

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

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

City staff present: John Orzech – Interim City Manager, Colleen Gilson – Interim Asst. City Manager, Cody Browning – IT Manager, Tiffany Rufo – GIS Analyst, Don Rumbutis – IT Technician, Brendan Heil – Law Director, Michelle Reeder – Finance Director, Dawn Allen - Police Patrol Commander, Mario D’Amico – Fire Chief, Aaron Klein – Public Works Director, Arin Blair – Chief Planner, Nicole Grohe, CDBG Program Administrator, Jason Werling – Parks & Recreation Superintendent, and Cathy Myers - Commission Clerk.

Upon motion of Mr. Waddington and a second by Mr. Poggiali, the commission voted to approve the minutes of the April 10, regular meeting and suspend the formal reading. President Brady declared the motion passed.

AUDIENCE PARTICIPATION

Sharon Johnson, 1139 Fifth Street, wanted to talk about the Battery Park contract. She stated this project is going to cost \$189M. There are 68 condos, with a ten-year tax abatement, 172 apartments, 2 parking garages, a hotel, and a marina with 530 slips. The City is obligated to reconstruct the break walls. This TIF that is for thirty years, the contract says, but the percentage is blank. What is the percentage? Why are we approving a contract with blanks? She asked what areas of the development are going to fall under the TIF. The City owns the land, how can the City have a tax abatement TIF on that land, since the City does not pay property taxes? How can the developer demand a trolley and water taxi? Is the City going to be responsible for running those-the costs, the maintenance? We can’t even take care of our bus service. The Pavilion Park – the contractor has in the contract that if the City decides to sell it – he gets the first option – at market value. What happened to competitive bidding? It is disgusting to allow a developer to dictate to us what we will do with our own land. He also has in the contract that we mark the Pavilion as a priority to invest \$1M into it.

Tom Lamarca, 206 Forty-Eighth Street, also has issues with the Battery Park Issue. It does not state a purchase price. It does not state a lease price. The developer will gain income from the marina, that he will be paying around \$33,000 annually. Then he will control 38 prime acres of waterfront land and build a bunch of condos to fill his pockets. All developers would like a deal like this. I understand we owe money to the State on the Pavilion property should we do something with that land. Why are they dictating what we should do with it with our money? The City is also responsible for the break walls, then constructing the boardwalk around the perimeter around the developer’s project. Who does that? No one, but the City of Sandusky. The Phase Two, environmental assessment, most developers would pay for that themselves and any remedial work that needed to be done, unless the owner was getting that assessment done prior to marketing a property. It isn’t clear what the developer has invested in this project, at all, other than maybe the drawings. Maybe he has already asked the City to pay for the architectural studies. Then the City has to pay for all the infrastructure; sidewalks, streets, curbs, waterlines, utilities. He stated he was not against the development, but stated he was all for a fair deal. He does not see a fair deal here. It looks like we are going to have liquor licenses about every thousand feet – because we have Dollar General stores all over the City and now we are going to have beer and wine sales at all of them.

Lisa Maczuga, 814 Bardshar Road, read a letter stating: Commission President Brady, on February twenty-eighth, you gave a speech. You spoke of putting your arms around and including charter amendment supporters and you stated “We don’t know what’s going to happen at Battery Park, none of us do. It’s just a concept.” The well-funded campaign against the charter amendment was quite a show of power. But over eight hundred City of Sandusky residents need you to put your proverbial arms around them and assure them this development at Battery Park is right for

this community. I reached out to this Commission via email in March, I asked for a meeting that would highlight the financial and recreational benefits to the residents and allow for citizen feedback to alleviate existing tension in the community. Commission President Brady, you responded with the date of this meeting. So today, I came to this meeting assuming Marous Development will highlight the financial and recreational benefits to the over eight-hundred residents who wanted to vote on their development. First and foremost, I hope you will address the financial benefits to the 21.4 percent of our City that lives under federal poverty guidelines. That is over a fifth of our population who cannot afford waterfront land and they rely on this Commission to preserve the waterfront land that we have left. Over ninety percent is privately developed already. Around January 6th of this year, the Greater Sandusky Partnership, an organization supported by this Commission, published and sent a survey to the Sandusky residents. Question eighteen asked: Would you be more likely to vote no if you heard the plan was unsure if houses or businesses were going to be built at Battery Park instead of being decided on by the City Commission? Question twenty asked: Would you be more likely to vote yes or vote no on a charter change if you heard that it would make it more difficult and expensive to create needed housing for middle class and young struggling families? Because of the implications of this survey, I am eager to hear how the current plans at Battery Park will create needed housing for middle class and young struggling families. Statements have been made by members of this Commission that recreational public space in Battery Park is being expanded in this plan. Anyone looking at the arial of the plan can see that the park space is smaller and tucked behind large concrete structures. Will the park space be large enough to host a Juneteenth celebration like the one held in Battery Park in 2021? Will you commit to using the park for Juneteenth celebrations after the proposed buildings are constructed? When the Planning Commission approved this zoning change I asked them to please consider the beautiful century old trees that are in the park. The ability of trees to improve and maintain the quality of water, soil, and air and remove pollutants from the air is well-known. If you remove the current park from these PUD plans you can preserve the trees. At least considering the trees would seem appropriate on this twenty-fourth day of Earth Month. Today when the PUD is approved, Marous plans will become more than just a concept. Commissioner Brady and Commissioner Murray, when you fight your way through Battery Park, please hold on to Commissioner Brady's February 28th statement that you will compromise and meet in the middle. Thank you.

Craig McCloskey, 2042 Campbell Street, stated he is here tonight for Sanduskians for Sandusky, the group that tried to stop the park being built on in the first place. There was a general comment: The residents are under the impression from the City Commission that there will be public meetings regarding the project, throughout the project. Is the vote tonight, the beginning of the process, or is this the final say? Will there be further discussion? What is the City's financial obligation to this project? What will the citizens have to put forth in our tax money and what is it going to pay for? Specifically, where are the dollars going? Why is the City responsible for trollies to and from the park and a water taxi when they already have the Jet Express going to Cedar Point? Thanks for your time.

