

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

The Clerk called the roll and the following Commissioners responded: Dave Waddington, Blake Harris, Wesley Poole, Dennis Murray, Dick Brady, and Steve Poggiali, 6. Upon motion by Mr. Waddington, and a second by Mr. Poggiali, to excuse Mr. Meinzer. President Brady declared this motion passed.

City staff present: John Orzech – Interim City Manager, Colleen Gilson – Interim Asst. City Manager, Cody Browning – IT Manager, Don Rumbutis – IT Technician, Brendan Heil – Law Director, Michelle Reeder – Finance Director, Jared Oliver – Police Chief, Mario D’Amico – Fire Chief, Aaron Klein – Public Works Director, Nicole Grohe – Community Development Program Administrator, Arin Blair – Chief Planner, James Stacey – Transit Administrator, Jason Werling – Parks & Recreation Superintendent, and Cathy Myers - Commission Clerk.

Upon motion of Mr. Poggiali and a second by Mr. Waddington, the commission voted to approve the minutes of the March 13, regular meeting and suspend the formal reading. President Brady declared the motion passed.

AUDIENCE PARTICIPATION

Tim Schwanger, 362 Sheffield Way, wished to speak about five items on the agenda. First, he wanted to know the dollar amount for the submerged land lease for Chesapeake. He wanted an explanation of how the ballfield priority use contracts work. He inquired how many blocks of the Warren Street project will be reconstructed in this project. On the transient rental ordinance are we getting ahead of ourselves since there is pending legislation at the State on this issue. Will there be a “grandfather clause” for current Airbnb’s? On the First Transit contract, how does this contract compare to previous years contracts?

PUBLIC HEARING: 306 W. Water Street Rezoning, Arin Blair, Chief Planner

This public hearing is to discuss the rezoning of 306 W. Water Street parcels 56-00131.000 and 56-61007.000. This is the current location of the Shore House, and they wish to expand the use of property. From the Planning perspective and Planning Commission recommendation this Downtown Zoning District is a more appropriate zoning district for this location. It is in the downtown core and is surrounded by downtown business zoning on the north and the east. Planning Commission approved this rezoning on January 25, 2023. **Without comment, President Brady declared this Public Hearing closed.**

PUBLIC HEARING: Transient Rental Zoning Ordinance Amendment, Arin Blair, Chief Planner

This public hearing is to consider the adoption of transient rental zoning regulations as were previously in place in our zoning code. In repealing Ordinance No. 17-088; amending Part Eleven (Planning and Zoning Code), Title One (Zoning Administration), Chapter 1107 (Definitions), Title Three (Zoning Districts and Regulations), Chapter 1129 (Residential Districts), Chapter 1133 (Business Districts), and Chapter 1137 (Commercial Districts), Title Five (Additional Zoning Requirements), Chapter 1151 (Nonconforming Structures and Uses) of the Codified Ordinances. There regulations were previously in place, nothing has changed except for one word, which was a clerical error. The zoning regulations in this legislation include the definition of transient occupancy, the definition of the transient overlay district, the listing of transient occupancy as a main use or a use in the zoning districts.

Comments:

Charles Bowers, Attorney representing Doug Ebner and property owners at 2243 & 2253 Cedar Point Road. These are the parties that have been in litigation with the city for a period of time over the provisions of the zoning code and the building code that were recently invalidated, that you are considering reenacting this evening. He stated before you do that, he wanted to bring a couple of things to the commission’s attention. The first being that upon his review, he believes the commission is under a bit of a misunderstanding that the code sections that were invalidated by the court of appeals recently were done so for technical reasons – like a minor blip along the way that didn’t go quite right. He wanted to correct the record on that. The court of appeals held that a city failed to follow all the procedures that are in place prior to amending the zoning code.

He has the option and stated it would not take long to read it. These requirements were designed to safeguard property rights and to give property owners a fair opportunity to enter a protest against an ordinance or regulation which may materially interfere with the use of their property or decrease its value. He is sure that everyone would agree that that's not a minor thing, the property rights of the citizens of Sandusky. He fears that it is possible that the commission could be repeating history this evening. He says that because an uncle of Mr. Ebner who is also an attorney, came to the Planning commission last week looking for copies of the ordinance at issue with planning and was told it was not available to him. They were not made available to a public record request was made. He does not feel that is following the proper procedures. He understands that you might be considering this as an emergency measure, which might not need all those same things followed, at least that is the perception. But when ordinance 17-088 was enacted, that was not an emergency measure. The 2012 ordinance was enacted as an emergency measure but the trial court held that it was not an emergency. He fails to see how this time around it could be an emergency. Another point he wanted to be sure commission was aware of is that the court of appeals did not actually make a decision as to whether or not the language of the ordinance that you are considering is constitutional or not. One of the arguments is that his client's make is that it is unconstitutionally vague. The court of appeals said; well because we are invalidating everything because the procedure wasn't followed, we are not going to look at the issue of whether or not the language is constitutional, vague or otherwise. So the language you are considering as not been blessed by the court of appeals. He was not going to say that it was unconstitutionally vague either. That is sort of an open issue. Certainly, their position that the language itself is vague. For instance, as he understands it, looking at what Commission is looking at this evening, certain areas of the city are going to be allowed to have transient occupancy, certain areas aren't. At least it is not going to be listed as something you can do in those areas. The implication being that by its absence it is not allowed. Here's the definition of transient occupancy: It means to use, occupy, or possession of a dwelling or other living accommodations for a period of thirty consecutive calendar days or less. Noticeably absent is the word rental in any of that. He stated he believed that the purpose of this was to limit or prohibit transient rental in some particular area. That term doesn't appear in your proposed zoning amendment. When he reads this definition of transient occupancy to use, occupy, or possess or use of a dwelling or living accommodation for a period of thirty consecutive calendar days, it jumps out at him that you are trying to limit flipping. Someone buying a piece of property and doing whatever to it and reselling it all within thirty days. There is nothing there telling an ordinary citizen that what you are trying to say is you are not allowed to do rentals for less than thirty days in that particular area. He understands that you can say you have to make a judgement for building code, he does not think that helps. The building code has separate definitions from transient occupancy. When there are different definitions of things – they are different things. That creates more confusion. As far as the need for this ordinance, he would say that the ordinance itself is an argument against the need for the ordinance. The way it is setup, you are going to have certain areas of town, which he understands are the higher income areas of town, of which transient rental are being determined to be so bad that we need to limit those property rights and prohibit it. But then in other parts of town where it a lower economic echelon, those same bad things that would come from transient rental are ok for them. He understands the justification might be that it might mean an economic boom to the areas where transient rental would be allowed. But he thinks someone needs to look into who actually owns the properties that are being rented in those parts of town. Is it the people who live there. Do they have a second home to go to when they are transient renting their property? Or is it people who live where transient rental isn't allowed that own the properties where transient rental is being allowed? He does not know the answers to those questions. He thinks it is worth looking into. In his experience by looking into this particular issue he has never seen a real record created to show transient rentals have caused the city of Sandusky problems. For all those reasons he wanted commission to know about these issues and indicate that certainly their position is that this ordinance is not a necessary.

