

The President called the meeting to order at 5:00 p.m. after the Invocation, given by Naomi Twine, and the Pledge of Allegiance.

The Clerk, McKenzie Spriggs, called the roll and the following Commissioners responded: Wes Poole, Blake Harris, Dennis Murray, Dick Brady, Naomi Twine, Mike Meinzer and Dave Waddington. Commissioners Blake Harris and Naomi Twine were in attendance via teleconference due to the COVID-19 pandemic.

City staff present: Eric Wobser – City Manager, Justin Harris – Acting Law Director, Stuart Hamilton – IT Manager

City staff via teleconference: Michelle Reeder – Finance Director, Matt Lasko – Chief Development Officer, Aaron Klein – Director of Public Works, Jim Green – Acting Fire Chief, McKenzie Spriggs – Commission Clerk.

Upon motion of Dave Waddington and second of Dennis Murray, the commission voted to approve the Minutes of the August 24 meeting and suspend the formal reading. The President declared the motion passed.

PUBLIC HEARING: APPLICATION FOR PLANNED UNIT DEVELOPMENT

A presentation was given by Greg Voltz regarding the site location and preliminary plans. He said the hearing is for a zone map amendment for a Planned Unit Development (PUD) district at 1643 First Street, the former Apex property. The applicant is proposing a PUD consisting of 42, three (3) bedroom villas and 18, two (2) bedroom detached patio homes. Site amenities include boat dockage, walking trails, a pool and more. The PUD is chapter 1155 of Sandusky's planning and zoning code which is meant to promote progressive development of land and construction there by encouraging planning developments to achieve a list of desired outcomes. The site falls within a focus area of the Sandusky Bicentennial Vision 2018 Comprehensive Plan, adopted in February of 2016. The plan states for this portion of First Street, the goal should be to develop waterfront residential on former industrial sites while creating or maintaining public access. The applicant throughout discussions has been supportive of the Sandusky Bay Pathway and shows it on the preliminary plans. The Sandusky Bay Pathway is a priority and is called out in the comprehensive plan as well and the city is glad the applicant is working with the city on the pathway along First Street. The proposed PUD does meet density requirements set forth in chapter 1155, parking provided for this development meets the amount required in chapter 1149. During the design of the final development, the applicant will need to provide engineering feasibility studies, showing the necessary water and sewer drainage, electricity, telecommunications, natural gas lines, waste disposal, street widths and dimensions, and the extent of earth work required for site prep and development. With this being a condominium development, the site would likely have an HOA to handle community space needs as well as deed restrictions, protective covenants and other legal statements or devices to ensure the final plat is adhered to by the owners purchasing property within the development. These documents will have to be provided when the applicant is made for final development plan approval. At the July 22 Planning Commission meeting, they recommended approval of a zone map amendment to create a PUD at 1643 First Street. Planning Commission has made this recommendation based on the preliminary plan with the following recommendations shown today.

Public comments included:

The Shades of Nantucket Homeowners Association is a neighboring property to 1643 First Street-- Bob Waldock and 1643 Limited, are requesting a zoning change to allow a Planned Unit Development at their First Street location.

The Shades of Nantucket HOA does not formally object to the zoning change, but wanted the record to state there is a legal dispute filed in Erie County Common Pleas Court where Plaintiff, 1643 Limited filed suit against the Shades of Nantucket HOA along with all property owners on Nantucket Drive. This is a dispute concerning land that Bob Waldock and 1643 Limited have recently claimed to now own and have incorporated in their future plans for development. We

intend to have this situation resolved through the legal system, but wanted this legal dispute noted and request this zoning change be tabled at today's meeting and not reconsidered until the legal dispute is resolved.

Respectfully,
Ron Goldstein, pres.
Shades of Nantucket, HOA
10001 York Theta Dr.
North Royalton, OH 44133

On August 11th, a lawsuit was filed in Erie County regarding a land dispute involving a small section land in the northeast corner of 1643 First Street. The area is highlighted on the attached survey map and shown in the attached photos. Although not part of any of the submerged land leases associated with Nantucket or the named individuals, the Association is trying to claim ownership of a portion of 1643 property through adverse possession. This portion of land in question has no impact on the structures proposed in the PUD. I therefore, respectfully ask the Commission to move forward with today's review and approve the PUD application as presented.

Signed,
Robert Waldock, 1414 First Street

The below items were submitted regarding agenda items, but Justin Harris, the Law Director suggested reading them into the public hearing for a complete record as they pertained to the PUD.

Planned Unit Development Ordinances regarding PUDs are set out by the city or town in which the PUD land lies. PUDs can be distinguished by a number of characteristics such as: open land for community and resident enjoyment and use; amenities such as tennis courts, swimming pools, biking, hiking, or walking trails; various types of housing such as single family homes, townhomes, condominiums, or apartments. Emphasis on open land for community enjoyment. Currently there is zero access to Sandusky's bay-front along First Street.

Referring to the 1996 Sandusky Port Plan, the plan specifically recommends public amenities be included in development on this property. A small park with play equipment and access to the beach area is desirable.

Tim Schwanger, 362 Sheffield Way

Will the development further complicate the flooding on First Street? Is there enough sewer and water infrastructure to support such a large project when the roadway is always flooding in the area?

I have concerns with the five-foot brick wall planned for the south side of the property as to how it will look from the street.

I understand the EPA cleared the land for commercial use only and not residential. What has changed that the land can be used for residential?

Does the development expect to obtain any grant money from the city or any other help from the city with the project?

Sharon Johnson, 1139 Fifth Street

Discussion from the commission: Wes Poole said he does not think the commission should get involved in the dispute between neighbors regarding the beach. He is going to make a motion during the meeting to approve the PUD with the beach included in the PUD, being conditioned on the resolution of the lawsuit, pending in Erie County Common Pleas Court. He believes that would resolve things appropriately.