John Triano, Sandusky Sailing Club, stated that as a club they are not officially taking a position for or against this project. There are a few concerns with the preliminary plans. The flow into the Sailing Club appears to be changing. The new ingress and egress would be going through our educational area where we conduct our educational programs for young kids and young adults to learn how to sail and participate in our programs, and that will create in our opinion a safety hazard for us. Additionally, with changes to the boundaries, we have had for many years a fence that was erected to the City's guidelines. According to the plans being presented we are going to lose access to some of the grounds that we have today, which have a playground, some storage facilities, and some extra green space that are used by our club. We have had good conversations with the developer, we are hoping to continue those, and we want this on record that these are the concerns we have. Also, as a Sailing Club, we are a hidden gem in the community. We are well recognized nationwide for the quality of sailors that we produce and the quality of sailing that goes on here in the Bay, and for the events that we do conduct. This year we have two national championship events, J24's and the Snipes. Those will bring in several hundred people into the community. And several events are planned for next year. We have already been

challenged with the developments along Meigs Street and currently with the construction going on with the Police Station to have access to our facility. We respectfully request assurances from the City that if this goes forward that we in partnership with the City and partnership with the developer that we are going to be able to maintain good, quality access to our facilities, so that we can continue during this process conducting events, supporting our City and bringing in revenue.

Ron Parthemore, 416 E. Market Street, Stated people say they are for progress, but nobody likes change. Thank you to the Commissioners and staff for all the changes and improvements you have made to the City in the last decade. It is awesome. He encourages them to replace these parking lots with development and keep moving forward with this project.

A.J. Oliver, 1112 Wayne Street, Stated he has lived here roughly forty years. He wanted to stress he was not representing any organization other than his own personal views. In the bicentennial event as part of that process we put in place a community master plan. Many of us were not wild about development in a shoreline public park, but we were prepared to grit our teeth and go along with it, since most of it preserved the century old park greenspace. The current plan tosses that plan out the window. For this change to be made without any justification, no public meetings, is very unfortunate. He would retain the walking track. He cannot be silent about the current plan. To change the park after 1924 where a tornado ripped up that land and the park was developed for one hundred years. He believes we should host a big community event to celebrate the anniversary with a band and games, if there are not condos all around it. He also wanted to speak about the process, if you go around the country or the world – waterfront parks get developed and privatized – it does not matter where they are. There is always going to be opposition to this. I suppose you knew that the opposition was going to come, but you decided to tuff it through. He is disappointed that the Commission did not answer his earlier appeal in the charter amendment election process. Your side was name calling, disrespectful of people, I think you hired people to go online with social media and trash us. I asked the Commission to please ask the voices to tone down and nothing happened. On one or two occasions I may have lost my politeness and civility, for that I apologize. As this process goes forward, he again urges the Commission to be civil.

Chris Weigel, 403 E. Adams Street, Stated the residents of Sandusky are being asked to give up a park land. What is before you today, there are a number of requests for the public to fund development for Battery Park. He has not seen and does not know if there is a revenue projection for this project – to go back to the City. If so, where is it? There residents are being asked to give up property, no business gives up something without getting something back. The whole financial part of this has been hidden from the public. What we know is that the Commission approved Marous assuming the lease of Battery Park. In that lease, 3% was to come back to the City. So, is the City going to get 3% of every condo sale, of every monthly rental of an apartment or hotel room, of the food sales, of the liquor sales? Or is the 3% out the window? As citizens we have no idea, because this whole thing has been done behind closed doors. The question is, what is the revenue that will come back to the taxpayers of the City from giving up this property? He has seen no projections. If there are not any projections, why are you doing it? If it isn't going to be a long-term benefit to the residents, if there is not going to be income coming in on a regular basis for years to come, why give up property?

John Feick, 629 Columbus Avenue, stated he has two comments. He is very much against the loss of the greenspace at Battery Park. He has lived here his whole life, there has always been a park there, he hates to see it go. He can understand if development goes behind it, but to lose the park is something he is very disappointed in. How did this come about? When the city building was developed, Marous Brothers were called and told we had a sweetheart deal for you, you will make a boatload of money, are you interested? Obviously, they were, and they did.

President Brady interjected that Mr. Feick was claiming something nefarious was going on with a sweetheart deal. Where was he getting this information? Is it a fabrication on his part?

Mr. Feick stated it was his opinion. He inquired how many developers were called and offered this sweetheart deal?

President Brady stated he did not believe anyone was called and offered a sweetheart deal.

Mr. Feick stated that in his opinion this was handled wrong. No one knows what is going on other than the Commissioners and staff. The residents certainly do not. We are in the dark. He is against the development that is taking our greenspace. If you want to develop the property behind it, keep the greenspace along the water, then he is all for it. How this is being handled, what we are losing, he is totally against.

PUBLIC HEARING: 2023 CDBG Action Plan, Nicole Grohe, Program Administrator

Today we will go over the 2023 CDBG Annual Action Plan. The Community Development Block Grant Program in the City of Sandusky – an entitlement community – meaning we receive funds directly from Housing and Urban Development Department. In order to be eligible for those funds we have to meet one of the three objectives: 1. To benefit lower to moderate income families, 2. To aid in the prevention or elimination of slum and blight, 3. To aid in the community is an urgent need due to natural disasters. Some of the 2022 accomplishments: there were demolitions that were completed, there have been over one thousand annual inspections by Code, we hired a Fair Housing Consultant and they have answered fifty-three calls to date. The Dailey's Parking Lot is currently under construction, nine streets were repaved, food pantry programs received over \$42,000 (OHGO, Father's Heart Church Food Pantry, and Care and Share). As far as Public Services the Erie County Senior Center received \$46,000 and served over 6,000 meals, with over 60 residents served. Father's Heart Church received general service funds for their after school youth program \$16,000 involving 17 children, the City Recreation Activities Staff received funds for a number of activities with over 200 children participating. We are currently conducting the second public hearing, and the next commission meeting we will look at legislation and hopefully pass that so we can submit it to HUD by May 17, 2023. For 2023 we are receiving \$708,428.00. It is proposed that \$120,000 be set aside for Programming and Administration, \$52,000 carryover will be moved to clearance and demolition – acquisition, nuisance, and abatement. Fair Housing has \$10,000 to retain the contractor for that service. For Public Facilities \$265,000 will be set aside for roads. For Community Development \$40,701 be set aside to address urgent needs in the community throughout the year. Code Enforcement \$90,000 for inspections in eligible areas. Public Services \$51,264 (Erie County Senior Center \$25,000, New Jerusalem Church \$6,500, OHGO \$19,764). Youth Programming \$55,000 to pay for staff. Lead Paint abatement \$50,000. Acquisition and Nuisance abatement \$26,462.80. Public and CPAC comments and suggestions received were Transit station bus shelters and benches be added, lighting at parks, repurposing playground equipment, awarding additional housing rehabilitation funds, exterior painting program.