Mark Ebner, 229 Cedar Point Road, he has been coming to Sandusky his whole life, his parents own property off Cedar Point Road two houses down from 229. Since the 50's they came up primarily on weekends which seems like a transient use of the property. When he was in his grad school program for his planning masters he wrote a paper in his urban planning law class

defending as a mock trial of this. He questions why this legislation is transient use not transient rental use. By definition that is his families use of that property while they were growing up – illegal under this legislation. He also was doing research and looked in the Sandusky Register and the Cleveland Plain Dealer dating back to the 50's, 60's, 70's, for advertisement rentals or short-term rentals in the city. It has been going on for a number of decades. There are three things he wished commission would consider: That long and short-term rentals are consistent with the history of the area and Cedar Point Road was primarily cottages or vacation use homes for their entire existence. The perceived problems that come with short-term rentals are just that a perception. His family and himself have been renting short-term and long-term with little to no problems with the renters. The people willing to rent were families that enjoyed the lake, Cedar Point, and that is all they do. He has never heard a case where short-term rentals cause a problem in the neighborhood. He has never experienced it. There is no difference in the kind of rentals for short or long term or the activities they engage in, they are using the house a residence. It is just families wanting to enjoy our community, spend time and their money here which should be embraced. He also does not believe the misguided perception of short-term renters will bring to the community justifies telling property owners how they can use their personal property. He believes the fundamental right of land ownership and he does not think there should be restrictions without showing the need to do so. In conclusion from what he is aware, there has not been a strong showing of a need to prohibit short-term rentals in certain areas of the city. If there was such a strong need, he does not know how you can justify it in other parts of the city. Why is it ok for some people to have short-term rentals but not others? He also believes that short-term rentals are consistent with the city's history and consistent with the rights to use their property. If you think about it, by renting property we aren't changing how the property is used, we are changing who is using it. He respectfully requests that this ordinance does not be passed. **Without additional comment, President Brady declared this Public Hearing closed.**

PRESENTATION: Esports, Scott Norcross, Paige Rabatin, KJK

Paige Rabatin, an associate at Kohrman Jackson Krantz, and additionally the COO of Northcoast Entertainment which will be programming and operating the Esports facility at Cedar Point Esports. Scott Norcross, a partner at Kohrman Jackson Krantz, he heads the Esports and has been involved with Esports for most of twenty years. He is also the CEO of Northcoast Entertainment. There will be a Phase 1 opening in May 2023. The next plan Phase 2 which is still in the financing stages is a thirteen hundred seat arena, roughly two-hundred gaming stations, restaurant and bar, gaming lounges, virtual reality pods and professional broadcast areas. There is one percent which is the professional gamer-similar to the NFL, they are here to serve the other ninety-nine percent which is the occasional gamer which are not professionals. Viewership in Esports has grown exponentially over the past few decades to the point where the League of Legends 2021 World Championship had 74 million viewers whereas the Superbowl that same year had 96 million. Brian Yale will run Phase 1. Jonathan Summers from Cleveland Cavaliers will run the corporate and sponsorship side. They will also be joined with Larry Jaeger and Glenn Lytle. They will host live events, station gaming, virtual reality bays, food and beverage options, merchandise store, rebates with local hotels, sponsorship with local and national brands and streaming worldwide. The programming will include: hourly gaming, league play, summer camps and sponsorships. They plan to host ninety planned events in the first year. They will be active twelve months of the year – it is not a seasonal activity. This facility is one of about six in the country currently. Mr. Harris stated this is a wonderful addition to our community adding the year-round customers it will bring to our area. Mr. Klein stated the site plan will run through his office for Phase 2.

CURRENT BUSINESS

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

President Brady asked if anyone would like any items moved from the Consent Agenda to the Regular Agenda. None heard.

