

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

The Clerk called the roll and the following Commissioners responded: Dennis Murray, Naomi Twine, Dave Waddington, Wes Poole and Blake Harris.

Upon motion of Dave Waddington and second of Naomi Twine the commission voted to excuse Mike Meinzer and Dick Brady. The Vice President declared the motion passed.

City staff present: Eric Wobser - City Manager, John Orzech – Assistant City Manager, Jared Oliver – Police Chief, Don Rumbutis – IT Technician, Aaron Klein – Public Works Director, Brendan Heil – Law Director, Michelle Reeder– Finance Director, Jonathan Holody – Development Director, Jim Green – Acting Fire Chief and Kelly Kresser – Interim Commission Clerk.

Upon motion of Wes Poole and second of Naomi Twine, the commission voted to approve the minutes of the July 26 regular meeting and the August 4 special meeting, and suspend the formal reading. The Vice President declared the motion passed.

#### **AUDIENCE PARTICIPATION**

None.

#### **PROCLAMATION**

Naomi Twine presented a Proclamation regarding the 2021 Drive Sober or Get Pulled Over campaign.

#### **CURRENT BUSINESS**

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

#### **REGULAR AGENDA**

**ITEM #1 – Submitted by Jason Werling, Recreation Superintendent**

**EXTEND LEASE AGREEMENT WITH STEVE & TAMMY HAMMER D.B.A. SANDUSKY BAIT COMPANY FOR RETAIL BUSINESS AT THE SHELBY STREET BOAT RAMP LAUNCH FACILITY BUILDING**

**Budgetary Information:** The Sandusky Bait Company will continue to pay the rental fee income of \$100 per month during the peak season and \$50 per month during the off-season through the end of 2021.

**ORDINANCE NO. 21-124:** It is requested an ordinance be passed authorizing and directing the City Manager to enter into a First Amendment to the Agreement with Steve and Tammy Hammer (d.b.a. Sandusky Bait Company) for the operation of a retail business for the sale of bait and tackle, convenience items, food, beverages, and fishing equipment and supplies at the building located at the Shelby Street Boat Launch Ramp Facility to extend the term through December 31, 2021; and declaring that this ordinance shall take immediate effect in full accordance with Section 14 of the City Charter.

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

*Discussion:* Dennis Murray said this is a great service to the community and the ordinance will extend the months of service which has been well received by the community.

Roll call on the motion: Yeas: Dennis Murray, Naomi Twine, Dave Waddington, Wes Poole and Blake Harris, 5. Roll call on the ordinance: Yeas: Dennis Murray, Naomi Twine, Dave Waddington, Wes Poole and Blake Harris, 5. The Vice President declared the ordinance passed under Section 14 of the City Charter.

**ITEM #2 – Submitted by Josh Snyder, Public Works Engineer****AWARD CONTRACT TO PRECISION PAVING, INC. FOR THE 2021 CDBG STREET REHABILITATION PROJECT**

**Budgetary Information:** The total construction cost of the project based on bids is \$267,215.57, and shall be paid for using Federal Community Development Block Grant funds.

**ORDINANCE NO. 21-125:** It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with Precision Paving, Inc. of Milan, Ohio, for the 2021 Community Development Block Grant (CDBG) Street Rehabilitation Project; and declaring that this ordinance shall take immediate effect in full accordance with Section 14 of the City Charter.

**Upon motion of Wes Poole and second of Blake Harris, the Commission voted to approve the ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter.**

