordinances, one which affirms the decision of the Planning Commission (Item #1A) and another which would upend it (Item #1B). Greg Lockhart said the Planning Commission has already vetted this and we have heard from Jeff Rengel and Bob Waldock. Unless we are considering changing the entire area to a commercial district, we should look at the legislation before us. Trevor Hayberger said the first ordinance (1A) is to approve the Planning Commission's recommendation which would require four votes for passage. Item #1B is to disapprove the Planning Commission's decision and would require six votes for passage. Dennis Murray said he finds this to be a very difficult decision and this is right on the knife's edge in terms of what the right outcome is. He is troubled the commission is talking about either approving or disapproving a decision made by the Planning Commission when they did not have all of the information the City Commission now has in front of them. This seems an odd way to proceed. He understands the argument this land has been in a static condition for a long period of time, but we are about to see an enormous change in the investment on this property if the development to the north of First Street proceeds. Obviously, there has been an enormous amount of money invested already and this is quite evident when driving by. We do need new housing in the city as it helps pay for our city schools and those who pay income taxes help provide services we need for everyone who lives and visits here. This is not an easy decision and Dennis Murray said he has the highest regard for both Bob Waldock and

Jeff Rengel who are on opposite sides of this legislation. He would like to better understand the thoughts of the Planning Commission members with this additional information and receive their recommendation in terms of how to proceed. Nikki Lloyd said members of the Planning Commission did not have all of the information in front of them and also has heard some of them want to change their mind. It is very important we have development on First Street but thinks we should proceed cautiously and does not want to turn back four or five years from now and say this, perhaps, should not have been done; technically this is not spot zoning, but there is a feel of spot zoning when looking at the map. This possibly means we would do full blocks of commercial zoning in the future and would feel a lot more comfortable with that. Wes Poole said he is not prepared to speculate one way or the other about what the Planning Commission might do or did not do because they do not think they had enough information. Likewise, whether or not the property will sell if zoned residential, these arguments cancel each other out. There have not been five new houses built in the city during the last five years or so and the suggestion there is no residential development going on in this segment of First Street is not an argument that means anything. Wes Poole asked if this could be sent back to the Planning Commission because he is getting a sense they still do not necessarily agree with the city's Bicentennial Vision Plan three years after it was adopted. Whether they knew something would be done across the street or not, they knew what the plan was and rejected what was presented to the by staff. Moving forward, if they have come to staff on the side since this decision was made, he does not give much credence to this and suggests if it is a permissible use, to poll them again so we know exactly what they think before voting against them in spite of what he personally thinks about how this should be. Wes Poole suggested tabling this to allow the Planning Commission to review it once again. Trevor Hayberger asked if there is a timeframe for refiling if #1B would pass. Angela Byington said there is not a timeframe in the code; there may have to be a whole new request filed for something different. Trevor Hayberger suggested voting on Item #1B and disapproving it and the applicant could then refile and begin the process all over again with this new information. There is not a process to send it back since they already voted. Wes Poole said he does not suggest putting this candidate through a bigger process again and make him have to pay for it. Planning Commission voted as they did and we now have to make a decision. Naomi Twine said she understands Jeff Rengel's viewpoint - he has property and has someone who wants to develop it, but is supportive of #1B as she does not like voting against the Planning Commission. They were put together for the purpose of vetting these types of things and when items get to the City Commission, they must have a clear path forward. We have some opposing viewpoints with the Planning Commission. City staff and tends to cringe when we look back and say certain things have not happened and is excited about what is going on now and looks forward to some possibilities. Because she is always looking forward, we should support the city's perspective on this. There is no guarantee we will have new residential housing and given some of the things that have happened in the community, we will have people looking for property to build residential housing. Greg Lockhart said one thing which concerns him is the pending sale which would potentially cause some harm to Jeff Rengel. Secondly, both ordinances seem to be the opposite of each other and the same thing could be achieved by voting one up or down. This has gone through the appellate or appeals process with staff and the Planning Commission. Trevor Hayberger said if there is an affirmative vote on #1A, the matter is done and the zoning is approved. If #1B is defeated, Jeff Rengel can return to the Planning Commission; if #1A is approved, this will be rezoned and the matter is closed. Nikki Lloyd said if #1A is voted on in the affirmative, the zoning is changed, but asked what would happen if #1A is defeated; Trevor Hayberger said this is not a disapproval since it needs six votes to fail. Wes Poole asked the purpose of the Planning and City Commission with regard to use of land in an area. He is trying to decide whether this could ever be sold as commercial or if the city's vision calls for residential and asked what impact this will have on the fact it is already zoned residential. Trevor Hayberger said with spot zoning, changes should be supported by the Comprehensive Plan. Sometimes spot zoning is okay while other times it is not okay if a small change is the same as our Comprehensive Plan. This use is not related or in support of both the old and new Comprehensive Plan and is the reason why this is a little different. Wes Poole said he accepts this does not meet the legal definition for spot zoning; it is okay for us as a community, through Planning, to say we want this to be zoned residential even though it was not going to be and this is not an unreasonable thing