CONSENT AGENDA ITEMS

ITEM A – Submitted by Michelle Reeder, Finance Director

SUBMERGED LAND LEASE PAYMENT TO ODNR FOR CHESAPEAKE

Budgetary Information: This submerged land lease is payable by the City of Sandusky as the lease holder. The Chesapeake Lofts Condo Association will reimburse the City for the cost of the lease. ODNR does not allow a sub-lease holder to make a Submerged Land Lease payment on the City's behalf.

ORDINANCE NO. 23-068: 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 rental payment on Submerged Lands Lease File No. Sub-2119B-ER for the period of April 1, 2023, through March 31, 2024; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM B – Submitted by Jason Werling, Parks & Recreation Superintendent

PRIORITY FIELD USE AGREEMENT FOR SANDUSKY HIGH SCHOOL

Budgetary Information: The agreements will not result in any additional budgetary expenses. The City will benefit from the agreed upon ball field maintenance performed by the leagues.

ORDINANCE NO. 23-069: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a three (3) year license agreement with Sandusky City Schools for priority use of field #6 located at Dorn Community Park for Sandusky High School's varsity and junior varsity softball programs (March 1st through May 31st) beginning March 1, 2023; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM C – Submitted by Jason Werling, Parks & Recreation Superintendent

PRIORITY FIELD USE AGREEMENT FOR SANDUSKY CENTRAL CATHOLIC SCHOOLS

Budgetary Information: The agreements will not result in any additional budgetary expenses. The City will benefit from the agreed upon ball field maintenance performed by the leagues.

ORDINANCE NO. 23-070: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a three (3) year license agreement with Sandusky Central Catholic High School baseball and softball programs for priority use of field #5 and field #9 located at Dorn Community Park for Sandusky Central Catholic High School baseball and softball programs (March 1st through May 31st) beginning March 1, 2023; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM D – Submitted by Jason Werling, Parks & Recreation Superintendent

PRIORITY FIELD USE AGREEMENT FOR SANDUSKY TRAVELERS BASEBALL ACADEMY

Budgetary Information: The agreements will not result in any additional budgetary expenses. The City will benefit from the agreed upon ball field maintenance performed by the leagues.

ORDINANCE NO. 23-071: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a license agreement with Sandusky Travelers Baseball Academy for priority use of Rather Field located at Jaycee Park South for their baseball program beginning April 1, 2023, through October 31, 2023; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM E – Submitted by Jason Werling, Parks & Recreation Superintendent

PRIORITY FIELD USE AGREEMENT FOR LADY LIGHTNING FAST PITCH LEAGUE

Budgetary Information: The agreements will not result in any additional budgetary expenses. The City will benefit from the agreed upon ball field maintenance performed by the leagues.

ORDINANCE NO. 23-072: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a license agreement with Lady Lightning Fast Pitch League for priority use of fields #1, #2, and #6 located at Dorn Community Park for their softball program beginning April 1, 2023, through October 31, 2023; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM F – Submitted by Jason Werling, Parks & Recreation Superintendent

PRIORITY FIELD USE AGREEMENT FOR PANTHER BASEBALL CLUB

Budgetary Information: The agreements will not result in any additional budgetary expenses. The City will benefit from the agreed upon ball field maintenance performed by the leagues.

ORDINANCE NO. 23-073: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a license agreement with The Panther Baseball Club for priority use of Kiwanis Park Ball Field located at 2227 First Street, Sandusky, Ohio, for the Firelands Interleague Baseball League

Program beginning March 1, 2023, through July 31, 2023; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM G – Submitted by Jason Werling, Parks & Recreation Superintendent

PRIORITY FIELD USE AGREEMENT FOR SANDUSKY AMVETS BASEBALL LEAGUE

Budgetary Information: The agreements will not result in any additional budgetary expenses. The City will benefit from the agreed upon ball field maintenance performed by the leagues.

ORDINANCE NO. 23-074: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a license agreement with Sandusky AMVETS Baseball League for priority use of Erie Blacktop Field and the concession stand located at AMVETS Park and fields #1, #2, and #3 and the concession stand and storage shed located at Sprau Park for the Sandusky AMVETS Baseball League Program beginning April 1, 2023, through August 31, 2023; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM H – Submitted by Arin Blair, Chief Planner

APPLICATION FOR ZONING MAP AMENDMENT 306 W. WATER STREET

Budgetary Information: The proposed redevelopment is expected to result in increased property and income revenue for the city.

ORDINANCE NO. 23-075: It is requested an ordinance be passed amending the official zone map of the City of Sandusky to rezone Parcel Nos. 56-00131.000 and 56-61007.000 located at 306 W. Water Street from "LM" Limited Manufacturing District to "DB" Downtown Business District; 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 Mr. Waddington, and second by Mr. Poggiali, 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 accordance with the Section reflected in the ordinance, whether it be in accordance with Section 13 or Section 14 of the City Charter.

Comment:

Ms. Reeder commented that the submerged land lease \$13, 764.34. Mr. Werling stated the priority baseball fields agreements have a scheduled game use. There are several fields available throughout the city for pickup games. Mr. Poole stated this is not a problem until it becomes a problem. He cannot imagine that the priority teams using the fields is so overwhelming that no one else has an opportunity to play on those fields.

Roll call on the motion: Mr. Waddington, Mr. Harris, Mr. Poole, Mr. Murray, Mr. Brady, and Mr. Poggiali, 6. Roll call on the ordinance: Mr. Waddington, Mr. Harris, Mr. Poole, Mr. Murray, Mr. Brady, and Mr. Poggiali, 6. President Brady declared these ordinances passed.