Dennis Murray said he appreciates the anticipated development and investment in the city. This is critical that we take advantage of getting more residents to live in the city and build our tax base. He is going to support this.

Dick Brady said he has driven by this property most of his life and it has sat vacant for long portions. He is thrilled there might be potentially 60 families living on this site. He cannot remember the last home that was built, let alone a development like this, built within the city limits. He is supportive of this. He knows the principals of this project and knows it will be of excellent quality.

Dave Waddington said he would support and vote for this but he does have concerns about the flooding. He regularly goes down that road and the flooding will have to be addressed.

AUDIENCE PARTICIPATION

There were no other questions, except for the ones included in the public hearing. President Dick Brady asked staff to respond to those questions.

Greg Voltz said in response to Sharon Johnson, the applicant is working with the engineering department to ensure the infrastructure is adequate in that area. They also have to meet the flood plain requirements. One of the conditional approval items is that the applicant has to continue to work with staff regarding the brick wall on First Street, to come to a final agreement with something that is more appropriate and pedestrian friendly. The EPA questions are probably best left to the EPA. Staff did require that during the final plan, the applicant needs to submit a letter verifying that the EPA has cleared the land for this type of development.

Eric Wobser said also in response to Sharon Johnson, regarding development incentives, as of right now they are eligible for residential tax abatement for 10 years, 75%. We have not had any conversations with them regarding other incentives. The abatement is available to any residential property developed within the city.

Eric Wobser said in response to Tim Schwanger, dating back to when we first heard about the project, the city had conversations about public access. The developer has done what he feels is appropriate for this site. He has been working with us on the Sandusky Bay Pathway to have an easement across the property and will work with us on that. We were not able to gain additional concessions but did feel comfortable with this going forward based on the Pathway being able to come through the front of the property.

Dennis Murray said the developer is committed to working with the planning commission and planning department to develop a wall or some kind of barrier that provides privacy yet site lines into the bay. The wall behind the Chesapeake Bay Lofts (garages) is an unmitigated disaster. No one wants to walk past that monolithic wall. There should have been access ports built in so you could see through or different fencing. He appreciates Bob Waldock's willingness to work with staff. Otherwise you are just erecting a wall along the water which is inappropriate. The wall will be an important factor for him to consider in the future.

Wes Poole asked what type of position we are in to deal with the flooding. He recognizes that the developer is working with us but recognizes this is a big task. He asked planning in regard to the wall, how do get this resolved and what are the city's options. He's worried about getting to the end and not being satisfied with the outcome.

Dick Brady asked Aaron Klein to discuss the high water and said the city has been successful in dealing with the high water on First Street for the past six months to a year. He wondered if there is a permanent solution and said the commission wants to be sure this is not adding to the problem.

Aaron Klein said the bay level has been higher many times this year than it has been last year, and they have not seen the same issues as last year. The staff came up with a plan in the summer of 2019 and re-implemented it this year. The flooding on First Street is a result of the bay level. Last year there was some water coming over the property in question into First Street. Any of the work done on this site would likely make sure that water does not come over the site. Bob Waldo worked with us last year to ensure the site was not contributing to water issues on First Street. Our goal is when the bay levels go down, to get dry pipes over to Nantucket and First Street and put backflow preventers and infrastructure in the chambers in that area. We cannot get in there while the bay levels are high. Once those go down we will bring in what's needed, get the pumps and make those adjustments. He does not see how development on this site would cause the bay levels to go higher and back flood First Street any more than it does currently.

Dennis Murray said to invoke Nancy Reagan, the answer is to just say no. The authority that the city holds is just to say no. With any negotiation, if we do not get to a point where we are comfortable, we just say no. As he understands it, we have absolute authority over whether we approve the final PUD plans. We want the investment, the developer wants it, he thinks there is a lot of incentive to come to the middle.

Mike Meinzer said as the liaison to planning, the planning staff is not for a solid wall and he will not vote for a solid wall, and other commissioners will not vote for a solid wall on First Street.

Dick Brady said the point everyone is making is that we are not handing this developer carte blanche. This is the first step in a long journey and there will be opportunities for the commission to review. Like Dennis Murray said, we just say no if it does not meet our expectations or specifications. We can never guarantee a level of cooperation, no matter how intentional you go into these things.

Justin Harris said this is the beginning step of a long process. The preliminary design was sent to planning, they are asking the commission to approve those preliminary reports, then will have 18 months—they can ask for an extension on time, but it will return to planning again for final approval and back to commission again. There will be checks and balances.

Wes Poole said in reference to Tim Schwanger's question with the 1996 port authority plan, he suggested that it was just a plan, 25 or 30 years ago. Years ago, people thought this was a good idea. Hearing about it and thinking about it, he believes what is proposed now is an improvement on that plan and believes we are improving the public's access in other places throughout the community where there is water and waterfront access. He does not agree with everything that the commission has done but the public is not being shut out and this is likely the best use for this property, and it is privately owned. We need to take those factors into consideration.

CURRENT BUSINESS

Upon motion of Dennis Murray and second of Wes Poole, the commission voted to accept all communications. The President declared the motion passed.

CONSENT AGENDA

The President asked if the commissioners wished to remove any of the items on the Consent Agenda. The commissioners wished to leave as is.

ITEM A – Submitted by Aaron Klein, Director of Public Works

MAINTENANCE OF STATE ROUTE 2, IN SANDUSKY CITY LIMITS

Budgetary Information: The total cost for the State Route 2 maintenance services for dates 7/1/19 through 6/30/20 (FY20), is \$24,638.20 and will be paid from the City of Sandusky State Highway Fund.