to do. We are balancing whether or not we believe commercial recreation is the only thing that will go in. Greg Lockhart said we have to look at the impact zoning changes will have on adjacent neighbors and the community itself. Everyone wants a strong residential neighborhood and concurs with building strong neighborhoods. When looking at this area, traffic studies have been performed to determine traffic counts as this is a gateway to Cedar Point; there are about 8,000 cars going east bound and westbound. There is a potential for expansion of Cedar Point and other businesses and this area looks more commercial to him than anything. He totally supports the development on the North side of First Street but said there is a pending sale for property on the south side and it would be somewhat of a long-term harm for the property owner. We are hedging future development against the harm against the current owner and from what he has seen from opposition by Bob Waldock, it will not present any substantial harm to the development other than he “thinks” it may not be desirable based on a permit he does not yet have for a permanent use. Greg Lockhart said he would like to see both property owners happy but we cannot have this. In the case of deciding the zoning, he has to look at the harm which would go to the neighborhood and right now, there is no potential harm to the opposing party. Nikki Lloyd said when looking at trying to embrace a waterfront community, this is prime real estate. If we are looking to the future and to supporting our Vision Plan, zoning parcels as commercial recreation is setting the area up for potential failure as it could be a deterrent for people to want to build. Nikki Lloyd asked if we are taking away part of the gem we have with Sandusky by putting in a huge boat storage facility or a drive-through. We have more and more development throughout the city and are attracting more businesses and people who want to build residential. Looking at this in the long term, Nikki Lloyd asked if someone would want to build residential on the property next to a drive-through. We need to proceed with caution and look at changing the zoning in the full block or the entire south side of the street. If we are not potentially reducing property developers or reducing the option for the other parcels next to it, they will still be listed as R-140. It is not that we do not want this development, but we also have to be careful of the precedent being set and anyone with single family residential zoning can promote the sale of their property and so long as there is a pending sale, they will be able to get this through the Planning Commission and City Commission. We do not want to set this example; we want to make sure we are protecting all of the neighborhoods and our zoning plan in general. Nikki Lloyd said she understands the Planning Commission approved this, but they can sometimes get emotional and it is very hard to make this decision. We need to determine if this makes sense if the connections are taken out of it and simply look at it on paper, or if it makes more sense to support the city staff and do this as a full block or look at it in the future and make a decision from there. Dick Brady said he is troubled the members of the Planning Commission appear to have ignored our Comprehensive Plan which very clearly stated this area is ripe for and dedicated for commercial development and is willing to not indict them on this issue because they were not privileged to know much of the information gleaned here today. Dick Brady said he does not believe Bob Waldock is pouring 1,200 truckloads of topsoil and spending millions of dollars to purchase this property (across the street) simply to turn it back into another washing machine factory. You can look at this square in the face and say we are going to have residential development on First Street and ask if this is compatible with having a boat storage across the street. This is obviously a difficult decision to make because it does disadvantage a family who has invested dollars for almost a century in this area. Dick Brady said he is not willing to give up on this area as a residential one and certainly is not willing to look the other way on this vote tonight. Naomi Twine said she does not want to look at this as being one family against another. Both families have ideas about what they would like to do with their property and this is fair, but this has come to the City Commission and we have to make a decision and this is where we are. Wes Poole asked if the Planning Commission will meet again before the next City Commission meeting and Angela Byington said they do not. Wes Poole said he may change his vote before the next meeting if he does not hear from the members.

Roll call on the ordinance: Yeas: Dick Brady, Wes Poole, Dennis Murray, Nikki Lloyd, Naomi Twine and Dave Waddington, 6. Nays: Greg Lockhart, 1. The President declared the ordinance passed at first reading.

FIRST READING**ITEM #2****FY 2019 GENERAL APPROPRIATIONS / CITY BUDGET**

PASSED AT FIRST READING: It is requested an ordinance be passed making general appropriations for the fiscal year 2019.

Upon motion of Naomi Twine and second of Dave Waddington, the commission voted to pass this ordinance at first reading. Roll call on the ordinance: Yeas: Dick Brady, Wes Poole, Greg Lockhart, Dennis Murray, Nikki Lloyd, Naomi Twine and Dave Waddington, 7. The President declared the ordinance passed at first reading.

ITEM #3 - Submitted by Greg Voltz, Assistant Planner**2019 PUBLIC ART WORK PLAN**

Budgetary Information: There is no direct budgetary impact related to the adoption of the 2019 Public Art Work Plan. However, implementation of the projects listed in the Plan will be completed with Public and Cultural Art and Acquisition Fund (“PAAF”) dollars, Sandusky Neighborhood Initiative (SNI) dollars, and grants and donations that may become available.

ORDINANCE NO. 19-042: It is requested an ordinance be passed approving and adopting the 2019 Public Art Work Plan for the City of Sandusky; and declaring that this ordinance shall take effect under suspension of the rules as contained in and in accordance with Section 13 of the City Charter.

Upon motion of Dave Waddington and second of Naomi Twine, the Commission voted to approve this ordinance under suspension of the rules and in accordance with Section 13 of the city charter.

Discussion: Dennis Murray said there was a robust discussion at the last Public Arts & Culture Commission meeting about this Plan. Greg Voltz said this was our first attempt and our next step in the process of completing a project. First the Public Art Work Plan was adopted (in November) and this came up as next in the workflow. It is time to touch base with the City Commission and let them know the intentions of the member of the Public Arts & Culture Commission for this year. This includes a very diverse set of projects and is on the lower cost end of things so we can build a bank and enough money to do a bigger project in the future. This is a great set of projects which are geographically diverse and the type of art we are going to do go from paint to sculpture; it will be an exciting year to see where this goes.

Roll call on the motion: Yeas: Dick Brady, Wes Poole, Greg Lockhart, Dennis Murray, Nikki Lloyd, Naomi Twine and Dave Waddington, 7. Roll call on the ordinance: Yeas: Dick Brady, Wes Poole, Greg Lockhart, Dennis Murray, Nikki Lloyd, Naomi Twine and Dave Waddington, 7. The President declared the ordinance passed under suspension of the rules and in accordance with Section 13 of the city charter.

ITEM #4 – Submitted by Aaron Klein, Director of Public Works**PERMISSION TO BID 2019 TREE REMOVAL PROJECT**

Budgetary Information: The engineer’s estimate for the 2019 Tree Removal Project is \$47,250.00, which shall be paid for out of Capital Projects Funds (Issue 8 Infrastructure).

RESOLUTION NO. 009-19R: It is requested a resolution be passed declaring the necessity for the City to proceed with the proposed 2019 Tree Removal 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 Nikki Lloyd and second of Dave Waddington, the commission voted to approve this resolution under suspension of the rules and in full accordance with Section 14 of the city charter.