REGULAR AGENDA

ITEM 1 – Submitted by Aaron Klein, Public Works Director

WPCLF LOAN AGREEMENT WITH EPA FOR MILLS ST. HRT & UV DISINFECTION PROJECT AT WWTP

Budgetary Information: The total cost associated with the loan will be as follows:

Engineering, Design & Inspection Costs	\$3,808,578.72
Construction Costs	\$36,200,231.00
<u>OWDA Administrative Fee (0.35%)</u>	<u>\$103,248.00</u>
	\$40,112,057.72
Principal Forgiveness Applied (\$4,000,000.00)	
<u>County Capital Obligation</u>	<u>(\$6,509,349.67)</u>
Loan Amount	\$29,602,708.05

The terms of the loan agreement will be around \$30M, over 30 years, with a reduced interest rate based on the market rate at the time of the vote. Subtracting the reductions granted through EPA allowances (i.e., nutrient reduction), sponsorship of two environmental projects, and \$4M in principle forgiveness, the estimated rate in March would have been 1.5%. It is anticipated that a similar low-interest rate will be provided in the final agreement with the initial repayment likely being scheduled for 2026. Given

these terms, repayment from the Sewer Fund would be approximately \$1.23M annually. Current annual loan payments from 8 different loans totaling around \$1.71M from the Sewer Fund will be paid off by 2026.

ORDINANCE NO. 23-076: It is requested an ordinance be passed approving a Water Pollution Control Loan Fund (WPCLF) agreement between the City of Sandusky, the Ohio Environmental Protection Agency (EPA), and the Ohio Water Development Authority (OWDA) to finance the cost of the design, construction, and inspection of the Mills Street High-Rate Treatment Project and the Ultraviolet (UV) Disinfection Refurbishment Project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

Comment:

Mr. Murray commented on a silly article in the Register today and he wanted to have conversation with Mr. Klein to layout some background about it. The county is claiming that this project caught them by surprise. It was Mr. Murray's understanding that we have been working with the county on this project design and costs for an extended period of time. Mr. Klein stated we have been in communication with the county since May of 2021. Mr. Murray inquired if the county had ever asked to participate in the city's loan process for this project? Mr. Klein stated that request was not made to him, and he is not aware of any such request. Mr. Murray stated it struck him as a neighbor asking for him to front a loan for them to build their home. The county has their own financial obligations, they knew exactly what these obligations were going to be, it seems the right hand does not know what the left hand is doing. It is apparent the city has gone through a long laborious process and applied for a loan and then there is a last minute request that we delay the application, our deadline for that loan is April 1. We would have been happy to include them in this financing process if they had indicated earlier on, other than a newspaper article. President Brady stated he read through the chronic logical order of this project and on more than one occasion you asked the county to give you a representative to direct your correspondence to. He never saw a response to that. Mr. Klein stated he received a response to correspond to Pete Daniel and then John Ruffo who oversees the sewer division. They have been included in all projects and admission to all meetings, all onsite analysis, trips to Toledo and Port Clinton regarding this project. They were there when we were reviewing all the different alternatives and have been kept up-to-speed on the entire process. President Brady stated that their assessment that we handed them a set of drawings and a bill did not hold up – we have been communicating and collaborating with them on this project for over two years. Mr. Poole asked that Mr. Klein shared this communication timeline with the Register so they can correct what they have printed. Mr. Poggiali stated that he did not think the county ever formally requested in writing to join in the financing mechanism, I do think they made some overtures maybe during the negotiation period the fact that it would be easier for them if they could get on so they wouldn't have to put that money up front. There were overtures, nothing formal, nothing in writing. For the record. Mr. Poole pointed out going forward that we are a formal body and in dealing with forty million dollars mentioned in passing, or an overture – whatever that may be, they did not make an overture to him. And he is one voting for this. Going forward, he is sure if Mr. Poggiali is speaking to overtures made – he is sure to him there were, but that is not what we operate on. Mr. Poggiali agreed that we do not operate with overtures, his point is, what ultimately will happen is we will end up in more litigation, and the only people who make out with litigation are the lawyers, and the taxpayers are the ones who will have to foot the bill for both. MR. Murray stated he assumes what the county is doing is setting us up. They decided this afternoon they do not want to pay the six million. We have seen this movie before, a couple of times. The county has it's own ability to finance their portion of his project and they need to rely on their own financing. He stated he cannot go to his neighbor and ask him for a loan to fix his house. I need to take out a loan myself, the same is true here. President Brady stated regarding the informal request undoubtedly occurred during negotiations, if it did occur, there was no fruit that came out of those negotiations. It is incumbent upon the county to make a formal request.

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

ITEM 2 – Submitted by Josh Snyder, Public Works Engineer

AWARD CONTRACT FOR WARREN ST PROJECT TO SPEER BROS

Budgetary Information: The total construction cost of the project based on selecting the base bid and alternate items 2, 3 and 4; is \$3,032,220.00, which is (4%) under the engineer’s estimate and will be funded accordingly;

OPWC Grant	\$325,000.00
OPWC Loan	\$162,500.00
Issue 8 Street	\$62,093.00
PRK/ADM - Path	\$125,000.00
PRK/ADM - Street	\$448,978.00
Stimulus	\$168,649.00
OWDA Water	\$865,000.00
OWDA Sewer	\$875,000.00
	\$3,032,220.00

ORDINANCE NO. 23-077: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with Speer Bros., inc. of Sandusky, Ohio, for the Warren Street Reconstruction Project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Mr. Waddington, and second by Mr. Poggiali, the commission voted to pass this ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll call on the motion: Mr. Waddington, Mr. Harris, Mr. Poole, Mr. Murray, Mr. Brady, and Mr. Poggiali, 6. Roll call on the ordinance Mr. Waddington, Mr. Harris, Mr. Poole, Mr. Murray, Mr. Brady, and Mr. Poggiali, 6. President Brady declared this ordinance passed.