Comments:

Sharon Johnson has a suggestion that in the future she would like to see a better breakdown of the CDBG funds. For example, in Public Facilities there is \$265,000 listed, she would like a breakdown of what those funds are going for. Community Development has \$40,000, she feels we are just plugging in numbers without a breakdown. She was disappointed that the Streets and Sidewalks were decreased in funding. She would like to see more going there next year.

Ms. Grohe stated she will look into doing a different breakdown next year, but historically that is how the program works. She explained that the \$265,000 was for road resurfacing.

Mr. Poggiali stated that with inspections it was listed as 1,033 eligible inspections, is that completed inspections?

Ms. Grohe stated those were inspections in CDBG eligible areas.

With no further comments, President Brady declared this public hearing closed.

PUBLIC HEARING: Battery Park Planned Unit Development, Arin Blair, Chief Planner

Ms. Blair stated she would present a slide show to walk through this as we do not do planned unit developments every day, this is a big complex project. Her presentation will focus on the process itself of a planned unit development. This public hearing is for 701 East Water Street,

parcels number: 56-01377.000, 56-01377.001, 56-01377.002, 56-01377.003, 56-61377.000, 56-61377.001, and 56-61377.501. The planned unit development process itself – the first step is for Planning Commission to evaluate a preliminary development plan to determine if it's consistent with the objectives of the PUD that was done in November of 2022 which was a public hearing as well, if they perceive that those objectives are fulfilled by the PUD, they recommend the change to City Commission, that is where we are today. If the City Commission approves this today, the next step in the process will be a final development plan to be brought to the Planning Commission. Today is a public hearing which is the same process as any rezoning, evaluating the zoning change. If it is approved then the Planning Commission will review the final development plan, and that cannot stay in any significant manner from the preliminary development plan that was approved by Planning Commission and would be approved today in that process. It also must be brought to the Planning Commission within eighteen months. The objectives that the Planning Commission evaluates a PUD against are listed in our Zoning Code 1155.01. The reason PUD is a zoning category for complex projects such as this is because it allows us to mixed use development that is going to organize and be protective of the scenic vistas and geological features and natural topography and encourages the maximum choice of living environments and a more useful pattern of open space and recreation areas and efficient use of land, and make sure that the development pattern is in harmony with all the components. The PUD states that its purpose is to create a greater population density in undeveloped areas that are reflected by conventional zoning standards. Those are the objectives that the Planning Commission used to bring this to the Commission for your approval today. The parcels are currently zoning Downtown Business District, primary a service parking lot and public park. The current land use is 54% surface parking lot, a little over half of the site, 6.5 acres, 42% is public park and open spaces, 5 total acres that includes 2.67 acre Battery Park. Tennis courts are about an acre, 4% is for marina which includes guest services, a restaurant, and private outdoor spaces – including the pool. The site also includes 20 acres of submerged land, the water in the marina. There have been several visions for development including marked studies over the years for this land. The most recent ones are 2007 Marina District Plan, 2017 East Water Front Vision Plan, 2018 Bicentennial Comprehensive Plan, and the 2021 adopted Downtown Master Plan. All of these concepts are united, they show mixed-use development on this site that celebrates the bayfront location and extension of the City street grid to make sure the development here doesn't feel private and different – it feels like it is incorporated into the rest of the City. All of those plans talk about how important public access to the waterfront and water's edge is and the inclusion of public park space. The preliminary plan that is presented today does include those components that the previous plan shows. It's a walkable mixed-use development, it maximizes the pedestrian experience, it revitalizes the Battery Park public space, and it is fully accessible publicly along the waterfront. This plan extends the City's street grid along Water and Market Streets and there is a new street, they are calling Sandusky Harbor Drive in the development. The bottom floors of the primary structures are retail, marina, and hotel (including a conference center) which are rich components of mixed-use development design for public access. Upper floors are hotel rooms and residential. Also, the parking is integrated to maximize public open space. One of the advantages of doing a development this way is instead of each use having its own parking lot, all of those parking areas are consolidated. There is public parking on the public streets, there is public parking in the garages and there is parking for each of the land uses in the development in those parking garages. The parking analysis conducted by Planning staff signifies over 1000 parking spaces and satisfies the parking requirements by the ordinance. The PUD also increases the amount of open space on the site. This is what there have been a lot of questions about. The site is about twelve acres, and this development has 9.17 acres open to the public. The Battery Park area of the development is still around 2.7 acres. It is the same size as the park today. This plan increases public space with the boardwalks around the water's edge and the public plaza between the boardwalks and the water's edge. It is a residential mix of 68 condos, 172 apartments, 120-130 hotel rooms, first floor gross retail 57,000 square footage, the marina has 530 boat slips. If the City Commission approves the rezoning tonight that would trigger the next step in the zoning process a final development plan to be submitted to Planning Commission within eighteen months. Per our PUD ordinance, the final development plan must include all the information required on the preliminary plan, a schedule for development, specific metrics on all aspects of the development – including the dimensions of the property lines, areas and topography, the engineering studies and plans for all utilities, the description of the design and principles – what all buildings and streetscapes will look like, the height, the quality, the amenities, lighting, preliminary building plans, landscaping, any legal statements used to control the

development, maintenance of land improvements including those areas which will be commonly owned and maintained. What will be open to the public will be in writing and part of that as well. In addition to those conditions, Planning added a list of other conditions: 1. All permits must be obtained. 2. The legal responsibility and method of maintenance of all open spaces including the streetscapes shall be specified by the developer before the approval of the final development plans. 3. The building standards submitted will include all architectural features of all the facades and specifications of materials. We will know what these buildings are going to look like and it will be in writing and part of the final development plan, what the materials are, what the dimensions are, so the renderings will match what will be built. 4. The detailed landscape plans submitted as part of the final development plan include an interim of landscape treatment and garage screening for future building sites identified on Meigs Street. There is a future building identified in the project that will remain greenspace until that development goes underway. Planning Commission has recommended and unanimously approved at the November 22, 2022, meeting the approval of this amendment to the zoning map for 701 East Water Street, the application is to amend the Zone Map to the PUD at the parcels stated at the beginning of this hearing. The zoning change will enable the site plan approval process for the proposed Battery Park. This is not financing, this is just the physical development of the site. It is very typical for this process to come first because Engineering and Architecture are the most expensive things at the beginning of a process. You lead with site planning and follow with financing and a development agreement. Ms. Blair offered a presentation from the developer as part of the public hearing.