Discussion: Dennis Murray said this is the last of the trees we were unable to take down ourselves and thinks there are more than 500 trees that have already been removed. Aaron Klein said this is definitely not going to be the last tree removal contract we have, but it definitely gets to our list of trees which cannot be removed in-house. There are only 21 trees remaining within the city on our list and currently and there are a total of 106 trees and 85 of them can be removed in-house with the new equipment purchased and procured last year. Since 2015, 528 trees have been removed - 297 in-house and 231 through a contract. In addition to the 21 we would be removing this year as part of this contract, we still have planned to put \$75,000 in the capital budget. This project would be just under \$50,000 and we also have a stump removal project under purchase order. It will cost just over \$9,000 to remove 54 stumps city-wide and we are taking that out of the \$75,000. Fortunately, this does not complete the trees we cannot remove, but typically when we announce this and an article is in the newspaper, we get about 30 to 40 new phone calls and our list expands again. This takes us to completion this year and it also gives us the flexibility, with the additional \$20,000 remaining, to proceed with removing others on our list from phone calls we receive. Wes Poole asked who will remove these additional trees and Aaron Klein said if it is under \$10,000, we would do them through purchase order; if there are more and we cannot do them in-house, we would come back for approval by the City Commission. Wes Poole said he does not think we are taking down enough trees and them simply being small enough to be cut down in-house does not mean they will be done this year. Staff is trimming and we are going back to where we were ten or twelve years ago and will get into the same trouble we were in before with more work than staff can handle. Unless there is a crew beyond the trimming crew who will also cut down 85 trees this year, Wes Poole is interested in the opinion of others. We are not doing enough with a budget we have enlarged by a significant amount of money and this is the least number of trees we have taken down since we started the program. Dennis Murray said he had understood as part of this we will be taking down a number of trees on our own internally. Wes Poole said we have a crew trimming all over town and he is not seeing the work getting done in any kind of timely fashion and this is because he wants us to get this done sooner and does not want to run out of money before it is taken care of. Aaron Klein said staff in the Forestry Department has tripled since the timeframe and there is quite a bit of organization as well. The people in this department now want to work, want to remove these trees and are pushing forward. They are very focused and organized and with the new equipment and two additional employees, we can take down a significant number of trees. There is a cost savings if we do the work in-house. If we cannot get to these 85 trees this year, we will make sure we take care of as many as we can, even if it means getting a separate contract.

Upon motion of Nikki Lloyd and second of Dave Waddington, the Commission voted to approve this resolution under suspension of the rules and in accordance with Section 14 of the city charter. Roll call on the motion: Yeas: Dick Brady, Wes Poole, Greg Lockhart, Dennis Murray, Nikki Lloyd, Naomi Twine and Dave Waddington, 7. Roll call on the resolution: Yeas: Dick Brady, Greg Lockhart, Dennis Murray, Nikki Lloyd, Naomi Twine and Dave Waddington, 6. Nays: Wes Poole, 1. The President declared the resolution passed under suspension of the rules and in accordance with Section 14 of the city charter.

ITEM #5 – Submitted by Aaron Klein, Director of Public Works

PERMISSION TO BID 2019 SIDEWALK REPAIR & REPLACEMENT PROJECT

Budgetary Information: The engineer's estimate for the 2019 Sidewalk Repair & Replacement is \$93,282.50 which shall be paid for out of Capital Projects Funds (Issue 8 Infrastructure).

RESOLUTION NO. 010-19R: It is requested a resolution be passed declaring the necessity for the City to proceed with the proposed 2019 Sidewalk Repair & Replacement 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 Naomi Twine and second of Wes Poole, the Commission voted to approve this resolution under suspension of the rules and in accordance with Section 14 of the city charter.

Discussion: Nikki Lloyd asked for an overview of this and says it looks as if we have done 56,000 SF of sidewalk during the last three years but this year we are only doing about 6,400 SF. Aaron Klein said since 2016, we did about 5,000 SF and the first year put almost \$500,000 toward sidewalk removal. Unfortunately, it is not always possible to do one third of this every year. We are doing 6,400 SF this year and around 150 linear feet of curb. We are adding areas in the southeast quadrant of Washington Park which are damaged. There is a lot of foot traffic downtown and the city is one hundred percent liable and responsible for our own properties just like residents are responsible for theirs. We hope to get Washington Park fixed up over the next four to five years. It may look like we are doing a lot less, but this project eats up the full \$100,000 available in the budget which is just over \$93,000. Dennis Murray asked if we will be keeping up with additions to the list if we proceeded at this pace and asked how far out we are in terms of addressing the staff needs which are reasonable. Aaron Klein said we are working on sidewalks reported to us in 2017, perhaps one or two from 2016, and so we are about two to three years out. Previously, we were five to seven years out and we are catching up because of the continued Issue 8 funding. The ones remaining are difficult because they are obvious, but people also call to report whole blocks of streets. There are needs out there and it is much easier to do the analysis and get sidewalks on the list if there are specific locations and we know exactly where we are looking. Aaron Klein said he is encouraged we are now starting to include Washington Park and other projects because we have removed a lot of the individual locations off of our list. Nikki Lloyd said last year when we talked about the sidewalk program, we mentioned looking into possibly assessing property owners for a percentage of the cost since it really is their responsibility to take care of sidewalks on their property. Nikki Lloyd asked if there is an opportunity in the future, possibly with Issue 8 dollars in a separate account, for residents to agree to a 25% match for taking care of sidewalks on a reimbursable basis. Instead of being two or three years out with these dollars, it might be more efficient to spread them out and we may catch up faster. Aaron Klein said this is definitely something he would like us to look to in the future. With the workload we have now and all of the projects going on, the amount of paperwork and effort it takes to file this with the Auditor and go through the entire process is tedious and time-consuming and would delay things several months as well. If this is something we can get out in front of in the future, we definitely would like to be able to do this but this year is not a good time because of what we have going on.