ITEM 3 – Submitted by Josh Snyder, Public Works Engineer

OWDA LOAN FOR WARREN ST RECONSTRUCTION PROJECT

Budgetary Information: The total loan amount being financed will be as follows:

Construction	\$1,740,000.00
Contingency (10%)	\$174,000.00
OWDA Administrative Fee (0.35%)	\$6,699.00
	\$1,920,699.00

ORDINANCE NO. 23-078: It is requested an ordinance be passed authorizing a cooperative agreement between the City of Sandusky and the Ohio Water Development Authority (OWDA) to finance the cost of construction for the storm sewer, sanitary and water portion of the Warren Street Reconstruction Project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Mr. Murray, and second by Mr. Harris, the commission voted to pass this ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll call on the motion: Mr. Waddington, Mr. Harris, Mr. Poole, Mr. Murray, Mr. Brady, and Mr. Poggiali, 6. Roll call on the ordinance Mr. Waddington, Mr. Harris, Mr. Poole, Mr. Murray, Mr. Brady, and Mr. Poggiali, 6. President Brady declared this ordinance passed.

ITEM 4 – Submitted by Megan Stookey, Project Manager

CONTRACT FOR YARD WASTE SERVICES WITH REPUBLIC SERVICES

Budgetary Information: Based on service for a one day per week pick up at \$15.00 per home per month and a contract for nine months, the estimated amount for the 2023 Yard Waste Collection Service is \$87,075.00 based on last year’s figure of 645 customers. This amount is subject to change due to additions and deletions of customers to the program. The cost of the service will be charged back to the customers in addition to a charge of \$0.50 per month for administrative costs.

ORDINANCE NO. 23-079: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with Browning-Ferris Industries of Ohio, Inc. d.b.a. Republic

Waste Services of Sandusky, Ohio, for the 2023 Yard Waste Collection Service which is available for the period of April 1, 2023 through December 31, 2023; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Mr. Harris, and second by Mr. Poggiali, the commission voted to pass this ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll call on the motion: Mr. Waddington, Mr. Harris, Mr. Poole, Mr. Murray, Mr. Brady, and Mr. Poggiali, 6. Roll call on the ordinance Mr. Waddington, Mr. Harris, Mr. Poole, Mr. Murray, Mr. Brady, and Mr. Poggiali, 6. President Brady declared this ordinance passed.

ITEM 5 – Submitted by Arin Blair, Chief Planner

ADOPT TRANSIENT RENTAL ZONING REGULATIONS

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

ORDINANCE NO. 23-080: It is requested an ordinance be passed repealing Ordinance No. 17-088; amending Part Eleven (Planning and Zoning Code), Title One (Zoning Administration), Chapter 1107 (Definitions), Title Three (Zoning Districts and Regulations), Chapter 1129 (Residential Districts), Chapter 1133 (Business Districts), and Chapter 1137 (Commercial Districts), Title Five (Additional Zoning Requirements), Chapter 1151 (Nonconforming Structures and Uses) of the Codified Ordinances; and declaring that this ordinance take immediate effect in accordance with Section 14 of the City Charter.

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

Comment:

Mr. Heil stated it was a statewide bill that would preempt all local regulation of transient rentals and make it so only regulate them as you regulate long-term rentals. That bill was in committee the last general assembly, I do not know if it had been reintroduced at this general assembly, we can check. But it would not be very far along in the process. The general assembly is pretty tied up with their budget process right now. If it became law it would potentially preempt our local rules. I don't think that really impacts our consideration for this evening, because it currently is not law. And it currently would have no impact. The zoning regulations before you are a pressing matter as we have discussed previously. President Brady stated without this legislation we have no legislation. Mr. Heil stated without this legislation we have somewhat of a blanket of limitations on transient occupancy in the city at large. The legislation before you is what allows it very specific non-residential primarily zoning districts, which what was in place since 2017. One of the reasons we are pushing this as quickly as possible is because our rental season is coming and we have a number of permitting applications for new ones and renewals to process. Putting the rules back in place as they were since 2017 is a key priority from the Planning and Law departments. Mr. Poggiali believes that it is House Bill 53. From his understanding if we do not approve this legislation tonight then transient housing can't continue to function. Mr. Heil stated any additional new transient rental cannot. We do not have a mechanism currently by which to authorize that. Mr. Poggiali stated he does not have a problem six zones for transient housing, his problem is the overlay districts. He would like to put some sort of moratorium on the overlay districts so that we can figure out how we want to deal with that as we move forward. President Brady inquired if that was the form of a motion. Mr. Heil stated that was something he would recommend bringing in separately in legislation, a moratorium of expansions to the overlay districts. This current legislation as drafted only includes the existing transient rental overlay district. This would not expand or change that overlay district, it would just replace that. There are no ways to expand overlay districts absent of this body or the Planning Commission initiating that process. Separately you could pass a moratorium which would then basically freeze the overlay districts where they are. Mr. Murray joined in his expression of support Mr. Poggiali and his sentiments. As he understands it, if we receive a certain piece of legislation from the Planning Commission it would take the supermajority of this body to reject that. He thinks it would be better to express their desires with legislation and not the supermajority vote to overrule the Planning Commission decision. Mr. Poole inquired with the pending legislation pending in Columbus, it has no impact on what we do today. He asked Mr. Heil to comment about Mr. Ebner's council's comments. Mr. Heil stated we have dotted our I's and crossed our T's this time