*Discussion:* Dennis Murray said this amount of money for investment into repaving is a good thing to see and this is very visible throughout the city and it is remarkable. Dave Waddington said he thought there is a backlog on the sewers as some of them dropped 6" to 8" and recently we painted white circles around some of them, but they are tough to see and asked how long this will be. Aaron Klein said this is something the city has been on the contractor to handle. They did not get all of the steel manhole lids in on time and plan to come back in. We will start providing them with our stock to replenish and complete these as quickly as possible, perhaps this week or next. When a new coat of asphalt is put on, the valve cover is not below the surface of the pavement so the contractor has to come out and cut this, put a collar around it and make it level. It is different this year. Typically we mill the roadway a certain depth but this year we are milling a little less from the centerline of the road so we reestablish the crown for proper grading to the curbs and into the catch basins. Typically the manholes are at the center of the pavement and in the past, it may be ½" down but this is as much as 1½" to 3". There have been times in the past when contractors have done this prior to putting the surface on but this does not work well and they have to be adjusted after anyway. Dave Waddington asked about the crack sealing at the curbs and said he has heard complaints about the weeds around them. Aaron Klein said under this contract, we prioritized the asphalt surface and did not have the joint sealing at the edge of the pavement. We will have the street crew deal with this issue later this fall. Wes Poole asked what the impact is of the joints not being sealed. Aaron Klein said typically this is how roads start to deteriorate. The water gets in them in the winter, freezes and starts popping out the asphalt. If there is damage it is not that impactful but some of the gutter sections do have some damage at the joints already and is where the water will settle and start to expand. Wes Poole said he is concerned about the urgency of making sure this is accomplished and Aaron Klein said he will get this information and figure out what is needed.

**Roll call on the motion: Yeas: Dennis Murray, Naomi Twine, Dave Waddington, Wes Poole and Blake Harris, 5. Roll call on the ordinance: Yeas: Dennis Murray, Naomi Twine, Dave Waddington, Wes Poole and Blake Harris, 5. The Vice President declared the ordinance passed under Section 14 of the City Charter.**

**ITEM #3 – Submitted by Aaron Klein, Public Works Director****PERMISSION TO BID THE CEDAR POINT CAUSEWAY WETLAND PROJECT – PHASE 1, PROJECT 1, RELATED TO THE SANDUSKY BAY INITIATIVE**

**Budgetary Information:** The engineer's estimate for this first project is \$3,716,000 and will be paid with grant funds received from the Ohio Department of Natural Resources in cooperation with the Ohio Environmental Protection Agency. The remaining funds from the \$4,029,500 grant will be used for construction inspection and change orders. No City funding will be incorporated into this project.

**RESOLUTION NO. 035-21R:** It is requested a resolution be passed declaring the necessity for the City to proceed with the proposed Cedar Point Causeway Wetland Project – Phase 1, Project 1, and relating to the Sandusky Bay Initiative; 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 full accordance with Section 14 of the City Charter.

**Upon motion of Blake Harris and second of Naomi Twine, the Commission voted to approve the resolution under suspension of the rules and in full accordance with Section 14 of the City Charter.**

*Discussion:* Aaron Klein said about six years ago the city received an approximate \$1 million grant from the State of Ohio to look at this project. We looked at several options including water quality, habitat improvements and the creation of wetlands. This project was one of the three locations and is the first phase; the goal is to reduce the nutrient loadings (phosphorus and nitrogen) within Sandusky Bay which are causing algae blooms. It is also to create a habitat for fish, birds and other wildlife. We are hoping to have fish spawning areas to improve fishing in the back bay area when complete. There is a multi-level component to this project and with this community and the support of the commission, the water in Lake Erie and Sandusky Bay is so critical to our water system and our waste water treatment. It has been wonderful to work on projects like this which he (Aaron) is so passionate about. This is phase I of a four-phase project is broken down into three steps. The first step is to build the outer perimeter of the embankment area for the wetlands. The second step is going to be the Corps of Engineers coming in after dredging the Moseley Channel which allows the shipping to the coal docks. Once dredged, this material will be placed in the rock embankment which we just created. This will dewater, settle and compact. We have at least one year worth of storage and hope to get two years. Once it has solidified enough, we will get more state or federal monies to go back and reshape it. This is when we are going to put in plantings, put channels through it and create the habitat. This area is immediately adjacent to the bay which is just west of the overflow parking lot for Cedar Point. It is on the west side of the wetlands and is right up against Kafralu Island and through the channel. The embankment wall within the bay is actually south of the culvert to make sure the flow gets through and the contractor will have to dredge the opening of the culvert and reestablish the grade. We are working with the U.S. Coast Guard and others to make sure there is signage, beacons and everything else we need, by law, so boaters do not run into this. We are working our timeline around Cedar Point's opening and closing dates. Dennis Murray said this project is near his home, although not adjacent. It has no direct benefit to him or his wife and he has abstained on legislation related to this project in the past because of a concern it may not seem right. The commission has already approved this project without his vote but he views this as a funding issue, not an approval of the project. He thinks he is able to vote on this but asked the Law Director if it is necessary for him to abstain which could potentially delay the project. Brendan Heil said in this instance, and because Dennis Murray will not receive a direct personal benefit, he may vote on this. He (Dennis) is not required to abstain.