Mr. Chip Marous, Marous Developer Group, introduced his landscape and development architects. Mr. Brooker, of Vocon, explained they were looking to transform Battery Park in the spirit of the 2021 Sandusky Master Plan. Three key planning principles they took to heart from the master plan were to connect to the waterfront, encourage a vibrant mixed-use neighborhood, and leverage the community assets. The plan includes large flexible public open spaces, a combination of retail and public spaces with residential above, and active pedestrian oriented walkable streets. The landscape architect with MKSK stated they looked at this site plan with all the same goals and intentions in mind, with an eye on how to diversify, activate, and enliven the public open space for the residents of Sandusky. We wanted to focus on all the public space so it is focused on the waterfront on all edges. We want to improve how the public can get to the waterfront and have access to the water. Currently the public is behind a fence and does not have access to the waterfront. They are looking to save a number of the existing trees with the plan. Connecting Meigs Street to Meigs Street Pier, connecting Water Street to the new Water Street Pier, and creating an entire accessible public access boardwalk along the entire outer edge of the development. What we are trying to achieve with this new organization of open space is a variety of experiences, places for different families – different age groups, different mobility groups to come out and experience the waterfront. There will be open spaces for events, spacer more contained spaces that allow for free flow along the edge but some buffering for dining spaces. Open promenades that take you out towards the waterfront with safe negotiation. Open piers can be activated with plantings or benches. A variety of seating elements all along the waterfront. Basically we took the current Battery Park area and rotated it around to allow for a large open lawn for events. Several smaller event spaces are planned for flexibility in events and size of events. The Pier will have seasonal kiosks, tables and seating, plantings, and artwork installations. Meigs Street Pier would be marked a destination point with a lookout tower feature and covered pavilion. Each building is intended to have its own character and variation in materials. There will be room for cafes and outdoor dining along the streetscapes.

Comments:

John Triano, Sandusky Sailing Club, Inquired if land the club uses was converted into this development plan.

Mr. Blair stated that the parcels of Battery Park lease and the Sailing Club have been studied very carefully and there is a sliver along the Water Street Pier side that the Sailing Club has a fence on that will need some nuance of where that can be for public access. That is the only segment in question, it is not in the Sailing Club's lease, it is City of Sandusky property. That will be expected to have a minor adjustment from what is on the plans. The access question stated earlier of how large sailboats could get in and out may make minor changes from what is seen today, both of those are well-known in the planning conversation, but she confirms that the site plan and the documents presented by the team all match what is under lease by Marous. It is assured that the project will stay on City property.

Mr. Poole asked for clarification of the fence area that Mr. Triano was speaking about.

Mr. Heil stated that there is discussion about where the fence is currently is encroaching is not in the Sailing Club's Submerged Land Lease.

Mr. Poole asked how much of the fence was not on the Sailing Club property lease.

Mr. Heil stated he was not sure at this time.

Mr. Poole stated that the public was not informed and we are trying to get everyone on the same page. He does understand why people are unhappy because absence of information – make people make it up as they go along. People get annoyed by that. Let's work through this.

Mr. Marous stated he has spoken to the Sailing Club Commodore and the fence is not on their land lease and the alteration to the fence will accommodate their traffic and not take any of their land in the process. Ms. Blair added that the fence land was not pertinent to the rezoning area. Discussion ensued about the location of the water taxi.

Mr. Poggiali stated both parties did a nice job in the presentations. He noted things will not be locked in place until we have final plan approval, they will be after that process, but in the meantime minor changes can be made. He questioned the sixty thousand square foot of retail, what is the breakout between restaurants and retail? He questioned if in 2023 retail brick and mortar was viable.

Mr. Marous stated the retail could mean bike and scooter rentals, more service-related retail.

Mr. Marous stated he believed he could fill it.

Mr. Meinzer stated he realized the schools must be onboard for the TIF and it passed unanimously, then they have to apply for state grants and different funding sources, that all need an approved preliminary project. Then we will get into the negotiations regarding financing and details.

Mr. Weigel stated that since this is a zoning plan, and the zoning plan involves dedicated retail, the question is pertinent. How many of the retail storefronts have been filled at the BGSU building? None. How many of the storefronts have been filled at the new Hogrefe Building? None. There are over twenty other open storefronts in downtown Sandusky. How is developing this park magically going to fill those storefronts which businessmen already own in town, and are sitting empty, then you approve more storefronts with the hope that they will be filled? Where is the demand? You don't have the demand. You approve this zoning plan for these storefronts, does this developer have anyone lined up to fill them? Are there any guarantees? Are we just going to see more empty storefronts which makes downtown Sandusky look even more less viable. This is a huge concern. Nothing says that a town isn't doing well more than having empty downtown storefronts, and we have over thirty right now. You are talking about using taxpayer money to develop more retail space with no guarantee that these spaces will be filled or that they will have customers.

Mr. Poole questions the need for a trolley. Cedar Point is now using Jet Express.

President Brady stated that the trolley was maybe not a pertinent question about the PUD but maybe more to the project agreement, because there is a concept of that in the project agreement. He is not sure that applies to the rezoning.

Mr. Poole questions how important a water taxi and trolley are, and who was going to pay for it.

Mr. Marous stated he believes that component is important to expose the people who only go to Cedar Point to downtown Sandusky. There are millions of people who go to Cedar Point and never visit downtown Sandusky. We want to change that.

Mr. Meinzer stated that we sat down with Cedar Point and they moved their division headquarters out of Sandusky and into the Carolinas we knew were really hurting. A lot of divisional people left with their income tax money. We were worried about the commitment Cedar Point had to the community. We sat down and negotiated and raised taxes on Cedar Point to the maximum amount that we could get. That has increased our budget significantly. When we were going through those debates, we agreed with Cedar Point on some of the things that we would work towards increasing getting people back and forth, that is where those concepts came up – the trolley, the water taxi. Getting kids back and forth from the beach on a bus or whatever. A lot of these things happened even before this project was designed. Those ideas we folded into it, and the City never agreed that we would run any of it. We would work towards those being developed.