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

ITEM #6 – Submitted by Aaron Klein, Director of Public Works

CONSENT TO OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING-URBAN PAVING PROJECT

Budgetary Information: The project cost is estimated at \$1,921,016.36 of which the City's portion is estimated to be \$866,510.15.

RESOLUTION NO. 011-19R: It is requested a resolution be passed adopting the preliminary legislation submitted by the Director of the Ohio Department of Transportation for their Resurfacing-Urban Paving City of Sandusky Project, PID No. 92889; authorizing and directing the City Manager to sign the preliminary legislation and to execute any necessary contracts with the Director of Transportation for this project; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dave Waddington and second of Naomi Twine, the Commission voted to approve this resolution under suspension of the rules and in accordance with Section 14 of the city charter.

Discussion: Aaron Klein said this is being initiated and funded through ODOT for resurfacing on Cleveland Road from the east corporation limit, up Warren, down Washington Street and Huron

Avenue including all of State Route 6 until the intersection of Tiffin Avenue and Venice Road. This is a very long length of roadway and is the first of two projects on their list. This is the first of two projects; the second will be finishing the western portion and the on-ramp. They hope to get started with this project at the beginning of 2020 and a second piece of legislation will be introduced later this year for the agreement. Greg Lockhart said there was some discussion whether they will also widen the road and Aaron Klein said this discussion was part of a separate initiative through the county for the Cleveland Road section. We have had recent discussions with them and they are looking at several options, but that is not included as part of this project. We are hoping to reveal this in the next several months. Dick Brady asked Aaron Klein to explain how the math works for ODOT when they say this will be an 80%|20% split. Aaron Klein said this project is a \$1.9 million project and the city is contributing over \$800,000 which actually comes out to about 55%|45% split. ODOT does all of the engineering over the next seven to eight months, they pay for 80% of all of the pavement markings, asphalt, mobilization, work zones, catch basins and manholes, while the city is responsible for all of the curb ramps and all of them along the corridor must be done. We are also responsible for curb repairs and repairs to damaged base. Aaron Klein because we did not get all of the concrete portion of Sycamore Line completed two years ago, they are also including this portion in the concrete repairs from Cleveland Road to the bridge. This cost is about \$500,000 and was budgeted by ODOT which will be a 50%|50% split. Wes Poole said at the end of the day, regardless of the split, this needs to be done and we could not afford it if we had to pay it all.

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

**ITEM #7 – Submitted by Aaron Klein, Director of Public Works
PURCHASE OF MATERIAL AND PARTS FOR WATER MAIN REPAIRS**

Budgetary Information: The budgeted cost for Core & Main, LP, as presented in the O&M and capital budgets is based on historic annual repairs in the field totaling \$600,000. This year's allocations are for hydrants and valves (\$100,000), miscellaneous materials (\$100,000), and meters (\$400,000 – split evenly with sewer maintenance) and will be paid with Water Funds in the amount of \$400,000 and Sewer Funds in the amount of \$200,000. A portion has already been spent for recent water main repairs via the temporary appropriations.

ORDINANCE NO. 19-043: 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 in-house water main repairs in calendar year 2019; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

**ITEM #8 – Submitted by Jane Cullen, Project Engineer
CEDAR POINT WATERMAIN IMPROVEMENT PROJECT CHANGE ORDER**

Budgetary Information: Change Order No. 1 in the amount of \$45,666.66, will revise the original contract amount of \$403,107.50 to \$448,774.16. The additional costs are paid by the Water Fund. Cedar Fair will be reimbursing the City \$17,874.16 for the work involving the removal and replacement of the C channel lateral bracing under the bridge.

ORDINANCE NO. 19-044: It is requested an ordinance be passed authorizing and directing the City Manager to approve the first change order for work performed by Cash Services, LLC, of

Millibury, Ohio, for the Cedar Point Watermain Improvement Project in the amount of \$45,666.66; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

ITEM #9 – Submitted by Jane Cullen, Project Engineer

PERMISSION TO BID THE THORPE DRIVE CULVERT REPLACEMENT PROJECT

Budgetary Information: The estimated cost of the project, including engineering, inspection, advertising, and miscellaneous costs is \$357,500.00. In September 2018, the City applied for Ohio Public Works Funds in the amount of \$162,500.00 for the Thorpe Drive Culvert Replacement Project which is a 50 percent split of the construction costs. The City was notified in December that this project had scored high enough to be awarded funding. The remaining cost to the City would be \$195,000.00 to be paid with Sewer Funds.

RESOLUTION NO. 012-19R: It is requested a resolution be passed declaring the necessity for the City to proceed with the proposed Thorpe Drive Culvert Replacement 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 Naomi Twine and second of Nikki Lloyd, the Commission voted to approve this resolution under suspension of the rules and in accordance with Section 14 of the city charter.

Discussion: Aaron Klein said Cold Creek goes under Thorpe Drive and there is a large culvert we asked ODOT to inspect a couple of years ago and they found some severe corrosion. They had only done two of our bridges and typically this would be our responsibility. This is a large culvert pipe and we are going to be lifting the whole thing out, replacing it, resurfacing and making the necessary repairs. The bridge is safe and we have signs posted with the updated weight limit which has been reduced and urged motorists to pay attention to these signs.

Roll call on the motion: Yeas: Dick Brady, Wes Poole, Dennis Murray, Nikki Lloyd, Naomi Twine and Dave Waddington, 6. Abstain: Greg Lockhart, 1. Roll call on the resolution: Yeas: Dick Brady, Wes Poole, Dennis Murray, Nikki Lloyd, Naomi Twine and Dave Waddington, 6. Abstain: Greg Lockhart, 1. The President declared the resolution passed under suspension of the rules and in accordance with Section 14 of the city charter.

ITEM #10 – Submitted by Matt Lasko, Chief Development Officer

AGREEMENT WITH ERIE COUNTY ECONOMIC DEVELOPMENT CORPORATION

Budgetary Information: The City will provide ECEDC \$30,000 from the General Fund in 2019 for services rendered and programs offered. The \$30,000 is to be paid to ECEDC quarterly in 2019 with payments to occur on or around March 31, June 30, September 30 and December 15 of 2019.