**Roll call on the motion: Yeas: Dennis Murray, Naomi Twine, Dave Waddington, Wes Poole and Blake Harris, 5. Roll call on the resolution: Yeas: Dennis Murray, Naomi Twine, Dave Waddington, Wes Poole and Blake Harris, 5. The Vice President declared the resolution passed under Section 14 of the City Charter.**

#### ITEM #4

##### NATIONAL OPIOID DISTRIBUTOR SETTLEMENT AGREEMENT

**ORDINANCE NO. 21-126:** It is requested an ordinance be passed accepting the material terms of the One Ohio Subdivision Settlement pursuant to the One Ohio Memorandum of Understanding and consistent with the terms of the July 21, 2021 National Opioid Settlement Agreement; and declaring that this ordinance shall take immediate effect in full accordance with Section 14 of the City Charter.

**Upon motion of Wes Poole and second of Naomi Twine, the Commission voted to approve the ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter.**

*Discussion:* Brendan Heil said this is a proposal for the City of Sandusky to accept the State of Ohio's agreed-upon settlement for ongoing opioid cases which is in Multidistrict Litigation (MDL) in Cleveland. This is public litigation where every governmental entity in the State of Ohio and across the country join together to sue certain manufacturers of opioids and distributors of opioids. If passed, this ordinance would direct the city to agree with the settlement which the State of Ohio Attorney General and other counsel have negotiated. It would allow for direct allocation to the City of Sandusky. There is also a foundation set up for the region (Region 19) which would provide some funds. The majority of these funds are tied to the remediation in dealing with issues related to the opioid epidemic both with the direct funds the city will receive and any funds disbursed through the foundation to the city or the region. This ordinance directs the city to submit the required documents along with the participation form indicating we believe the settlement is acceptable. Once enough participating leading subdivisions indicate acceptance, it will be triggered as laid out in the agreement and disbursements will follow in the future. Wes Poole said the public needs to know how much money we are likely to get and what we will spend it on and if there are options. Brendan Heil said if enough of the participating subdivisions trigger the settlement, the direct allocation to the City of Sandusky would be \$177,000± up to \$254,000 over a number of years depending on certain incentives which are triggered by those subdivisions participating in the agreement. According to the settlement and the Memorandum of Understanding, there are certain expenses which qualify and they are all related to the remediation of the opioid epidemic or preventing it from happening in the future such as drug treatment, education and public safety. Naomi Twine asked how the regions were identified or divided.