ORDINANCE NO. 20-130: It is requested an ordinance be passed authorizing and directing payment to the Treasurer of state, Ohio Department of Transportation for the maintenance of State Route 2 in the City of Sandusky by the Ohio Department of Transportation for the period of

July 1, 2019, through June 30, 2020; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM B – Submitted by Josh Snyder, Assistant City Engineer

APPLICATION TO OHIO PUBLIC WORKS COMMISSION FOR WARREN ST. RECONSTRUCTION PROJECT

Budgetary Information: There is no cost to submit the application. Notification of award would be in December 2020. If awarded, the project would be constructed during the second half of 2021, since funds would not become available until July. If awarded, any matching funds required would be incorporated into the 2021 budget. The cost of this project is estimated to be \$2,178,613.66 and we are requesting a combination of loan and grant in the total amount of \$487,500, of which \$325,000 would be OPWC grant funds and \$162,500 would be a 0% OPWC loan. The City's total portion of the project, \$1,691,114.66 would be funded with Sewer Funds, Water Funds, Storm Water Funds, Capital Projects Funds (Issue 8) and 2021 CDBG funds. The application will be written to maximize the amount of points received, increasing the possibility of being awarded funding based on the combination of grant/loan money requested.

RESOLUTION NO. 034-20R: It is requested a resolution be passed authorizing the submission of an application by the city manager for financial assistance and to enter into a project agreement with the Ohio Public Works Commission in order to participate in the Ohio Public Works Commission's state capital improvement and/or local transportation improvement programs authorized by Chapter 164 (aid to local government improvements) of the Ohio Revised Code for the Warren Street Reconstruction Project; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

ITEM C – Submitted by Josh Snyder, Assistant City Engineer

APPLICATION TO HIGHWAY SAFETY IMPROVEMENT PROGRAM FOR MEIGS ST. RECONSTRUCTION & MULTI-USE PATH PROJECT

Budgetary Information: There is no cost to submit the application. Notification of award would be in fall of 2020. If awarded or not, the project will be constructed during the spring of 2022. If awarded, any matching funds required would be incorporated into the 2022 budget. The cost of this project is currently estimated to be \$1,852,000 and we are requesting grant for the amount of \$314,207.10, in addition to the existing \$755,418.07 allocation from ODOT. Receiving this grant would reduce the City's share from \$1,096,581.93 to \$782,374.83, with the City paying \$432,374.83 in General Funds and \$350,000 in Water Funds.

RESOLUTION NO. 035-20R: It is requested a resolution be passed authorizing the filing of an abbreviated grant application with the Ohio Department of Transportation for financial assistance through the Highway Safety Improvement Program (HSIP) for a portion of the Sandusky Bay Pathway included in the Meigs Street Reconstruction & Multi-Use Path Project; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

ITEM D – Submitted by Matt Lasko, Chief Development Officer

GRANT APPLICATION TO OHIO DEVELOPMENT SERVICES AGENCY FOR ABANDONED GAS STATION CLEANUP FUNDS

Budgetary Information: There is no impact on the City's General Fund. It is anticipated that all projects undertaken as part of the grant will be paid for through grant funds.

RESOLUTION NO. 036-20R: It is requested a resolution be passed authorizing the filing of an application with the Ohio Development Services Agency for the Abandoned Gas Station Cleanup Grant Program for city owned property located at 430 E. Market Street; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

ITEM E – Submitted by Matt Lasko, Chief Development Officer

GRANT APPLICATION TO U.S. EPA FOR BROWNFIELDS ASSESSMENT

Budgetary Information: There is no budgetary impact with this legislation as the grant funds require no local match.

RESOLUTION NO. 037-20R: It is requested a resolution be passed authorizing the filing of an application with the United States Environmental Protection Agency for FY2021 Brownfields

Assessment Grant Funding; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

ITEM F – Submitted by Michelle Reeder, Director of Finance

ACCEPTANCE OF ERIE COUNTY TAX LEVIES

Budgetary Information: The City is required to accept the tax rates as determined by the Erie County Budget Commission before October 1, 2020. This approval establishes funding for 2021.

RESOLUTION NO. 038-20R: It is requested a resolution be passed accepting the amounts and rates as determined by the Erie County Budget Commission for Fiscal Year commencing on January 1, 2021; authorizing the necessary tax levies and certifying them to the County Auditor; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

ITEM G – Submitted by Michelle Reeder, Director of Finance

ANNUAL SUBMERGED LANDS LEASE PAYMENT FOR SANDUSKY SAILING CLUB

Budgetary Information: This submerged land lease is payable by the City of Sandusky as the lease holder. The Sandusky Sailing Club will reimburse the City for the cost of the lease pursuant to their Lease agreement with the City. ODNR does not allow a sub-lease holder to make a Submerged Land Lease payment on the City's behalf.

ORDINANCE NO. 20-131: It is requested an ordinance be passed authorizing and directing the city manager to make payment to the Ohio Department of natural Resources (ODNR), Office of Coastal management for the rental payment on submerged lands lease File No. SUB-0530-ER for the period of September 1, 2020, through August 31, 2021; 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 Dennis Murray, the Commission voted to accept the Consent Agenda and declare all ordinances and resolutions as drafted and presented to the City Commission under the Consent Agenda shall take effect in full accordance with the Section reflected in the ordinances or resolutions whether they be in accordance with Section 13 or Section 14 of the City Charter.

Roll call on the motion: Naomi Twine, Mike Meinzer, Dave Waddington, Wes Poole, Blake Harris, Dennis Murray, Dick Brady, 7. Roll call on the ordinances and resolutions: Naomi Twine, Mike Meinzer, Dave Waddington, Wes Poole, Blake Harris, Dennis Murray, Dick Brady, 7. The President declared the ordinances and resolutions contained in the Consent Agenda passed in full accordance with the city charter.