procedurally. The statement that transient rentals were only in high income and not low income areas – that is not accurate at all. The zoning regulations we have in place signify if the areas are significantly resident or not, transient occupancy is historically not a residentially zoned use, it is mostly under general or downtown business. There are actually six business zoning categories that we specifically allow transient occupancy since 2017. The past and present Planning Commission view has been to limit in strongly residential neighborhoods. Mr. Poggiali stated it was a good segway – not to muddy the waters more – they did approve one overlay district that has not come before the commission yet, and the applicant is here tonight. We may have to deal with that down the road as well. He believes the Planning Commission is favor of transient housing, that is how they vote in most of their meetings. He voted and agreed to bring this tonight because he wanted to have the discussion, which he thinks is a good thing. Mr. Poole stated he watches the Planning Committee meetings online routinely and he would suggest he is not seeing a lot of detailed thought behind it as much as accepting. Mr. Heil would recommend a motion directing the Law Department staff to present draft legislation on that for a broader discussion to address all the issues that have been raised. **Upon motion of Mr. Poggiali, second by Mr. Murray that staff prepare legislation with the objections that we have discussed. Roll call on the motion: Mr. Waddington, Mr. Harris, Mr. Poole, Mr. Murray, Mr. Brady, and Mr. Poggiali, 6. President Brady declared this motion passed.**

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

ITEM 6 – Submitted by Nicole Grohe, Community Development Program Administrator

AWARD CDBG FY21 DEMOLITION PROJECT #5 TO ED BURDUE

Budgetary Information: The total cost for the asbestos abatement and demolition is \$145,300 and will be paid with FY21 Community Development Block Grant Funds. Liens will be placed on the properties for the total cost of the asbestos abatement and demolition.

ORDINANCE NO. 23-081: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with Ed Burdue & Company of Sandusky, Ohio, for the CDBG FY21 Demolition Project #5; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

Comments:

Mr. Poggiali inquired if the bulk of the costs for this project was the church. Ms. Gilson stated a large portion was for the demolition at 1228 Osborne Street. President Brady stated he understood the price was unusually high because that building was tucked between two buildings.

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

ITEM 7 – Submitted by James Stacey, Transit Administrator

AWARD STS CONTRACT WITH FIRST TRANSIT

Budgetary Information: STS operations and administration are funded by the Federal Transit Administration, State of Ohio, local contributing agencies, local contributing private entities, the daily farebox collections and the City's General Fund. The City has agreed upon a vehicle service per hour rate of \$48.14 with a monthly fixed fee of \$35,511.40 for 2023.

ORDINANCE NO. 23-082: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a Transportation Services Agreement between the City of Sandusky and First Transit, Inc., of Lombard, Illinois, in relation to the Sandusky Transit System; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

Comments:

Mr. Murray stated he wished to get some facts on the table relative to the hemorrhaging to which we have been experiencing with First Transit this year and are expected to next year. We for a long period of time were comfortable with a subsidized public transit. Lots of things government does is subsidized – parks, police, fire. There comes a point where we need to make decisions about how much we are going to subsidize, and whether those others who are experiencing the benefits of the service we provide – namely other government jurisdictions and businesses – need to step up their game in terms of participating in providing financial support for those entities and that service. Mr. Orzech stated that James, Colleen, Michelle, and himself have spent a significant amount of their time over the last two months trying to work on the Transit funding. We did the tour of Huron Township, Perkins Township, and Kalahari. We anticipate getting a response from those entities. Both Perkins and Huron Townships have indicated they will support the Transit System this year. We are not aware of the exact number yet. We hope to hear in the next week or two. Kalahari is going to get back as well. We have fixed one of the routes that James has projected will save us 10% from last year's budget. We are also going to look at the Dial-a-Ride Program and dial that back a little, being the most expensive system to operate. James has been in contact with other businesses that as impacted such as the mall and Walmart. We have a lot of transportation down Route 250 and a lot of our residents traveling to businesses or work. MR. Stacey stated that he STS is designed as a pass-thru cost. Previously in his position we really haven't set parameters or guidelines for service hours based to present those costs. Now we have designed thru First Transit mechanisms to track and document and forecast what we are spending. He added in his time here we have had concerns in the conversations and meetings. We have not had conversations or meetings about concerns about the service we are being provided by First Transit. We are getting first class service from First Transit. Now we can go forward into the future with a system we can sustain with these mechanisms in place. Mr. Murray stated he did not intend to cast any shade on First Transit in his remarks, he has no complaints regarding the service we are provided with First Transit. He clarified that we provide a county-wide transit system, we need county-wide partners to fund it for sustainability. We are on track for a million-dollar loss this year. That may have been remediated somewhat, but he wants the community to know what the costs are for 2022 and 2023. There comes a point where it is too much to request from just the citizens of Sandusky. President Brady stated it is fair to say that we have had many good partners in this transit business, Serving Our Seniors has been a great partner, supplying four buses from their own pocket. Cedar Fair has contributed. We need the support from our neighboring governmental municipalities. It is unfair for our residents to continue to foot the bill for surrounding communities. No one at this table wants to see Transit go away. It has been his experience in the private sector that oftentimes you don't deal with issues like this until it is a crisis – until it is raining – and it is pouring down rain right now. This is a crisis – not a manufactured crisis. A real crisis is when we are bleeding a million dollars. We can not let that continue to happen. He thanked Mr. Stacey for all he is doing and knows it is sometimes a thankless job. Mr. Poole stated with staff's help we are moving this in the right direction, and he appreciates the efforts in achieving this goal of commission.