Leslie Murray, 1231 Wayne Street, outside counsel for the City of Sandusky, said the Attorney General participated in the negotiations and we are still in active litigation with over 3,000 townships, counties and municipalities which brought suit against a number of manufacturers, distributors and pharmacies. This settlement is the portion to settle with three main distributors including McKesson, Cardinal and Amerisource Bergen as well as Johnson & Johnson – the only manufacturer participating. It is the bulk of the settlement and the rest of the litigation will continue against the pharmacies and the other manufacturers. These are the companies with the most information and the ability to abate - but chose not to. There is also the Purdue settlement which is in bankruptcy. The region Sandusky is in goes from Lorain County south and we are in a non-urban/rural category so the larger cities are separate. There will be a determination made later from the Judge in the MDL in Cleveland as to whether the initial plaintiffs (Summit County and Cuyahoga County) will be included and there may be a separate tract for them. Wes Poole asked if there will be money going to an overall region plus money going specifically to the townships or cities and Leslie Murray said the way the settlement agreement was reached, there will be two separate buckets of money. The first will go to the State of Ohio and municipalities, townships and counties and we are allocated specifically for this if we reach the threshold of 80% participation or approximately \$177,000. If we reach 95% threshold of participation, we will get \$254,000. The region is the creation of a foundation if there is enough participation and if the Judge approves the settlement. This includes about eight counties and is a completely different bucket of money. It has not yet been determined how these monies will be allocated. A board has been set up through the Governor and legislators. Wes Poole said his interest is in what we are being given and if we will control it. He asked if the entire community at large, including the county, may have interaction to put together projects of value with this money to benefit the entire area. Leslie said this is a political question and there is nothing which would hold the city back from this. The instruction which ties these funds is to do abatement, prevention and remediation and there is a lot of instruction related to healthcare, law enforcement and education with the schools and outside organizations which deliver services to youth. Once the money is here, so long as it qualifies as one of remediation, abatement or prevention, the city can work with others. Brendan Heil said it appears to be anticipated proposals will be presented to the foundation board similar to the grant-making process. The board will approve them and there should not be anything to stop us from working with other entities to make proposals for specific projects to get funding from the board. Wes Poole recommends when we get this and it is all sorted out we take advantage of working with the surrounding area to make a major impact. Dennis Murray said he does not want to upend

approval of this settlement but we are down by two commissioners this evening. Leslie is his second cousin and normally he would not vote on this, but he does not have an economic tie to the settlement or to her law firm. He asked for direction as to whether he should abstain on voting on this legislation. Brendan Heil said since there is no direct financial benefit, he (Dennis) is not the city's attorney for this matter, Leslie Murray is outside the definition of a direct personal family member (not immediate family) and there is no close personal financial tie, he is not required to abstain; ultimately is up to Dennis Murray.

**Roll call on the motion: Yeas: Dennis Murray, Naomi Twine, Dave Waddington, Wes Poole and Blake Harris, 5. Roll call on the ordinance: Yeas: Dennis Murray, Naomi Twine, Dave Waddington, Wes Poole and Blake Harris, 5. The Vice President declared the ordinance passed under Section 14 of the City Charter.**

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

- **Upon motion of Naomi Twine and second of Dave Waddington, the commission voted to accept a donation in the amount of \$150 from Edward Taylor for the Washington Park & greenhouse fund. Eric Wobser said Mr. Taylor wanted to thank the staff and volunteers who maintained our beautiful parks through the pandemic. The Vice President declared the motion passed.**
- **Upon motion of Dave Waddington and second of Naomi Twine, the commission voted to affirm the reappointment of Joey Supina on the Erie County Board of Health for a five-year term expiring December 31, 2026. Roll call on the motion: Yeas: Dennis Murray, Naomi Twine, Dave Waddington, Wes Poole and Blake Harris, 6. The Vice President declared the motion passed.**
- **Austin Krausher and Brian Torres were recently sworn in as Reserve Officers with the Department.**
- Eric Wobser thanked staff in the Recreation, Fire and Street Departments for their help in planning and coordinating the very successful **Touch a Truck event** that took place on August 3. A special thank you to Eva Olcott and Annette Solet for their hard work ensuring the event was a success. There was a lot of great feedback about this event and it was a huge hit for the community once again. Next year's event will take place on August 2, 2022. Dennis Murray said this was a great event and all of the agencies around Erie County who participated really made this a regional draw - much as Sandusky has become.
- The Police Department will be participating in the **"Drive Sober or Get Pulled Over"** campaign throughout the State of Ohio from August 18 through September 6. We encourage visitors and citizens to always use a designated driver to save lives.
- **Congratulations to Assistant Superintendent of Water Services, Bill Burch, Jr., who received his Class IV license with the Ohio EPA.** This is wonderful news as the residents and the staff are extremely fortunate to have Bill in this role.
- Welcome to **Brycen Babisak and John Mulgrew who will both be joining the Sewer Maintenance Division of Public Works** in Maintenance II positions.
- Seventy seven, or 51%, of the planned 150 **street segments have been paved in our 2021 resurfacing program.** Utility adjustments, striping and replacement of traffic loops are forthcoming on those already paved. For paving, the contractor will continue working his way eastward before going back to the west end to address streets in that area. In addition, the **Camp Street project** is substantially complete with only a few punch list items remaining.