ORDINANCE NO. 19-045: It is requested an ordinance be passed authorizing and directing the City Manager to enter into an agreement with the Erie County Economic Development Corporation (ECEDC) for certain economic development and marketing services for calendar year 2019; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

Discussion: Dick Brady said in 2011 and 2013, he had the privilege to be the liaison to ECEDC and Sandusky was an entirely different city at that time; the pendulum certainly has swung in our favor. He lobbied the commission at that time to approve this legislation as this is money well spent and is lobbying again. It will certainly return to us more than tenfold and they have proven themselves. This is not a time to take our foot off of the gas pedal; it is time to continue to support ECEDC and they certainly have supported the city. He agrees with them that no matter what economic development goes on in Erie County, it is a benefit to all of us.

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

ITEM #11 – Submitted by Matt Lasko, Chief Development Officer

ERIE COUNTY LAND REUTILIZATION CORPORATION AMENDMENT TO DEMOLITION LOAN AGREEMENT

Budgetary Information: The City will be responsible for continuing to make available loan proceeds to ECLRC in an amount not to exceed \$125,000 from the Real Estate Development Fund. These funds can only be disbursed during calendar year 2019 and must be returned to the City in full no later than December 15, 2019.

ORDINANCE NO. 19-046: It is requested an ordinance be passed authorizing and approving a First Amendment to the Demolition Loan Agreement in the amount of \$125,000.00 with the Erie County Land Reutilization Corporation (ECLRC) for the purposes of furthering blight elimination efforts in calendar year 2019; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

Discussion: Dennis Murray said this basically allows us to get a bridge loan to the Erie County Land Bank so they can continue doing the work while awaiting reimbursement so we can continue to take down the dilapidated structures.

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

ITEM #12 – Submitted by Matt Lasko, Chief Development Officer

REPEALING ORDINANCE NO. 19-031 & APPROVING COOKE BUILDING, LLC, TAX ABATEMENT AGREEMENT

Budgetary Information: The project will have an ongoing positive impact on the general fund, as 25% of the increase in assessed value will be subject to real estate taxes during the abatement period. The project will also help sustain construction jobs in the local economy and will create a minimum of eight permanent full- and part-time employment positions that will be subject to City income tax. Additionally, the new real estate tax revenues in years 1-30 will be paid into the Central Public Improvement Tax Increment Equivalent Fund.

ORDINANCE NO. 19-047: It is requested an ordinance be passed repealing Ordinance No. 19-031 and authorizing and directing the City Manager to enter into an Enterprise Zone Agreement

with Cooke Building, LLC; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

Discussion: Nikki Lloyd said she voted yes on this legislation previously knowing she had zero involvement in the Huntley Building and the Cooke Building. Throughout the course of that week and after having conversations, she found out Ryan Whaley (who is her full-time business partner/ex-husband) and Rick Hogrefe are going into business to open an axe throwing business which will be located in the Huntley Building. At that point, she was quite uncomfortable she had voted on this legislation and had a conversation with Trevor Hayberger while fully intending to call the Ohio Ethics Commission. After something is done and it is past tense, Nikki Lloyd said the Ohio Ethics Commission does not give an opinion, they simply guide to the best of their ability. She basically laid all of the cards out on the table about her business dealings and the divorce paperwork she signed in October and did not think this would be an issue for her to vote on, but it did. There is no opinion, but because she voted on the legislation, this made it void. She took it upon herself to call the Ohio Ethics Commission to address. This Ethics Commission is not getting her out of trouble in any way; this issue is going to their supervisor and they will decide what they want to do. The reason this legislation is coming back is because the vote taken previously has been thrown out and Trevor Hayberger wanted it repealed to cover all bases and be overly thorough so this is really a technicality. It needs to come back so the tax abatement cannot happen and we can meet the deadlines and apologizes for the inconvenience of making this any longer than it already was. Dennis Murray said as a result of the legislation the commission passed being voided we have to vote again. Trevor Hayberger said the Ohio Revised Code Section 2921.42H is where it states if there is a conflict, the legislation is rendered void and does not exist. Prior to bringing it back for a vote, he requests the previous legislation be repealed so if someone looks back five or ten years from now, they understand from the record which will reflect this. Trevor Hayberger said there was a business associate with a conflict. Wes Poole asked if this means a commissioner has a conflict and Trevor Hayberger said a business associate of a commissioner had an interest with the developer. Wes Poole said no public officials known to have an interest in a contract with a brother, cousin, etc. would be guilty of a violation; Trevor Hayberger said it also talks about familial interest. Wes Poole said what makes it a violation is her husband; Trevor Hayberger said it is a business associate. Wes Poole said she (Nikki Lloyd) has an unlawful interest in a public contract with the City of Sandusky which voids the contract and this is a circular argument because by Charter, she cannot stay on the commission while having a contract with the city. The moment the commissioned passed the contract she was no longer a commissioner and no longer qualifies as she can either has a contract or she does not. Trevor Hayberger said she does not have an interest in that contract. Wes Poole said we do not then have to repeal it. Trevor Hayberger said we have two different sections which are totally independent and Dick Brady ran into this. These are two independent things; Nikki Lloyd does not have an interest in a contract with the city but even if the answer to this question were yes, that would be void. The other ORC section is about an unlawful interest in the contract only because of a business associate which is different than what our charter states. Wes Poole said this should have been provided in a document for the commissioners read and this is just talk; he objects to the way this is being done and does not know if Trevor Hayberger is right or wrong. We have talked around this and he (Trevor) could have easily written all of this down for them to absorb. This is highly irregular and Nikki Lloyd has been voting on issues which deal with Rick Hogrefe and his business for three years. We have been bringing it up and it has been implied she had permission. He has spoken to Trevor Hayberger about it, citizens have called him, and now that she has voted on something in which there is an interest the commissioners are having all of this conversation. This should have been written down in an opinion from the Law Department. Dennis Murray said with all due respect, Wes Poole is conflating business associates; Rick Hogrefe is not Nikki Lloyd's business associate as he understands it. The issue here is that it is her former husband - who is the business associate - has a relationship with Rick