Lisa Maczuga stated she was happy to hear that they were going to incorporate some of the trees into their plan. She has a couple of favorite trees. She would like to discuss what trees they were keeping sometime. She wanted to know what the rental prices would be of the apartments and the retail. She knows a lot of small businesses that are not located to downtown because of high rents. If you can in any way bring some of the affordability back to downtown Sandusky that would be great. She likes the idea of Piers and water access, but the electric at the marina, she worries about putting feet safely in water with electric. How

will marina access be controlled without fences? Boaters will have security concerns. Also, who will have priority to those docks once the condos are built.

Mr. Marous stated that there are only two access points to the marina from the boardwalk.

Mr. Poole stated that Battery Park looks the way has been and will unless we do something, he believes this is an extremely ambitious project and he is very happy that Marous Development is willing to come to Sandusky and take a gamble on this. He thinks when it is all said and done we are going to like the finished product. The question remains if it is sustainable, retail is something that will have to be filled. The key is how much we are asked to pay for. He can accept that this should be approved as a PUD.

Ms. Blair stated that in talks about housing, there is a study that Bowen Research is conducting at Firelands Forward right now that can help us better understand the housing demand in Sandusky. Bringing more housing units to Sandusky will help in filling that demand. MIT published a study recently and they found that new market rate housing in low income areas decreased the rents in nearby units 6% relative to the units near the development. They saw in migration from low-income areas. The new buildings absorb the high-income households and increase the lower stock housing substantially. There is not one single solution to housing, but we are looking at lots of solutions to housing, this is one way to add more places to live in the City of Sandusky, which overall is in high demand. It should help by increasing the housing supply, increasing available places throughout the City as well – not just at this site.

Mark Harper, 2015 Foxborough Circle, stated he believes the development will be something great and transform downtown as a year-round destination rather than a tourist destination. Is there any direction or communication or negotiations trying to incorporate affordable units into the development, in a 30-70 percent median income. Somewhat flooding the market with a sloth of units will increase housing. He wished affordable housing units would be incorporated as well, like 10-155 of units like they do in Columbus.

A.J. Oliver stated in moving the project forward with something that was possibly more workable. The westside Meigs Street Pier would be a great place for the water taxi. It wasn't that long ago that Commissioner Murray and I, along with a few others saved that dock to be used for something like this.

With no further comments, President Brady declared this public hearing closed.

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 Cathy Myers, Commission Clerk

LIQUOR LICENSE FOR MILLENNIUM OPERATIONS LLC

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

Notice to Legislative Authority for NEW C1, C2 Liquor License, Beer only in original sealed container for carry out only. Wine and mixed beverages in sealed containers for carry out, for: Millennium Operations LLC, DBA Cedar Points Express Hotel Store, 1201 Cedar Point Drive.

ITEM B – Submitted by Cathy Myers, Commission Clerk

LIQUOR LICENSE FOR FAMILY DOLLAR STORES OF OHIO LLC

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

Notice to Legislative Authority for NEW C1, C2 Liquor License, Beer only in original sealed container for carry out only. Wine and mixed beverages in sealed containers for carry out, for: Family Dollar Stores of Ohio LLC, DBA Family Dollar Store 27280, 709 W. Perkins Avenue.

ITEM C – Submitted by Cathy Myers, Commission Clerk

LIQUOR LICENSE FOR FAMILY DOLLAR STORES OF OHIO LLC

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

Notice to Legislative Authority for NEW C1, C2, D6 Liquor License, Beer only in original sealed container for carry out only. Wine and mixed beverages in sealed containers for carry out. Sale

of intoxicating liquor on Sunday between the hours of 10am or 11am and midnight, for: **Family Dollar Stores of Ohio LLC, DBA Family Dollar Store 21967, 1112 Cleveland Road.**

ITEM D – Submitted by Michelle Reeder, Finance Director

BUDGET AMENDMENT #2

Budgetary Information: Appropriation amendments are required to update the 2023 budget for these funds:

- General Fund
- Capital Projects Funds
- Water Funds
- Sewer Funds

ORDINANCE NO. 23-093: It is requested an ordinance be passed adopting Amendment No. 2 to Ordinance no. 23-002 passed by this City Commission on January 9, 2023, making general appropriations for the fiscal year 2023; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM E – Submitted by Josh Snyder, Public Works Engineer

APPROVAL OF C/O #1 & FINAL OF CDBG E. WATER ST. PUBLIC PARKING LOT PROJECT

Budgetary Information: The original contract was awarded in an amount not to exceed \$39,642.00, paid for with Community Development Block Grant (CDBG) funds. The change order reflects a reduction of \$1,178.30, presenting the final contract cost as \$38,463.70, of which the money not spent will go back to the CDBG fund.

ORDINANCE NO. 23-094: It is requested an ordinance be passed authorizing and directing the City Manager to approve the first & final change order for work performed by Smith Paving & Excavating, Inc., of Norwalk, Ohio, for the 2022 Community Development Block Grant (CDBG) E. Water Street Public Parking Lot Improvement Project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM F – Submitted by Jason Werling, Recreation Superintendent

APPROVAL FOR SERVICES AGREEMENT WITH SANDUSKY STATE THEATRE FOR RED POPCORN WAGON

Budgetary Information: The Sandusky State Theatre will continue to collect the funds from popcorn sales at the Red Popcorn Wagon with 20% of gross revenue to be placed in the trust fund account established by the City for future maintenance and repair costs of the Red Popcorn Wagon.

ORDINANCE NO. 23-095: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a lease agreement with the Sandusky State Theatre for the staffing and operation of the Red Popcorn Wagon for 2023; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Mr. Meinzer, and second by Mr. Poggiali, the commission voted to accept the Consent Agenda and declare all ordinances and liquor licenses 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 14 of the City Charter.

Comments:

Mr. Murray stated that we are powerless to reject liquor licenses for the Family Dollar Stores. He stated he wished it were otherwise. These types of operations create food deserts in cities making it hard to bring another grocery into the city. Adding liquor sales to those just adds to that problem. This is something the state has preordained and we do not have the ability to resist it. He does hope in the near future the Commission will entertain legislation to require stores that provide dry food goods will provide a healthier range of options for our residents.

Mr. Meinzer added that liquor sales in residential neighborhoods have been questioned, and he is opposed to that. He would like to work with Mr. Murray on the healthier food legislation.

Roll call on the motion: Mr. Meinzer, Mr. Poole, Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, and Mr. Harris, 7. Roll call on the ordinances and liquor licenses: Mr. Meinzer, Mr. Poole, Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, and Mr. Harris, 7. President Brady declared these ordinances and liquor licenses passed.