- Welcome aboard to **Paul Matthews who started August 2 as a plumbing inspector in the Building Department.** Paul has over 20 years of experience in the plumbing trade.
- **Construction has resumed at the Feick Building** where new windows and doors started to be installed last week. Dennis Murray said all of the windows initially came in but were the wrong size due to mistakes made in the manufacturing process.
- **All Tax Increment Financing (TIF) agreements have been signed for the Hogrefe-Cooke building project.** Staff is preparing the necessary submission of documents for the State of Ohio to establish the TIF district.
- The Public Works Department has completed **acquisition of the vacant lot on Superior Street needed for the eventual extension of the Sandusky Bay Pathway.**
- The Division of Planning continues to work on organizing **a series of neighborhood meetings** across the city. The first one will be on August 25 and then on every subsequent Wednesday evening through September 29 for a total of six meetings. More information regarding times and locations will be publicized soon.
- The next **Public Arts & Culture Commission meeting** is August 17 at 5:15 p.m.
- The next **Landmark Commission meeting** is August 18 at 5 p.m.
- The next **Board of Zoning Appeals meeting** is August 19 at 4:30 p.m.
- The next **Planning Commission meeting** is August 25 at 5 p.m.
- **Sandusky Transit is still hiring for multiple bus driver positions as well as a dispatcher.** Applicants can apply directly through First Transit's website at [www.firsttransit.com](http://www.firsttransit.com)
- Sandusky Recreation will be hosting a free **Kids Cruise 2021** on the Goodtime I on August 16 from 6 p.m. to 8 p.m. Dinner will be provided by Pizza House East before the cruise on the pier. This event will celebrate all the youth of Sandusky who participated in Sandusky Recreation programs this past year before they start back at school. Signups are at [www.cityofsandusky.com/recreation](http://www.cityofsandusky.com/recreation). Eric Wobser thanked Jason Werling, Tondra Frisby, Annette Solet and the entire recreation team. As part of the commission support of the Goodtime, we held certain dates of the year for the youth of Sandusky and this will be a great opportunity to get them out on the water and say thank you before they head back to school.
- **Movies by the Bay** will return to the Jackson Street Pier this week on Tuesday at 7 p.m. featuring the movie *Moana*.

#### **OLD BUSINESS**

None.

#### **NEW BUSINESS**

Dave Waddington said there are only five commissioners here tonight but he has been watching the new **COVID variant which has been making people sick and the State of Ohio is now designated as red. He is concerned with our budget** and knows we got money from the federal government, but to go forward cautiously as far as spending. We do not know what is going to happen with the schools and this changes every day. If we keep running at the current pace and go into another shutdown, this time businesses may not have the same help as before and we will be creating debt for our grandkids and great grandkids. He asked if there is some mechanism in place to watch this. Dennis Murray said he is concerned we will be back here in masks