Hogrefe and an email was sent last week on this issue. Greg Lockhart said for clarity's sake, Trevor Hayberger referenced ORC Section 2921.22 and this is about having an unlawful interest in a contract which makes any legislation void. This section references a commissioner having an unlawful interest in a contract defined as being a business associate or a family member and asked what the difference is between the two in this instance in particular. If the family member is a husband and marriage was written in an email but then there was a divorce and the terms of a divorce settlement referenced, he is fuzzy about what is being articulated as to why this is void. Greg Lockhart asked if it is a business associate, is it not also a family member. The terms of a divorce settlement to him indicate something ongoing. Trevor Hayberger said the divorce settlement created a business relationship between Nikki Lloyd and her ex-husband; thereafter, there was a business relationship between the ex-husband and the Hogrefe's and **this** is the conflict. He did not look at the issue of a conflict because of a family member - he is only talking about the business associate issue. This is his understanding based on what the Ohio Ethics Commission determined and will have to look into this further. This is not germane to the issue before the commission today and can report back about it. Greg Lockhart said the entire city government is being held up because of this and we should be certain about what we are doing here. Trevor Hayberger said regardless of the business associate, there is a conflict which makes the legislation void. Whether there are other instances which would make this void, this is more compounded; for today's vote, there clearly is one conflict which creates a matter to be void. Dennis Murray said there are some folks who feel strongly about this but this is a conflict which came to Nikki Lloyd's attention as she related to the commissioners following their vote two weeks ago. She immediately reported it to the Law Director and the Ohio Ethics Commission. This vote two weeks ago was unanimous and there are important questions being asked about where we may and may not vote and it is always important to have this discussion. This is life in a small town with people who do things. We will bump into these kinds of issues and we have to handle them as best we can and thinks Nikki Lloyd handled it appropriately once this information came to her attention and is prepared to continue supporting this legislation and does not see any reason to do otherwise. Dick Brady said it is fair to say this is the exact piece of legislation voted on two weeks ago; nothing has changed about the context or wording and that vote was unanimous. Trevor Hayberger said for all three (Items #12, #13 and #14), the only difference is additional language to repeal although they were already repealed by their very nature. Greg Lockhart said this is not the same as some of these issues are from six months ago when the commission voted on the Cooke Building; if this is not being included now, this is why he was asking the question. Matt Lasko said six or seven months ago, this commission considered an intent to invest in the Cooke project which was necessary to show local participation for their tax credit application. This is to memorialize the intent to invest via an actual grant agreement; the legislation for two tax abatements are new. These are identical to what was introduced two weeks ago including the dollar amounts and terms; every word within the agreements are identical to what they were two weeks ago. Dennis Murray said the relationship between the Hogrefe's and Ryan Whaley did not exist when legislation was passed in 2018 and we do not need to do anything with that. Wes Poole asked if we are saying there is no commissioner who has any partnerships or is a business associate with Rick Hogrefe. The focus is on the ex-husband and asked Nikki Lloyd if she has a business relationship with Rick Hogrefe. Trevor Hayberger said the business relationship lies between Nikki Lloyd and her ex-husband who, in turn, has a business relationship with the Hogrefe's. Naomi Twine said this does not even matter because Nikki Lloyd is abstaining from this vote. If there is some complaint about what she did before, this needs to be taken up in a separate matter and probably with the Ohio Ethics Commission. We have legislation here and need to vote on it.

Roll call on the motion: Yeas: Dick Brady, Wes Poole, Greg Lockhart, Dennis Murray, Naomi Twine and Dave Waddington, 6. Abstain: Nikki Lloyd, 1. Roll call on the ordinance: Yeas: Dick Brady, Wes Poole, Greg Lockhart, Dennis Murray, Naomi Twine and Dave Waddington, 6. Abstain: Nikki Lloyd, 1. The President declared the ordinance passed under suspension of the rules and in accordance with Section 14 of the city charter.

ITEM #13 – Submitted by Matt Lasko, Chief Development Officer**REPEALING ORDINANCE NO. 19-032 & APPROVING HUNTLEY BUILDING, LLC, TAX ABATEMENT AGREEMENT**

Budgetary Information: The project will have an ongoing positive impact on the general fund, as 25% of the increase in assessed value will be subject to real estate taxes during the abatement period. The project will also help sustain construction jobs in the local economy and will create a minimum of ten permanent full- and part-time employment positions that will be subject to City income tax. Additionally, the new real estate tax revenues in years 1-30 will be paid into the Central Public Improvement Tax Increment Equivalent Fund.

ORDINANCE NO. 19-048: It is requested an ordinance be passed repealing Ordinance No. 19-032 and authorizing and directing the City Manager to enter into an Enterprise Zone Agreement with Huntley Building, LLC; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

Discussion: Wes Poole said notwithstanding all of the side issues, we want this relationship with the Hogrefe's moving forward.

Roll call on the motion: Yeas: Dick Brady, Wes Poole, Greg Lockhart, Dennis Murray, Naomi Twine and Dave Waddington, 6. Abstain: Nikki Lloyd, 1. Roll call on the ordinance: Yeas: Dick Brady, Wes Poole, Greg Lockhart, Dennis Murray, Naomi Twine and Dave Waddington, 6. Abstain: Nikki Lloyd, 1. The President declared the ordinance passed under suspension of the rules and in accordance with Section 14 of the city charter.

ITEM #14 – Submitted by Matt Lasko, Chief Development Officer**REPEALING ORDINANCE NO. 19-033 & APPROVING GRANT TO COOKE BUILDING LLC AND HUNTLEY BUILDING, LLC**

Budgetary Information: The City will be responsible for providing \$500,000 in grant funds paid initially from the Capital Projects Fund. The City intends to finance this amount through the issuance of urban renewal revenue notes or bonds. These notes or bonds will use proceeds from the Chesapeake TIF to pay for the debt service.