REGULAR AGENDA

ITEM #1 – Submitted by Greg Voltz, Planner

APPROVING A PLANNED UNIT DEVELOPMENT ON FIRST STREET

Budgetary Information: There is no budgetary impact to the general fund with this proposed legislation.

ORDINANCE NO. 20-132: It is requested an ordinance be passed amending the official zone map of the city of Sandusky to rezone Parcel Nos. 57-01424.000 and 57.04125.000, located at 1643 First Street, for a residential Planned Unit Development and approving the preliminary plans for the proposed planned unit development.

Upon motion of Dave Waddington and second of Dennis Murray, the Commission voted to approve this ordinance.

Discussion: President Dick Brady asked staff to respond to those questions posed from the public.

Greg Voltz said in response to Sharon Johnson, the applicant is working with the engineering department to ensure the infrastructure is adequate in that area. They also have to meet the flood plain requirements. One of the conditional approval items is that the applicant has to continue to work with staff regarding the brick wall on First Street, to come to a final agreement with something that is more appropriate and pedestrian friendly. The EPA questions are probably

best left to the EPA. Staff did require that during the final plan, the applicant needs to submit a letter verifying that the EPA has cleared the land for this type of development.

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Wes Poole asked what type of position we are in to deal with the flooding. He recognizes that the developer is working with us but recognizes this is a big task. He asked planning in regard to the wall, how do get this resolved and what are the city's options. He's worried about getting to the end and not being satisfied with the outcome.

Dick Brady asked Aaron Klein to discuss the high water and said the city has been successful in dealing with the high water on First Street for the past six months to a year. He wondered if there is a permanent solution and said the commission wants to be sure this is not adding to the problem.

Aaron Klein said the bay level has been higher many times this year than it has been last year, and they have not seen the same issues as last year. The staff came up with a plan in the summer of 2019 and re-implemented it this year. The flooding on First Street is a result of the bay level. Last year there was some water coming over the property in question into First Street. Any of the work done on this site would likely make sure that water does not come over the site. Bob Waldock worked with us last year to ensure the site was not contributing to water issues on First Street. Our goal is when the bay levels go down, to get dry pipes over to Nantucket and First Street and put backflow preventers and infrastructure in the chambers in that area. We cannot get in there while the bay levels are high. Once those go down we will bring in what's needed, get the pumps and make those adjustments. He does not see how development on this site would cause the bay levels to go higher and back flood First Street any more than it does currently.

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specifications. We can never guarantee a level of cooperation, no matter how intentional you go into these things.

Justin Harris said this is the beginning step of a long process. The preliminary design was sent to planning, they are asking the commission to approve those preliminary reports, then will have 18 months—they can ask for an extension on time, but it will return to planning again for final approval and back to commission again. There will be checks and balances.

Wes Poole said in reference to Tim Schwanger's question with the 1996 port authority plan, he suggested that it was just a plan, 25 or 30 years ago. Years ago, people thought this was a good idea. Hearing about it and thinking about it, he believes what is proposed now is an improvement on that plan and believes we are improving the public's access in other places throughout the community where there is water and waterfront access. He does not agree with everything that the commission has done but the public is not being shut out and this is likely the best use for this property, and it is privately owned. We need to take those factors into consideration.

Wes Poole made a motion to amend the legislation, to approve the PUD, with the beach included in the PUD, conditioned on the resolution of the lawsuit, pending in Erie County Court of Common Pleas, with a second of Dave Waddington.

Discussion: Dennis Murray said he is in agreement with the sentiment but would like agreement from the law director that this does not poison it somehow or another.

Justin Harris said it is appropriate. He believes Wes Poole is saying the highlighted portion, which is the beach, the current PUD is approved with the condition that the lawsuit being resolved in Bob Waldock's favor. If not, the lines will be drawn with the beach excluded.

Dennis Murray said his concern is whether the lawsuit is not resolved at the time they are willing to proceed with the development. If the property is outside the PUD, he assumes it can be folded back into the property at a future point. He would like to make sure the lawsuit does not have to be resolved before they can begin construction.

Wes Poole said we are talking about whether the beach is included in the PUD. It is not meant to stop anything from going on.

Eric Wobser said he thinks that is correct. The PUD would be approved as is, on the condition that it turns out he does not have control of this property, this piece would be removed. He thinks it is important to do it in that order, as opposed to the other way.

Dick Brady said that amendment would not be an anchor on this property.

Eric Wobser said yes, it is approved, with the ability to take it out. As opposed not approve with the ability to draw it in.

Roll call on the motion on the amendment: Yeas: Naomi Twine, Mike Meinzer, Dave Waddington, Wes Poole, Blake Harris, Dennis Murray, Dick Brady, 7.

Roll call on the motion: Yeas: Naomi Twine, Mike Meinzer, Dave Waddington, Wes Poole, Blake Harris, Dennis Murray, Dick Brady, 7. Roll call on the ordinance: Naomi Twine, Mike Meinzer, Dave Waddington, Wes Poole, Blake Harris, Dennis Murray, Dick Brady, 7. Nays: 0. The ordinance will come back for second reading.

ITEM #2 – Submitted by Stuart Hamilton, IT Manager

TECHNOLOGY SECURITY SUBSCRIPTION FOR 3 YEARS

Budgetary Information: The cost for this subscription for a 36-month period is \$35,620 and the hardware purchases and installation is \$4,166 for a total of \$39,786.00. These costs will be paid

by the IT's operating budgeting the amount of \$19,893.00, by the Water Fund in the amount of \$9,946.50, and by the Sewer Fund in the amount of \$9,946.50.