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

ITEM 8 – Submitted by Jared Oliver, Police Chief
REPEALING ORD NO. 22-053 & PURCHASING SEVEN FORD UTILITY POLICE SUV'S FROM MONTROSE

Budgetary Information: The total cost for the seven vehicles is not to exceed \$288,930.88 and will be paid for using Capital Funds.

ORDINANCE NO. 23-083: It is requested an ordinance be passed repealing Ordinance No. 22-053, passed on March 14, 2022; authorizing and directing the City Manager to purchase seven (7) Ford Police Sport Utility Vehicles from Montrose Ford of Akron, Ohio, for the Police Department; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

Comments:

President Brady inquired we could not get the three delivered and now we are going to get them to deliver seven vehicles. Chief Oliver stated that was the goal. They cancelled our order in December due to the supply chain demands, and then we had to move to try to find vehicles. They are backorders throughout the country for police packages cruisers. We were ultimately able to find these seven so we are trying to purchase them as quickly as we can to catch us up from last year and get some replacement vehicles for this year. Our climate is better with SUV's and it allows more room for the staff and those we need to transport. Mr. Orzech added he wanted to thank Chief Oliver and Trevor and Megan that came up with a different option to do an RFP, and hopefully we will get these.

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

ITEM 9 – Submitted by Mario D’Amico, Fire Chief

PERMISSION TO PURCHASE STRYKER POWER-LOAD SYSTEM FOR EMS

Budgetary Information: The total amount of this expenditure is \$65,702.03 of which \$40,000.00 will be paid with funds received from the Ohio Bureau of Workers’ Compensation Safety Intervention Grant (SIG) Program. The remaining amount of \$25,702.03 will be paid from monies budgeted in the EMS fund.

ORDINANCE NO. 23-084: It is requested an ordinance be passed authorizing and directing the City Manager to purchase one (1) Stryker Power-Load Cot System from Stryker Medical of Chicago, Illinois, for the Fire Department; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

Comments:

Chief D’Amico stated we currently have three of these. This one will be sent to be installed in the new ambulance for 2024. That will give all four ambulances this power cot system. One of the major problems of fire fighters is lifting the cot and this prevents those back injuries. He thanked Lt. McGraw who applied for this Workers Compensation \$40,000 grant.

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

CITY MANAGER’S REPORT**DONATIONS**

- A donation of \$100 for the police department was received from the Hank Solowiej family in memory of officer Andy Dunn. **Upon motion of Mr. Waddington, and a second by Mr. Poole, the commission accepted this donation. President Brady declared this motion passed.**

NEW & OLD BUSINESS**FIRE**

- In June 2022 Sandusky Fire Department applied for two components of The First Responder Wellness, Recruitment & Resiliency Grant, funded through The American Rescue Plan Act. On December 13, 2022 Sandusky Fire Department was awarded the Wellness component of the grant consisting of \$11,630.50. On March 15, 2023 Sandusky Fire Department was awarded the Hiring component of the grant consisting of \$506,027.36. This grant money will be used to pay the salary and benefits for 2.5 firefighters hired at the end of 2022, for 2 years.

FINANCE

- The deadline to file 2022 municipal income tax returns April 18, 2023. All individuals and businesses can utilize the Regional Income Tax Agency’s website at www.ritaohio.com to file their taxes.

PUBLIC WORKS

- City staff will begin the annual spring cleanup of Oakland Cemetery & Memorial Park on April 17. ALL decorative items throughout the cemetery will be removed and disposed of regardless of their perceived value. Residents and patrons are asked to remove anything they wish to keep prior to this date. To allow sufficient time for cleanup, new cemetery decorations can be placed starting April 24.
- With the passage of tonight's agenda item to sign into agreement with Republic Services, Yard Waste services will start up on April 1, all residents enrolled during the 2022 year will automatically be enrolled in the 2023 program. To sign up for the program or to make changes to your service, contact the Customer Accounting office 419-627-5893.

PLANNING DEPARTMENT

- Public comments on the South Side Draft Plan are due this Wednesday, March 29th. Visit www.cityofsandusky.com/southsideplan for a link to the plan draft and feedback survey.
- We are excited to present the Sandusky Wheels Park concept, available online at cityofsandusky.com/WheelsPark. The concept design was based on robust community feedback with more than 100 frequent users of the Sandusky Skate Park, Pump Track, and other regional wheels parks involved throughout the design process beginning in September 2022. Refinements to the design concept will be made based on community feedback and we are targeting to bring the design-build contract to City Commission approval in April.

RECREATION

- Sandusky Parks & Rec was notified that they were awarded a Put a Lid on it grant from The American Pediatric Association. Sandusky Rec will receive 108 bike helmets to be distributed during Touch-a-Truck in August.
- Sandusky Recreation would like to ask commission for permission to apply for a grant from Sam's Club. This is a quality-of-life grant for improving access to recreation, arts or cultural experiences for low-income individuals and families in the local service area. The deadline for applying is April 15.
I would like to ask for a motion to allow Sandusky Recreation to apply for grant funds through Sam's Club. **Upon motion of Mr. Waddington, and a second by Mr. Harris, the commission approved the application for grant funds through Sam's Club. President Brady declared this motion passed.**

OLD BUSINESS

None.

NEW BUSINESS

Upon motion of Mr. Murray, and second by Mr. Harris, an Executive Session was set to discuss the sale of property. Roll call on the motion: Mr. Waddington, Mr. Harris, Mr. Poole, Mr. Murray, Mr. Brady, and Mr. Poggiali, 6. President Brady declared that motion passed.