ORDINANCE NO. 19-049: It is requested an ordinance be passed repealing Ordinance No. 19-033 and authorizing and approving a grant in the amount of \$500,000.00 through the substantial development grant program to Cooke Building, LLC, and Huntley Building, LLC, in relation to the properties located at 154-162 Columbus Avenue, 119 E. Market Street, and 133 E. Market Street; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dave Waddington and second of Naomi Twine, the Commission voted to approve this ordinance under suspension of the rules and in accordance with Section 14 of the city charter. Roll call on the motion: Yeas: Dick Brady, Wes Poole, Greg Lockhart, Dennis Murray, Naomi Twine and Dave Waddington, 6. Abstain: Nikki Lloyd, 1. Roll call on the ordinance: Yeas: Dick Brady, Wes Poole, Greg Lockhart, Dennis Murray, Naomi Twine and Dave Waddington, 6. Abstain: Nikki Lloyd, 1. The President declared the ordinance passed under suspension of the rules and in accordance with Section 14 of the city charter.

CITY MANAGER'S REPORT

- Upon motion of Dave Waddington and second of Naomi Twine, the commission voted to accept a donation in the amount of \$50 for the Police Department trust fund from the Solowiej family in memory of Andy Dunn who was killed in the line of duty on March 19, 2011. The President declared the motion passed.

- **Upon motion of Dave Waddington and second of Naomi Twine, the commission voted to accept the donation of a sculpture from LEWCO commemorating Sandusky's Bicentennial year, 2018 (\$7,000 in-kind).**

Discussion: Eric Wobser said during the February Public Arts and Culture Commission meeting, this donation was accepted. The sculpture was created by LEWCO to celebrate the City's Bicentennial contingent upon the donating party working with the Public Works Department to assist with its final placement location as well as the cost of installation. The estimated cost of this sculpture is roughly \$7,000 and will become part of the city's public art collection. This was a highlight of last year's Bicentennial parade and the hillside at the Paper District Marina has been identified as the proper location with its view of the coal docks and the sunset in the background. Dennis Murray thanked LEWCO, the Guerra family and the artists involved and said he looks forward to seeing this.

The President declared the motion passed.

- **Upon motion of Naomi Twine and second of Dave Waddington, the commission voted to accept a \$5,000 donation from the Dorn Community Foundation for the Recreation Department's facilitation of the Midtown Supper Club program. The President declared the motion passed.**
- **The eighth anniversary of the death of Officer Andy Dunn** who was killed in the line of duty on March 19, 2011, is approaching. The Police Department is requesting the public to keep his family in their thoughts.
- The next **Coffee With A Cop event** is scheduled for March 20 from 9 a.m. to 11 a.m. at Viewpoint, 215 East Shoreline Drive. The Police Department is partnering with the Erie County Health Department to educate people about the drug take back program as well as to collect unused or expired medications for disposal. Unused or expired medications can result in accidental poisoning, misuse or overdose and proper disposal saves lives and protects the environment.
- **Sgt. Kevin Youskievicz begins an eleven week program entitled The Public Safety Leadership Academy** on March 25 at the Ohio State Highway Patrol Academy. The courses are taught by professors from The Ohio State University John Glenn's School of Public Affairs.
- The next scheduled **Audit/Finance Committee** meeting is March 22 at 8 a.m.
- We are currently **seeking several hardworking and motivated seasonal, part-time and full-time employees.** Applications may be submitted to Human Resources.
- Greenhouse staff has already begun accepting **palm and fern reservations** for Good Friday, Easter and graduations, so please plan ahead and call 419.627.5884 to place an order.
- **Upon motion of Dave Waddington and second of Nikki Lloyd, the commission voted to approve placement of a Gold Star Family Memorial in Veterans Park.**

Discussion: Eric Wobser said in support of a recommendation made by the Veterans Memorial Park Committee, the Friends of the Greenhouse received grant funding from The Mylander Foundation, the Dorn Community Foundation and the Erie County Community Foundation to place a Gold Star Family Memorial in Veterans Park to honor families of fallen service members. Feick Design Group provided in-kind design and site planning services to the Friends of the Greenhouse and construction of the memorial is

proposed to begin on March 25. Eric Wobser thanked Naomi Twine who, through her role with the Ohio Veteran's Home, played an active role in the planning process for this memorial.

The President declared the motion passed.

- Eric Wobser said per Section 531 of the codified ordinances, **no owner or occupant of real property within the city shall permit their grass or weeds to grow above eight inches in height.** The city published the annual required notice in the Sandusky Register on February 28 notifying all property owners of the grass cutting ordinance and the future steps the city will undertake to ensure compliance with the applicable codes.
- The city has received permission to **bid out the asbestos abatement and demolition of both 1114 Fifth Street and 624 Camp Street** which are both fire damaged structures. The owner of 1114 Fifth Street has hired a demolition contractor and demolition activities commenced on March 4 so this property has been removed from the bid list and the city is only moving forward with a bid for 624 Camp Street.
- The following are **Requests for Proposals** will be issued in the next few weeks:
 1. **Hike Hancock/Walk Wayne:** The Sandusky Public Arts and Culture Commission is seeking proposals from qualified artists or teams of artists to create temporary, site-specific outdoor installations in conjunction with the Sandusky Neighborhood Initiatives Hike Hancock/Walk Wayne events which are meant to encourage people to walk the corridors of the city.
 2. **Temporary Transit Shelter Murals:** The Sandusky Public Arts and Culture Commission is seeking proposals from qualified artists or teams of artists to create temporary artwork to be installed on Sandusky Transit System bus shelters.
 3. **Bike Share:** The Planning Department is requesting proposals for a bike share system. The city and Lake Erie Shores & Islands Visitors Bureau are looking for a company or organization to run a bike share system to enhance the community and visitor environment by providing an affordable, efficient and environmentally-friendly dockless program that complements the existing public transportation system and provides residents and visitors a healthy, convenient way to move around the city.
- The Sandusky Library, Sandusky City Schools and Sandusky Central Catholic Schools have all expressed interest in participating in **Sandusky Votes** non-partisan voter registration campaign.
- **Greyhound Bus Lines** has delayed moving their local bus stop to the **Sandusky Transit System facility** at 1230 North Depot Street starting until April 1. They are working on software logistics.
- **The fixed route SPARC count** for February, 2019, shows STS provided 13,939 rides which is an increase of approximately 40% from the February, 2013, count of 5,459. The growth in transit with our new partnerships continues to be impressive.
- The **Planning Commission** meeting is scheduled for March 27 at 4:30 p.m.
- The **Board of Zoning Appeals** meeting is scheduled for March 21 at 4:30 p.m.
- The **Landmark Commission** meeting has been canceled this month due to a lack of applications.