REGULAR AGENDA**ITEM 1 – Submitted by Jason Werling, Recreation Superintendent****APPROVAL TO PURCHASE SHELTER FOR JAYCEE PARK SOUTH FROM GAMETIME**

Budgetary Information: The total cost of the shelter is \$27,735.00 of which will be paid with funding donated from the Randolph J. & Estelle M. Dorn Foundation for the Sandusky Neighborhood Initiative.

ORDINANCE NO. 23-096: It is requested an ordinance be passed authorizing and directing the City Manager to expend funds for the purchase of a shelter from Gametime / DWA Recreation, Inc. of Harrison, Ohio, through Omnia Partners Purchasing Program for Jaycee Park South; 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:

Mr. Waddington commented that this was much needed and a long time coming for the positive amenities it will provide.

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

ITEM 2 – Submitted by Scott Kromer, Streets & Utilities Superintendent**APPROVAL TO PURCHASE 2024 FREIGHTLINER & EQUIP. PACKAGE FOR STREETS & TRAFFIC FROM VALLEY**

Budgetary Information: The total cost of the truck and outfitted equipment shall not exceed \$240,051.00 and shall be paid for using Capital Funds.

1. ORDINANCE NO. 23-097: It is requested an ordinance be passed authorizing and directing the City Manager to purchase a 2024 Freightliner M2 106 Cab & Chassis from Valley Freightliner, Inc. of Parma, Ohio, through the State of Ohio Department of Transportation Cooperative Purchasing Program for the Streets & Traffic Division; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

Comments:

Mr. Klein stated this is the sixth and final two-ton salt truck that we have been working to replace since 2015. We are hoping to get this truck this year and the second ordinance is to get all of the snowplow equipment for that truck. The existing vehicle is in good enough shape to be used as a pretreatment brine truck. We will have two brine trucks in operation, and it will help out significantly. Hopefully it will be in force prior to winter. This vehicle was asked to be replaced last year because of the wear it takes from the salt.

Mr. Murray stated we do not have the number of complaints that we had years ago. We used to have trucks using duct tape and bailing wire to hold them together. We are in a much better place today and are able to provide much better services for our residents. It is a good investment.

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

2. ORDINANCE NO. 23-098: It is requested an ordinance be passed authorizing and directing the City Manager to purchase a 2023 Single Axle Ice Control Truck Equipment Package from Henderson Products, Inc., of Bucyrus, Ohio, through the Sourcewell Cooperative Purchasing Program for the Streets & Traffic Division; 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. Meinzer, Mr. Poole, Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, and Mr. Harris, 7. Roll call on the ordinance: Mr. Meinzer, Mr. Poole, Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, and Mr. Harris, 7. President Brady declared this ordinance passed.

ITEM 3 – Submitted by Jane Cullen, City Engineer

APPROVAL FOR PDS AGREEMENT FOR FOLLETT & MILLS ST. WATER TANK INSPECTION & THM REMOVAL WITH ARCADIS

Budgetary Information: The cost for professional design services does not exceed \$49,000.00 and will be paid with Water Capital funds.

ORDINANCE NO. 23-099: It is requested an ordinance be passed authorizing and directing the City Manager to enter into an agreement for Professional Design Services with Arcadis U.S., Inc. of Toledo, Ohio, for the Follett Street and Mills Street Elevated Water Tank Inspection & THM Removal System 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.

Comments:

Mr. Klein stated it was probably good to design the project before we bid it out. We had the inspection from a firm that came in and gave us a list of equipment and things that needed to be replaced within these two tanks. We submitted it to the EPA and told them we were just going to basically replace parts and add more minor things. They came back and said we need a full set of engineer drawings and plans. It was back to having to hire someone to prepare those engineered plans and bid the project. He wanted to preface this and state we did get approval in February to go out to bid, but we may have to come back once we get those final plans to amend and we hope we stay at that cost that was approved in February.

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

ITEM 4 – Submitted by Jane Cullen, City Engineer

APPROVAL FOR PDS AGREEMENT FOR E. PERKINS AVE. WATERLINE WITH BRAMHALL

Budgetary Information: The not to exceed cost for professional design services is \$18,900.00 to be paid with City Water Funds.

ORDINANCE NO. 23-100: It is requested an ordinance be passed authorizing and directing the City Manager to enter into an agreement for Professional Design Services with Bramhall Engineering & Surveying Company of Avon, Ohio, for the East Perkins Avenue Waterline Replacement Project in conjunction with the East Perkins Avenue Resurfacing Project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

ITEM 5 – Submitted by Arin Blair, Chief Planner

APPROVAL OF ZONING MAP AMENDMENT AND PRELIMINARY PLAN FOR PUD AT 701 E. WATER STREET (BATTERY PARK)

Budgetary Information: There is no budgetary impact to the General Fund with this proposed legislation.

ORDINANCE NO. 23-101: It is requested an ordinance be passed amending the Official Zone Map of the City of Sandusky to rezone Parcel Nos. 56-01377.000, 56-01377.001, 56-01377.002, 56-01377.003, 56-61377.000, 56-61377.001, and 56-61377.501, located at 701 E. Water Street, for a Residential Planned Unit Development; approving the preliminary plans for the proposed planned unit development; 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. Poole, the commission voted to pass this ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter.

Comment:

Mr. Murray commented on how excited he was that we were on the threshold of redeveloping an underutilized, disappointing in a lot of ways, piece of property. He goes by it twice daily and there is almost no one there ever. It is our job at this table and for staff to think about the long-term best interests of the collective public. He believes we have been doing that. We just had a campaign and a vote – it was hotly contested – but the electors said in a very definitive way, go forward, continue to work on this, figure this out. We will do that over the next months, it will be a lengthy process to go through, there will be a TEMA application, the first word is “transformational.” There is a very competitive process and many steps to go through. Once this is completed this is many ways bookends a lot of the work that we have been doing. It is my belief that once this is completed the City’s momentum forward will be unstoppable. Thank goodness for the Marous Brothers and their willingness to make a bet here, there is a lot of private money coming to the City of Sandusky. If it doesn’t work out, and he really hopes it does, the assets will still be here. He stated it is not his job to make sure the retail space will be filled, that is the private sector’s job. This is a keystone in the development for the future of the City of Sandusky. It is very well thought-out. He is looking forward to the conversation that will follow. This is an important step that we are taking tonight.