ORDINANCE NO. 20-133: It is requested an ordinance be passed authorizing and directing the city manager to expend funds for the subscription licensing for Sophos Fullguard Plus for firewall security and Intercept-X with EDR for endpoint protection from Selectus Consulting, LLC, of Marysville, Ohio, through the State of Ohio Department of Administrative Services cooperative purchasing program; 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 full accordance with Section 14 of the city charter.

Discussion: Dennis Murray said this is one wall he is totally supportive of, as long as he is not asked how it works. He has confidence in Stuart Hamilton

Roll call on the motion: Yeas: Naomi Twine, Mike Meinzer, Dave Waddington, Wes Poole, Blake Harris, Dennis Murray, Dick Brady, 7. Roll call on the ordinance: Naomi Twine, Mike Meinzer, Dave Waddington, Wes Poole, Blake Harris, Dennis Murray, Dick Brady, 7. Nays: 0. The President declared the ordinance passed under suspension of the rules and in accordance with Section 14 of the city charter.

ITEM #3 – Submitted by Josh Snyder, Assistant City Engineer

CONTRACT WITH D.L SMITH CONCRETE FOR SHORELINE PARK EROSION CONTROL PROJECT

Budgetary Information: The estimated cost of the project based on the lowest and best bid, including all 3 alternates, legal advertisement, and recording fee is \$90,859.80, and will be paid with Community Development Block Grant (CDBG) funds.

ORDINANCE NO. 20-134: It is requested an ordinance be passed authorizing and directing the city manager to enter into a contract with D.L. Smith Concrete, LLC, of Norwalk, Ohio, for the Shoreline Park erosion control project; 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 Mike Meinzer, the Commission voted to approve this ordinance under suspension of the rules and in full accordance with Section 14 of the city charter.

Discussion: Dick Brady said this is a high profile project and asked Aaron Klein to share details.

Aaron Klein said this is the shoreline on the western most finger at Shoreline Park. He thinks many people have realized how much erosion is out there. There were CDBG funds set aside through the plan this year and we wanted to make sure we got on this as quickly as possible. The engineer's estimate was \$98,000 with \$19,000 for additional/alternate items. The bids came in just over \$90,000 and included all three alternates as well. We will be putting concrete around the exterior of the western finger and then catch basins will be placed in the grass area. Because we were able to award the alternates, we will resurface part of the turnaround at the north end. You will have an ADA complaint walkway around the outside, and between the water and the walkway, because of the steep slope, we will have concrete but we will delineate that as well. We are stabilizing the shoreline and making it more ADA accessible so anyone can use that facility. Despite everyone's excitement to get started, we are still awaiting environmental clearances from the federal government and are working through submerged lands lease at that location as well. We are hoping to get it done this year but if those drag on, we will not be pouring concrete this winter. The completion date is set for May 1, but we are pushing for this year if possible.

Roll call on the motion: Yeas: Naomi Twine, Mike Meinzer, Dave Waddington, Wes Poole, Blake Harris, Dennis Murray, Dick Brady, 7. Roll call on the ordinance: Naomi Twine, Mike Meinzer, Dave Waddington, Wes Poole, Blake Harris, Dennis Murray, Dick Brady, 7. Nays: 0. 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

Prior to the manager's report being read, Dennis Murray said he is delighted that the same voice will be reading the city manager's report for a while yet. The commission applauded Eric Wobser.

- **Upon a motion from Wes Poole and second of Dennis Murray, the commission voted to accept an anonymous donation to the Police Department of \$1,000 to purchase four (4) digital cameras for the patrol division to use to photograph accidents, crime scenes, and other related incidents.**
- **Upon a motion of Dennis Murray and second of Wes Poole, the commission voted to accept a donation in the amount of \$20 from Thelma Blair to go towards the Police Department. The President declared the motion passed.**
- **Upon a motion of Wes Poole and second of Dennis Murray, the commission voted to accept an in kind donation of eighty (80) tons of Type 601 stone with a value of \$3,200 from Mark Haynes Construction to be used for shoreline restoration at Pipe Creek Wildlife Area. The President declared the motion passed.**
- **It's campaign season and along with that comes individuals that steal, deface, or damage political signs or flags representing individuals running for various offices. It is illegal to trespass on property to deface, damage, or steal these items. Charges can be filed by property owners if anyone is caught committing these acts.**
- **The Sandusky Fire Department received the Mission Lifeline EMS Gold Plus Achievement Award from the American Heart Association/American Stroke Association.** This award recognizes the Sandusky Fire Department for improvement measures for the treatment of patients who experience ST elevation myocardial infarction (STEMI), the deadliest type of heart attack caused by a blockage of blood flow to the heart. The Sandusky Fire Department earned the award by meeting specific criteria and standard of performance for quick and appropriate treatment through emergency procedures to re-establish blood flow to blocked arteries in heart attack patients.

The "Gold Plus" award is Mission Lifelines highest level of recognition for EMS and this will be the fourth consecutive year that Sandusky Fire has been recognized by the American Heart Association through its quality achievement award program.

- **We were recently notified that the City of Sandusky will be a recipient of \$184,723 in Community Development Block Grant (CDBG) funding.** We are still awaiting the funds and information in regards to the eligible uses of the funds. Once we have that information we will report back as to how the funding will be allocated.
- **The City received an additional \$252,409.82 in CARES Act funding.** The City is extremely grateful for these funds. We will utilize the funds to offset safety service wages that are ordinarily paid from our general fund.
- **The next Finance Committee meeting is scheduled for September 18 at 8am.** Due to COVID-19, the meeting will not be open to the public, but can be viewed on the City's YouTube channel.
- **Commemorative benches located at the Jackson Street Pier** are currently available for purchase. Those wishing to honor a person, business or organization can choose a location from a predesignated site map and customize a plaque to be installed on the

bench. For more information, please contact Project Coordinator, Megan Stookey at 419.627.5878 or mstookey@ci.sandusky.oh.us.