- The **Spring Break Camp** for Grades K-12 is March 25 through March 27 from 10 a.m. to 2 p.m. in the Sandusky High School cafeteria and gymnasium. This free program provides quality traditional and non-traditional programming for youth during out of school time with lunch being provided each day by Pizza House and the Salvation Army. Last year was the first year for this camp and it was very successful. We are excited about this as it is one of the many initiatives the Recreation Department brings to the community.
- Dave Waddington asked about **appointing someone to work with the U.S. Census Bureau** because this will be pivotal for us. If our population drops below 25,000 we could lose a lot of state and federal funding. He worked on the 2010 Census, but does not know if he wants to be part of this one. Eric Wobser said we have already begun to have some discussions about this in the Planning Department and it is likely Talon Flohr, our Neighborhood Outreach Coordinator, will be the city's point person. He has already had talks with others in the community who have interest in the Census and has thought this kind of voter registration piece is a logical first step in getting together a similar group to work on census-related issues. We will reach out to the commission to see if anyone wants to participate and agrees this count is important. Greg Lockhart said we need to focus on bringing folks into the community and have some tools in place but not a comprehensive plan to bring people back. From what he has looked at, the Census has an estimate which states we probably have lost about 500 people and right now our population is around 25,750 by the last estimate. If this is the case, we should actually have something measurable we are using to bring folks back into the city. We offer down payment assistance but should couple this into a package to bringing folks in and knowing how many we have actually brought in. We have some potential with the Cold Creek property to build new homes but it is critical to not drop below 25,000. Eric Wobser said he has done a lot of work in his previous positions looking at Census and demographic changes in communities. This can be very complicated, particularly in cities like Sandusky which have aging populations and pensioners without a generation behind them who are still working in factory jobs and even as a community starts to improve and turn its economy around, it can be very difficult to actually maintain positive population growth. Although we can be seeing changes which are improving the quality of the residential base, whatever we do to attract population growth also should attract it across several demographic areas. The down payment assistance program, the residential tax abatement and the current development and construction of over 100 new units downtown are all meant to project new population into the city, but this is not necessarily a straight line. In many ways, based on things that happened 20 years ago, it will make it really hard for us to turn the corner on population immediately. We are hosting a meeting with realtors about how they can better market and sell Sandusky because we think this will be the last generation. Realtors have lost the ability to sell urban neighborhoods and they go straight to school district rankings and suburban housing stock but we know there is a growing population of people who want to and would choose to live in Sandusky. There are a lot of small steps we can take and we are getting more intentional with how we market the city and what we do with programs and is definitely look forward to diving into this conversation. Greg Lockhart said he spoke with the Dean of Workforce Development at Ohio City who is California native. One of the steps they took in the Sacramento area was to partner with existing institutions to create education-funded scholarships for people moving into the city. In the particular fields of healthcare, police and fire, they partnered with health care agencies and put money into a fund to increase the populations through education. This is one of the strongest things one can do is expand housing and education together and perhaps we can look at something like this.

OLD BUSINESS

None.

NEW BUSINESS

Upon motion of Naomi Twine and second of Dave Waddington, the commission voted to hold a Public Hearing concerning the city's FY2019 Community Development Block Grant program on April 22. The President declared the motion passed.

AUDIENCE PARTICIPATION

Tim Schwanger, 362 Sheffield Way, said he lives on the west end of town and received a call about city crews filling potholes between Fremont Avenue and the area toward Sidetracks on Barrett Road. They failed to go down McCartney Road and fix the thousands of potholes on this street and asked if this has become a task which is done based only on complaints, or if there is a list of streets with potholes. He sent an email to Aaron Klein who thanked him for the information and provided a link to file a concern, but wonders if those in the west end are red-headed stepchildren. Aaron Klein said McCartney Road is scheduled to be paved this year. Tim Schwanger said this fixes the problem on McCartney Road but asked about the rest of the streets in the city which have potholes filled on a yearly basis because they are troubled. Dennis Murray said we do repair potholes on roads other than which have been complaint-driven. Aaron Klein said crews are out on a daily basis this time of year going through zones and filling potholes. Tim Schwanger said 528 trees have been taken down since the tree program started and said the Tree Commission had a recent presentation about these as well as those which have been replaced. It seems like the replacements are not keeping up with the amount of trees we are cutting down and this is awfully small and asked if there is a number for replacements for 2019; Aaron Klein said this number is about 300 for this year.

Sharon Johnson, 1139 Fifth Street, said she has documentation showing Rick Hogrefe has some kind of minority partnership in Paddle & Climb. Paperwork for the Cedar Hotel in Bay View shows Nikki Lloyd and her husband are in this business while Rick Hogrefe owns the land and we need to be honest about what is going on with this relationship.

At 8:25 p.m., upon motion of Nikki Lloyd and second of Naomi Twine, the commission voted to adjourn. The President declared the motion passed.

Kelly L. Kresser, CMC
Commission Clerk

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