Mr. Poole thanked everyone that came and spoke this evening for and against this. He noted that this is the first time the public has got to take a decent look at what is presented. Now he has the opportunity to think about what you were presented and just saw and envisioning how this can be a positive for our community. He wanted to especially note that Mr. Oliver immediately came up with a suggestion of how the water trolley could work. When you bring the public in to what you are doing with a good explanation of it - it may not be what they want right away but most people will think it through and come up with the right answer. Not everyone will be happy, but hopefully over time people will see that this is a benefit to a lot of people compared to what we have right now.

Mr. Meinzer stated a couple decades ago the Fire Department run volume was about 3,000 calls a year. The staff was sixty. The run volume has grown to approximately 7,000 calls per year and they have twelve less firefights than they had a decade ago. That is when you realize the City had to burn down or you had to start looking at the dropped census, we have 21.5% poverty according to Ms. Maczuga. We may have thirty open storefronts because it may be difficult to get developers in here to look at projects such as this. It is not that we had RFQ’s all flying in the mail wanting to develop here. Hopefully, Mr. Marous has a good market analysis and a business plan going forward and this thing works. That is why we are doing this – to generate more revenue for our community and the services that they need. He stated he was willing to take that risk to make it happen.

President Brady stated that cities much like people have defining moments. Tonight, in our City, this is a defining moment. He stated he made a statement on February 28th regarding meeting people who object to this project somewhere in the middle and getting our arms around them, that was not just lip service. I think tonight is the first step in doing that. Mr. Heil assured a concern he had that many other commissioners had that this is not the end of the road for this project. This is just the beginning of a very long road to get to the finish line. Mr. Heil stated we will have 7, 8, or 9 more pieces of legislation to get this across the finish line. Between now and then he expects our Planning Department, the developer, to look back at tonight and listen to the comments both we that support this project made and those that do not support it made. Those people who had concerns about this project still have concerns that have not been alleviated. Can we come all your way, probably not, but can we meet you somewhere in the

middle, he believes so. We want to make sure we are not stepping on our friends at the Sailing Club – they have been here for many years. We are going to find a way to give them good access. **Roll call on the motion: Mr. Meinzer, Mr. Poole, Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, and Mr. Harris - abstain, 6. Roll call on the ordinance: Mr. Meinzer, Mr. Poole, Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, and Mr. Harris-abstain, 6. President Brady declared this ordinance passed.**

ITEM 6 – Submitted by Collen Gilson, Interim Asst. City Manager/Community Development Director

APPROVAL OF DEVELOPMENT AGREEMENT WITH BATTERY PARK SANDUSKY LLC

Budgetary Information: The agreement commits the City to expend no less than \$1,000,000 on upgrading the Sandusky Bay Pavilion public park, the expenditure of which will be subject to future City Commission approval.

ORDINANCE NO. 23-102: It is requested an ordinance be passed approving a Development Agreement with Battery Park Sandusky LLC relating to the mixed-use development of the Battery Park property located at 701 E. Water Street; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Mr. Meinzer, and second by Mr. Murray, 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 asked Mr. Heil to answer some of the TIF questions presented tonight.

Mr. Heil commented on the TIF that it would work just the same as it would on any private parcel. The existing property taxes paid on the parcel get paid as they do now. The TIF is only on the improvements to that, so the evaluation that is added above and beyond what is currently there today. These schools recently Thursday approved 100% of that additional value would be in the TIF. The reason there were a couple blanks in the paperwork is because we were waiting for the schools to give us the final details of that. That payment would be split between the project developer and the schools. The schools will receive 16.5% of that additional new value. President Brady asked Mr. Heil to answer the question about the \$1M obligation for the City to make improvements. Mr. Heil stated that there is a commitment from the City to invest in our City owned park that is adjacent to the project. In discussions, we are seeing a lot of potential investment in this area, it leaves up to the City the timeframe and how and what those improvements are and look like. It is completely up to the City. All that would have to come to the Commission for your approval, after public input. President Brady made it perfectly clear that the developer is not dictating to the City improvements they should do. Mr. Heil commented that the water taxi and trolley were “asks” from the developer, that the City try with their best efforts to make those assets happen, but not a must. With the scope of this project, details of the submerged land lease, specialties of the TIF, and legislation will be forthcoming. President Brady asked Ms. Reeder to explain our debt obligation to this project. Ms. Reeder stated we have only committed to date to make the \$1M improvements to the Sandusky Bay Pavilion. There is no other debt related to the project from the City. Mr. Poggiali stated he was all for the project, but he does have a problem with the development agreement. Why would the City agree to a ninety-nine-year lease without negotiating the terms of that lease upfront? We give away all our leverage. That bothers him. He was not aware of the TIF percentages until this moment. He cannot vote yes on this with a clear conscience. Mr. Poole inquired where the \$1M was coming from. Ms. Reeder stated that has not been finalized at this point. She pointed out there was no timeline for that expenditure to date. The funds will be allocated as the project is decided on at a future date. Mr. Poole asked why a fifty-year lease was not reasonable. Mr. Murray responded that we have invested billions of dollars in our City parks, so he has no problem making a commitment to investing \$1M in this park. This is the best undeveloped piece of City park property. Where will that money come from, he does not know right now, that is probably for a future Commissioner to decide. We have found a lot of money to invest in parks, we will find more. There will have to be a whole process put in place to see what the public wants before anything can be decided on. It is the right thing to do to improve that property. It is Mr. Murray’s understanding that you cannot get financing for anything less than a ninety-nine year lease when you are working on submerged land. Mr. Marous stated that was correct, it is a requirement of the lender. Mr. Poole stated he does have some concerns with the trolley loop, especially since