- The **Citywide Clean-Up, Drop-off Day** has been scheduled for **Saturday, October 10th from 9:00 AM to 1:00 PM** at the Shelby Street Boat Launch overflow parking lot. As always, residents will be required to show ID, and due to the pandemic, all volunteers and residents will be asked to wear masks and gloves upon entering the property. In addition, residents who are capable, will be asked to assist with unloading their items to reduce exposure. Please refer to social media, the City's website, the Sandusky Register or call 419-627-5829 for a description of what materials will and will NOT be accepted. And thank you once again to the Gentlemen's Club and all the other volunteers who make this event possible.
- The **Yard Waste Drop-Off Days** are scheduled for **Saturday, October 17 from 8:00 AM to 4:00 PM and Sunday, October 18 from 10:00 AM to 4:00 PM**. Residents are welcome to drop-off yard waste at Barnes Nursery, 1630 Camp Road in Huron free-of-charge with proof of residency. Please make sure to wear a mask and practice safe social distancing while onsite.
- Surveying has begun in the right-of-way along Hayes Avenue for the signal improvement project.
- The public parking lot on Wayne Street, North of Subway, and the Market Grounds **parking lot at the corner of Market and Hancock streets are scheduled for resurfacing** over the next few weeks. Streets & Traffic crews will be performing most of the work. During this time, please adhere to all temporary NO PARKING signs that are posted.
- **Cold Creek Crossing** – in the next week or two, the City will be advertising a Request for Qualifications from qualified real estate brokerage firms. The intent is to select a residentially focused real estate firm to formally list for the sale the remaining residential, city-owned lots in the Cold Creek Crossing subdivision. Though the City has been successful in selling several lots for new home construction in the last 12-18 months, this has been done with very little marketing. Given the renewed interest in new home construction in Sandusky, a strong housing market, low interest rates and Sandusky's offering of residential tax abatement, an elevated marketing effort is warranted. Staff will review Statements of Qualifications and negotiate a listing agreement and lot prices for consideration by City Commission in the upcoming weeks.
- The regular **Planning Commission** meeting for September 23 is scheduled at 4:30 PM.
- The regular **Board of Zoning Appeals** meeting for September 17 is scheduled for 4:30 PM.
- The regular **Landmark Commission** meeting for September 16 is scheduled at 4:30 PM.
- The regular **Arts and Culture Commission** meeting for September 15 has been scheduled for 5:15 PM.

OLD BUSINESS

Dave Waddington said the community is not doing well with the Census and it is winding down. COVID-19 has had a big impact.

He had two items he wanted to bring attention to. In regards to safety, a ton of cars have been getting broken into. He thinks the city needs to ramp up its neighborhood engagement and he would like to be involved with that. He ran to build up neighborhoods and he would like to continue to improve neighborhoods and connect them. He would like to be involved and will volunteer his time to get back in front of the neighborhoods. He said there has been a lot of

dumping as he has been doing the cleanups. He said a former commission candidate has had his car broken into numerous times and something needs to be done. He read about it on facebook. Beyond the cleanups he thinks we need to get back to talking to people in the neighborhoods. We identified them, we got the sign toppers, where are we going next? He is fine with the downtown development and thinks neighborhood engagement needs some attention. The neighborhood issues we are seeing don't need to be addressed with money.

Wes Poole said he agrees with Dave Waddington. He wanted to take a minute to talk about the damaging of people's political signs and said it is not a good look for the city. He is agitated about it and does not want our community to be known for that. A number of people in the country have not received justice or been treated well and society is trying to address that. It does not help the process when folks decide that they are going to step on others rights. Your lives do not matter enough to justify taking someone else's rights. We have an obligation to step up and fulfill the promise that came with the constitution for everyone. He said he is not worried about getting stitches, and he will snitch if he catches people tearing up signs, regardless of what side you are on. It is wrong and it is not something we should be doing in our community, and there are other ways to express yourselves. He hopes others help share the word and we can keep our hands off others property.

Mike Meinzer said he had a problem in his neighborhood with people breaking into cars. They stopped calling the police so often because it was nearly weekly, and they were never able to catch them. He noticed when one family would move out of the neighborhood, the activity would stop. That is not something people typically report, but maybe he should have. Wherever that family moved, cars are likely now being broken into. He will call Chief Orzech tomorrow to relay that information. Dick Brady said if you see something, say something.

Blake Harris said he wanted to address some comments brought to his attention from Chief Orzech regarding Amir's Turn and his stance on that. He is in full support of our law enforcement on this particular issue. He would encourage the public to not make this a race issue, when it should be recognized for what it is, a public safety issue. Regardless of color, all establishments and patrons must conduct themselves in a responsible manner. The gathering of crowds outside after hours, the loud music, the gun play that has taken place in the past is not only a disturbance to neighbors surrounding the establishment, but it puts those families at risk. This behavior should not be taken lightly as we have seen unfortunate outcomes throughout the world, and as nearby as Cleveland, where innocent lives have been taken because of senseless crimes. Whatever sanctions are passed down from our local and state agencies, he supports. He hopes the owner and the patrons will learn from this experience and find solutions to better coexist with their neighbors.

NEW BUSINESS

Mike Meinzer said some communities have grants or help put security cameras up in neighborhoods. Police keep a record of that and if there is crime in the neighborhood, police have access to that footage. Is that something that has been looked into or vetted?