Upon motion of Mr. Murray, and a second by Mr. Waddington, an Executive Session was set to discuss the search for hiring of the City Manager. Roll call on the motion: Mr. Waddington, Mr. Harris, Mr. Poole, Mr. Murray, Mr. Brady, and Mr. Poggiali, 6. President Brady declared that motion passed.

Upon motion of Mr. Poggiali, and a second by Mr. Poole, the commission voted to cancel the Public Hearing set for tonight for Rezoning of 1315 Campbell Street. Roll call on the motion:

Mr. Waddington, Mr. Harris, Mr. Poole, Mr. Murray, Mr. Brady, and Mr. Poggiali, 6. President Brady declared that motion passed.

Upon motion of Mr. Murray, and a second by Mr. Harris, a Public Hearing was set for 04/24/23 meeting for the 2023 CDBG Action Plan. Roll call on the motion: Mr. Waddington, Mr. Harris, Mr. Poole, Mr. Murray, Mr. Brady, and Mr. Poggiali, 6. President Brady declared that motion passed.

Upon motion of Mr. Murray, and a second by Mr. Harris, a Public Hearing was set for 05/08/23 meeting for the Zoning Map Amendment of East Washington Street. Roll call on the motion: Mr. Waddington, Mr. Harris, Mr. Poole, Mr. Murray, Mr. Brady, and Mr. Poggiali, 6. President Brady declared that motion passed.

Comments:

Mr. Poole commented that the Planning Commission tabled rather than approving the Southside Plan. He stated he wanted to thank them for that, waiting until after the public comment period is over ensures that the public is totally included in the process.

AUDIENCE PARTICIPATION

Tim Schwanger, 362 Sheffield Way, stated that in September of 2022 the City of Sandusky applied for a Lake Erie Commission Grant in the amount of \$42,000 for a Lions Park beach study. He initiated an email to the Department of Public Works and received a response today that we did not receive the grant. What is the administration's plan moving forward with the beach study. It seems like the relief funds from COVID would qualify for that study. Is there any thoughts how we will get that study done? He did not get answered about his question on the Warren Street project – how many blocks does it entail? Mr. Klein stated it is five blocks, from Water Street to Monroe Street, skipping the block across from Sandusky Cabinets that we did in 2014, we are not resurfacing that piece just doing the crosswalks. Mr. Schwanger also inquired about the Transit budget, how does last year and this year compare? Mr. Stacey stated the current contract is \$38.41 hourly service rates, as well as a monthly fixed fee of \$31,583. The negotiated rates for 2023 is \$48.14 hourly service rates, \$35,511 monthly fixed fee. With the service hour cap parameter it is a \$300,000 decrease.

Greg Oliver, 702 Wayne Street, had a few remarks about the delayed special election we just had. He believes that something can be learned from the frankly better run opposition campaign regarding unity, organization and sticking to the point. It did seem as though the truth became completely subjected in this election. A matter of opinion is one thing, and I choose not to delve into exaggerated talk about gazebo things and little league rentals. What causes special elections should not be up for debate. Supreme Court made it very clear that the City was in the wrong. For a public employee who can control communications to engage in social media forums making false claims by claiming that petitioners for the opposing incurred costs of \$44,000 that may not be illegal for him to do that, but it is certainly improper. President Brady cautioned Mr. Oliver about personally attacking from the podium. Mr. Oliver stated that now all the posts were deleted. There is a good reason why he chose to or was instructed to delete those posts. He stated he hoped in the future petitioners will be treated with a much greater level of respect and dignity, to allow democracy to fully function, no matter who they happen to be. He stated about Transit issue, there have been a lot of complaints about the service. People have been skipped on the route, complaints about a driver, he has observed reckless driving himself from transit drivers. There needs to be some accountability for their actions. For you to state that you have no complaints – there are numerous complaints, please forward those to the providers. President Brady stated he was absolutely certain that you cannot run as many thousands of routes that our service runs without complaints. Can we do better? We can always do better. Mr. Oliver stated that on social media you can see people stating complaints. Mr. Poole stated that social media was not the place to issue complaints about transit. If someone has filed a complaint with the transit we will have a record of it, and he will ask to look at the list of complaints, and decide if management should be informed about their staff. But someone on social media complaining is not the proper forum.

Sue Daughter, Serving Our Seniors, wanted to express her support for the transit. Thank you for your remarks that SOS is a strong financial partner in sustaining transit. She also recognizes that the cost of transportation is far more than what the average person understands the cost of transportation to be. As you work out how you can make this valuable service sustainable it is very important that all of us understand that at some point in time we are highly likely to reach a point in our lives where we too may have to retire our keys. For those of us that want to continue to live in Sandusky or Erie County if you are not relying on transportation now, don't kid yourself that at some point in time you may have to. There is a term called "elder-orphan", an older person who is aging alone. Many of these people do not have any strong friendships, someone to lean on, someone for doctor's appointments. Thirty percent of Erie County is aged sixty and older, roughly 25,000-27,000 people. So, one-fourth of those people one day will be an elder-orphan. The public transportation may be the only option for them to leave their home and get groceries or doctor appointments. Thank you for your generous support of public transport.

EXECUTIVE SESSION:

The commission moved into Executive Session at 6:45 p.m. The commission returned from Executive Session at 7:41 p.m.

ADJOURNMENT

Upon motion of Mr. Murray, the Commission moved to adjourn at 7:42 p.m. President Brady declared the meeting adjourned.



Cathleen A. Myers
Commission Clerk



Richard R. Brady
President of the City Commission