sometime in September or sooner. The variant is out of control and we have not reached ideal vaccination levels in Erie County and is terribly concerned about where all of this is going. Last year we took a 39% hit to our revenues but this was not as awful as we feared it could be. Although we are in a strong position at the moment, our revenues are down this year and asked for feedback in terms of what the city will look like if we are down by ten to twenty percent and what our reserve may look like. Eric Wobser said the good news is we are on track this year for a significant surplus at the end of the year as things stand right now. This is based on keeping our expenses down and being cautious and deliberate with our expenses, not on revenue coming in higher. A lot of the larger expenses are coming from the stimulus dollars and we are waiting to see where the budget goes. We hope to have the 2022 budget before the commission in October with more detail. We are holding a relatively significant amount of the stimulus money to replace lost revenues as this is one of the eligible expenses. For project related expenses, we will do our best to use one-time revenues that exist and make sure there is enough to continue to replace lost revenue to maintain staffing levels. We do not know what is going to happen and things look very good right now, but it is good we have this cushion and we need to be prudent. Michelle Reeder said at the end of July, we were at 59% of what we budgeted for revenue and are right on target. We are being conservative and not spending money before we actually receive it. Dennis Murray asked what our projected surplus is expected to be at the end of this year and Michelle Reeder said at the end of 2020 we were at \$4 million; we look to be above this amount at the end of 2021. This depends on any projects the commission votes to complete before the end of the year and on our final revenues. Dennis Murray said our revenues currently are anticipated to be about \$1 million more than our expenses plus we have the stimulus dollars in the bank and available for this year and gives him some comfort. Wes Poole said having a surplus at the end of this year because we did not do very much means there are services the public did not receive and this is what got us into the problem we were in prior to this. The years prior when we did not spend any money on capital improvements and it is not a positive to have this \$4 million at the end of the year and suggest we can just add personnel and other things of this nature. Going forward, every dime spent needs to be discussed as far as how we benefit from the expenditure and how to increase our revenues. We were losing revenue before COVID every year (2018 – 2020) and our population has decreased. We are not doing anything to generate more money and cutting back on services is not enough; we have to pay close attention to what we spend our money on and not just spending it on things that look nice or make us feel good. He agrees with free movies for the community because it stimulates interest in the community but bringing more tourists in here and not adding residents does not get it for him. Dennis Murray said we have always carried a positive cash balance and would get a low bond rating if this goes too low; it is necessary to keep this on hand to meet our obligations. This is not a year where we are going to get \$5 million more in revenues than what we have in expenses. Wes Poole said we have been dealing with declining revenues for several years and we have been spending hoping these investments would make Sandusky a great place to be but he recognizes we need to pause and evaluate whether the money we have invested in bringing in additional revenue or determine other benefits before we keep spending money. Eric Wobser said we have been making investments throughout the entire city, particularly in our neighborhoods and in our housing stock. The housing market currently in Sandusky is the strongest it has been in decades. In addition, the percentage increases in residential investment is greater than the rest of Erie County for the first time in decades. We had a major increase in revenue from 2015 to 2016 to 2016 which flattened out in 2018 and 2019. In the 2020 adopted budget, it was a record first quarter for the City of Sandusky pre-COVID and wants it to be clear there has been hundreds of millions of dollars of investment in neighborhoods and housing stock. We have taken a dramatic shift with COVID on our revenues but there is no evidence our investment strategy is not working. We have gotten a lot of attention from investors who are looking to continue to invest in the city. Dennis Murray said it is difficult to know what the return on investment is and cities and states are not like private entities.

**Upon motion of Wes Poole and second of Naomi Twine, the commission voted to appoint Louis Schultz to the Landmark Commission for a term ending December 31, 2021.**

*Discussion:* Dennis Murray said there are a couple of vacancies on the Landmark Commission and there has been a discussion about appointing residents. At the moment, the issue is we need to make sure the Landmark Commission can act on the applications submitted at their August 18 meeting. These two applications were received (from residents) who are very qualified. Louis Schultz is a longtime member of the Erie County Historical Society and is an ardent preservationist. Robert Truka is an architect who recently moved into the area who has a lot of experience in rehabilitating historic buildings. In order to keep this commission moving forward, these appointments will fill the two vacancies for the terms expiring at the end of this year. Naomi Twine said we discussed the Landmark Commission membership at the last meeting and is fine with these two appointments being made this evening as we do need to continue with the city's business. Wes Poole said both of these individuals are qualified and looks forward to their input with the commission.

Roll call on the motion: Yeas: Dennis Murray, Naomi Twine, Dave Waddington, Wes Poole and Blake Harris, 6.

**Upon motion of Naomi Twine and second of Dave Waddington, the commission voted to appoint Robert Truka Schultz to the Landmark Commission for a term ending December 31, 2021.**

Roll call on the motion: Yeas: Dennis Murray, Naomi Twine, Dave Waddington, Wes Poole and Blake Harris, 5.

#### **AUDIENCE PARTICIPATION**

None.

#### **ADJOURNMENT**

**Upon motion of Dave Waddington and second of Wes Poole, the commission voted to adjourn at 6:02 p.m. The Vice President declared the motion passed.**

Kelly L. Kresser  
Interim Commission Clerk

Richard R. Brady  
President of the City Commission