John Orzech replied this was looked into a year or two ago. Trevor Hayberger had concerns that citizens giving that information would become a public record and could make the situation in the neighborhood unsafe. We do surveillance—check different locations, residences, businesses is a normal practice when we are investigating crimes. The issue of people giving information and then that becoming public record, may outweigh the benefit, which is why we have not gone down that road.

Wes Poole said it takes a minute to process but is the concept that we do not take tips from citizens about things that occur because it might be unsafe? He has trouble swallowing and buying into that. If the community is not going to be involved in the police department solving crimes, because the police department discourages it, all is lost. With 42 or a 48 man police department, you cannot police this city without the cooperation and help of the citizens. The obligation to provide for my safety and provide for policies and procedures, the city's

responsibility to keep me safe, does not change. It likely was well intended, but we cannot be a place where criminals feel like they can run the place. Gangs take over in places where people do not want to talk. Please reconsider that position.

John Orzech said he would call Wes Poole to have a deeper conversation.

Mike Meinzer said there was some drug activity in his neighborhood. He would walk up and take a photo with his phone, of all occupants in the car and their license, and call the detective bureau. He did not care if they knew it was him. He thinks John Orzech is saying the city supplying grant money for the cameras for the little old lady on the corner, now the city has the footage and it is a public record, that might jeopardize the little old lady's safety.

Blake Harris wanted to ask his fellow commissioners for their consideration for changing the name of Washington Row to that of a civil rights leader. He would hope to involve the public, via online poll.

Blake Harris shared a letter sent to him from Dan Williams, *“Street names and statues that comprise the cityscape should make us proud; they should not produce feelings of angst, distrust, and resent. Being that we live in what is known as the ‘Information Age’, we are confronted with facts that complicate the romantic treatment usually afforded to political dignitaries, i.e. U.S presidents. Many of these men, many of whom are honored by street names in Sandusky, were not the fair, altruistic heroes they are represented as being. Instead, they were primary contributors to a state of horror endured by many that lasted centuries. Some may say their actions are the roots of our contemporary ethnic division.*

I ask, why not dedicate a street, or streets to a local person or persons who represent high moral standards and heroism? We should not settle for archaic norms. We should leave this place better than what we inherited. Allow me to say, it’s impossible to erase the legacy of these US Presidents, nor would I want to. Replacing a name does not do that; these men are monoliths. This is an opportunity for Sandusky to tap into some of its progressive lineage amid a clear shift in the cultural paradigm nationwide.”

Blake said he was going to share the rest of his letter with his commissioners via email. **Blake Harris made a motion to consider changing Washington Row to another street name, representing a civil rights leader.**

Wes Poole said he is not willing to second it today, but would like to sit down and listen to what he is trying to accomplish.

Without a second, the motion fails.

Dennis Murray said he stands with Wes Poole. It is appropriate to give this consideration, he would just like more time to think about it and see it in a larger context. He is with the spirit of Blake Harris’ motion to consider the change, not to make a change today.

Naomi Twine recommended going through the Community Relations Commission. Getting more background and understanding and putting it up through that commission would be a good way to go about that. The concept is a good idea. She agrees with her other commissioners who would like more information and input from a committee before responding to that request.

Dick Brady said details are important and he appreciates everyone’s thoughts, especially starting with the Community Relations Commission.

Blake Harris said he appreciates everyone’s thoughts and he has had conversations with Eric Wobser and others on this matter. He knows it is a complicated process with changing addresses, informing businesses, etc. he looks forward to diving deeper and reporting back.

Justin Harris said the law department will assist when the commission takes a deeper dive into this. In his time here, the city changed a street to Orlando Pace Drive and there is an Ohio Revised Code section, rather than a simple rename at the commission level.

Wes Poole reiterated Naomi Twine and the use of the Community Relations Commission. For him, it is not about renaming one street, the process needs to explain how we are naming streets in a broad sense. Additionally, as an African American he is not particularly interested in any more symbolism. He would like Blake Harris to build a case saying this is productive for this reason. Sandusky has a statue of Dr. Martin Luther King Jr. in Washington Park, we have Black history month, and he has seen a lifetime of these things. He would like to see some teeth behind this and what it is going to accomplish. There are lots of other things we can do to make life better for African Americans in this city and naming a street does not put food on someone's table or provide an opportunity to advance someone's life.

AUDIENCE PARTICIPATION

Ashli DeMore & Ezekiel Ford, 504 Mason Rd. (East) wrote "During the last meeting, Commissioner Twine introduced an initiative to curb drinking and driving. The cause is appropriate for a city with more than a dozen bars in a 6 block radius. However, I find it in poor taste that a current commissioner failed to pay his own fines relating to a 9/17/2018 DUI (blowing .156), later reduced to a reckless operation. Those fines remained unpaid until he was publicly questioned about it on Facebook last month.

More concerning, just prior to receiving that charge, the city awarded this commissioner \$9,300 from the Economic Development Fund. The grant money was awarded to purchase and operate a commercial bike where patrons consume alcohol while riding on a city street. That amount is just under the \$10,000 threshold requiring commission approval. Calling into question whether that policy should be reconsidered.

The applicant failed to answer questions honestly and disclose required items like delinquent city taxes; despite appearing in court for that offense only a month prior. A portion of that judgment, along with numerous others, still remain unpaid today. These things should have excluded the application but alarmingly did not. The grant money is essentially a financial loss to the city, as the bike's legality is now being called into question. It failed to operate in its second and third seasons. Should the public not only be concerned about the potential safety risk posed to them by this commissioner's poor judgment, as it relates to his city funded business venture, but also the wasted Economic Development Grant dollars, and the loss of actual economic development due to improper applicant vetting and applicant's dishonesty? What example is being set by a commission requesting more stringent adherence to the law from citizens, but failing to adhere to that standard individually? How much faith can the commission expect from the city when individual commissioners shirk their own consequences until publically exposed? How much faith should we have in the EDIC vetting these business ventures when this is what we deem a success?"

Tim Schwanger, 362 Sheffield Way, wrote, "A number of Sandusky based businesses have received grant funds and appear to be operating illegally or have received grant funds and shortly thereafter moved their business outside of Sandusky city limits potentially creating a loss of Sandusky income tax dollars.

The SanBrew Tours bike, owned by City Commissioner Harris and a partner, received \$9,300 from the City in 2018. In 2018, the Brew Bike was incapacitated on numerous occasions due to possible mechanical failures. In 2019, the business operated for a partial season. In 2020, the business has not operated due to Covid-19. For 2021, the owners are advertising the brew bike as "an electric powered party bike".

In 2018, eyewitness accounts indicate the business was operating outside the mandates of House Bill 47 passed in 2016 and the Ohio Revised Code Section 4301.62 which require the SanBrew Bike to operate as follows.

From House Bill 47--As used in this section, "commercial quadricycle" means a vehicle that has fully-operative pedals for propulsion entirely by human power and that meets all of the following requirements: (c) It is designed to be powered by the pedaling of the operator and the passengers.

From Ohio Revised Code 4301.62--As used in this section, "commercial quadricycle" means a vehicle that has fully-operative pedals for propulsion entirely by human power.

In 2018 the vehicle did not have chains attached to the individual pedals while operating. The Brew Bike is operated exclusively by the driver thru battery power and therefore is operating outside of the Ohio Revised Code mandates. Other questions have been raised regarding the City Manager's personal vetting of the business's application for funding specifically the applicant's lack of truthfulness in answering questions during the application vetting process. For 2021, this business must be brought into compliance with the Ohio Revised Code or the City must consider filing for recovery of funds."

Tom LaMarca, 206 48th Street, wrote, "I would like to voice my concerns for business grants that are given in good faith and the recipients either relocate out of the city or don't actively work to make it a successful venture, absent the Covid-19.

I don't believe the operators of the San brew bike tours gave or made an earnest effort to make go of the business upon receiving the \$9,300 business grant. I don't recall seeing any marketing efforts to promote the business.

I believe the grants should meet some of the same minimums that an SBA loan would have in that you've applied to local lenders first before asking for free money therefore I believe the grant money should be repaid by any business and it should be part of the agreement that they will repay the funds if the business fails within two years.

Now how you go about that I don't know.

Perhaps signing personally for the funds so attachments can be made later on.

Secondly, I'm concerned about the Mylander Pavilion becoming a gymnastics clubhouse or gym at the same time that it's being presented as a food serving facility for events such as wedding receptions or graduation parties, etc. I wouldn't want to eat a sandwich at Planet fitness.

The building is also still leaking water from the doors or roofing, as water is getting in somehow. \$988,674 is a lot of money for leaks."

Discussion: Dennis Murray said he had a conversation with Matt Lasko regarding the grant process and we have tightened up those applications. We have claw backs in appropriate places, and earlier on we did not have that. We have those now.

Wes Poole asked if the city departments could look into these allegations and get back to the commission with a report. He asked to see a report from the development department in regards to what businesses have been successful and the history of the program. It does not seem like there has been movement in that direction. With all the money the city is giving out, he would like to see a report about the allegations presented. There is an item on the ballot about raising the expenditure level. He would like to go through this one by one and see if these things are true.

Dick Brady asked the law and development department to respond to some of those allegations and perhaps show accountability.

Mike Meinzer said he has been asked these questions in public and talked with staff. He's happy we have tightened up the development grant applications. As a reminder, these are grants not loans, and that needs to be recognized. The folks that move out of town, he does not know if there is a two year clause that they need to stay, but he knows one of the ones mentioned employees residents of Sandusky that pay income tax. The bikes in other communities, or the one he went on in Cleveland, he was not allowed to pedal while beer was on board. They cannot physically move this bike by themselves, which is why the motor exists. That is from the little homework that he did.

Blake Harris said from the onset a few people have questioned and made allegations about him, whether about racism or him stealing or hiding money. They have made false posts, questioned his position on charitable organizations, or said riders were injured with lawsuits pending. He would like to address some of those. Regarding the brew bike he worked with state agencies and local law enforcement and to his knowledge he did everything asked of him to make sure the brew bike was in compliance with the city of Sandusky. He and his partner invested \$24,000 of their own money into this business venture. During the first couple years they faced some unfortunate and unforeseen setbacks as it related to the mechanics of the bike. These setbacks are similar to setbacks many new businesses face at some point. Regarding 2020, they have not operated due to COVID-19 as they have not found a safe way to operate with the government mandated restrictions. He added that the establishment they operate in front of has not operated at all this year either. The restrictions on bars and restaurants do not allow them to serve after 10PM, and many of their tours did not start until after 6PM. Taking all those variables into consideration, it would not make a great deal of sense to operate a business that relies heavily on the bar scene but he plans on returning the summer of 2021. That being said, he appreciates everyone's concern in all manner, he will continue to learn and grow in the hopes of better serving his community and those around him. He will continue to let his actions and his bodies of work speak for themselves. He encourages people to look for positive things coming in the future—a food drive on October 3, a minority business and empowerment team that he is helping put together, and an initiative on behalf of a charity he is involved in "For Love, With Love" and their Drive for a Better Future Program will add another 12 students to the list of 30 that they have assisted with drivers education vouchers, may we continue to move forward.

ADJOURNMENT

Upon motion of Dennis Murray and second of Dave Waddington, the commission voted to adjourn at 6:21 p.m. The President declared the motion passed.



McKenzie Spriggs
Commission Clerk



Richard R. Brady
President of the City Commission