we are cutting Transit by \$300,000, but then agreeing to a trolley in perpetuity. He does not have a problem investing in the former Surf's Up property – we need to do something spectacular there to match Battery Park, but agreeing to this now and having no idea what we are agreeing to and what the Planning Department is going to do, is a problem. Why are we absorbing the expense for a six block ride? Mr. Heil stated we are not required to establish a trolley we are required to use our best efforts to try to establish a trolley. It is not a fixed thing. Mr. Poole stated we have a bus that goes there, why do we need that? He does not believe that this was put into the contract, but we do not have to do it. Mr. Murray explained that he views this as an agreement to negotiate in the future. Use your best efforts to sit down and figure out how this will work. It may be that we buy a bus, which is up to another Commission. Maybe we will buy a water taxi. But we will sit down and talk about it and see what makes sense. It's an agreement that we talk about in good faith, that is all it is. Mr. Poggiali stated he has no problem with the trolley, the water taxi, or the development, he believes Marous is a fine group and have done their market studies, they know what they can do and can't do. He does have some questions about the retail absorption rates. If the Apex condos get built, Cafaro is putting up condos in Perkins, Redwood putting up units, you are developing units at Feick, do you think about the absorption rate? His question is why would we give up a ninety-nine year lease without negotiating what the amount is back to us? We lose all our leverage. Everybody is sitting around this table if you own that property would you do that deal? Would you give a ninety-nine year lease and leave the amount of the lease wide open? Mr. Heil stated he believes the City is well protected by this agreement, and it is intentionally designed that way. Mr. Poggiali asked how do you increase the cost once you have given the term? What is their incentive to give us what we want? Mr. Heil stated that would be for future negotiations and legislation to be brought to the Commission to approve. Mr. Murray stated we have not given the ninety-nine year lease yet, we will sit down and talk about it in a subsequent piece of legislation. Mr. Poggiali asked if this does not bind us to the ninety-nine-year lease? Mr. Weidel approached the podium from the audience and was asked by President Brady to sit down, that this was not open forum and he was not recognized by the chair. Mr. Weidel continued to talk from the podium and was escorted from the building. Mr. Heil stated that Mr. Weidel was incorrect in his comment. Mr. Meinzer stated that the contract does state items are open for negotiations, there is a deadline to put in for the state grant, have to have the TIF in place, that deadline is coming up, the water taxi and trolley help to secure that state grant. Mr. Poole asked what grant Mr. Meinzer was speaking about. Mr. Marous added it was a state grant of \$20M he was applying for. President Brady stated that this contract is not meant to have every piece nailed down. It is left vague on purpose. It has intentions. It obliges us to negotiate in good faith. It is unreasonable for us to think we have every hurdle jumped and hole closed at this point in time. This is the first few steps of a long journey. Mr. Poole stated that these are big holes, he is uncomfortable with the process we have used throughout this project. He is not going to vote for this, pass it if you wish. Mr. Murray asked clarity from the Law Director if we pass this tonight does Marous have what they need to apply for the state grant? Mr. Heil stated that the City's support is one of the considerations for that grant, and an in-place development agreement would signify strong support and help the scoring of a grant. Mr. Murray stated we should be sure that grant applications can be funded and this passed tonight without thirty days' wait time, if not, we are going to be missing a huge piece of the funding for this very expensive project. Mr. Poole stated what if they do not secure funding, where do we stand with this project and the lease? Mr. Murray stated then at that time Marous would have to make a decision if they would want to continue with the project. It could be enough to kill the project, his does not know. Mr. Poole stated he does not like the way we have done business, but for the sake of the community and because he trusts the Marous Brothers, he will vote to pass this through. But if you bring any more legislation at the last-minute claiming that it has got to go through, a project that has been on board as long as it has been with all these unanswered questions, I will vote no.

Roll call on the motion: Mr. Meinzer, Mr. Poole, Mr. Murray, Mr. Brady, Mr. Poggiali-nay, Mr. Waddington, and Mr. Harris-abstain, 5. Roll call on the ordinance: Mr. Meinzer, Mr. Poole, Mr. Murray, Mr. Brady, Mr. Poggiali-nay, Mr. Waddington, and Mr. Harris-abstain, 5. President Brady declared this ordinance passed.

CITY MANAGER'S REPORT

NEW & OLD BUSINESS**PUBLIC WORKS**

- On April 14, an unfortunate traffic crash occurred at the intersection of Perkins Avenue and Hayes (State Route 4), causing complete damage to a traffic cabinet. The equipment needed for the repair has a 2–4-week lead time so we don't anticipate it being installed until May or June. Temporary controllers have been installed for the time being. All costs associated with the repair will be billed to the driver's insurance company, but we are seeking emergency approval for the purchase of equipment and installation in an amount not to exceed \$65,000. Staff will seek formal legislation once final costs are established. **Upon motion by Mr. Waddington, and a second by Mr. Poggiali, the Commission approved the purchase of this equipment and installation. Roll call on the motion: Mr. Meinzer, Mr. Poole, Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, and Mr. Harris, 7. President Brady declared this motion passed.**
- Beginning Wednesday, April 26, the northbound lane of Columbus Avenue through the underpass will be shifted over to allow for construction work to occur in the northbound lane area. Traffic through the Columbus Avenue underpass will remain one-way northbound only, but the northbound traffic will be traveling on the southbound lane. This construction work is expected to last one to two weeks. During this time, the underpass will remain completely closed to pedestrian traffic until the replacement sidewalk safety railing is delivered and installed. After completion of the construction work in the northbound lane area, our contractor will begin scheduling asphalt work on the roadway. Upon completion of the asphalt work, Columbus Ave. can reopen to two-way vehicular traffic.
- The East Water Street (AKA Daly's) Parking Lot project is commencing pavement work starting the week of 4/24 with milling of the existing surface, then the installation of a new asphalt surface. Lastly a re-striping of the lot and installation of updated light poles will complete the facelift of this public parking lot. Concrete planters will be added to the raised island areas for visual improvements as well. The additions to the lot beyond aesthetics, landscape and lighting include the addition of 6 parking spaces and a new driveway access to allow better maneuverability around and through the lot.
- There are several major sewer, water, and streets projects taking place throughout the city this year. Please respect the lives of construction workers trying to improve the infrastructure in our community and be mindful of work zones. A map of all road closures and detours is available on the City's website and updated weekly. Specific project-related updates continue to be provided to affected stakeholders.
- Water crews have commenced flushing fire hydrants. Periodic flushing of water mains is required to ensure high-quality potable water. For questions, contact the Water plant at 419.627.5805.
- The asphalt plants are now open for the 2023 season. All are encouraged to report potholes by calling 419.627.5884.
- Residents are welcome to drop-off yard waste free-of-charge at Barnes Composting, 1630 Camp Road, Huron, on Saturday, April 29 from 8am-4pm and Sunday, April 30 from 10am-4pm.

PLANNING DIVISION

- The "Over the Horizon of Lake Erie" Public Art Exhibit in Sandusky's parks, commonly referred to as the "Balancing Sculptures," are temporarily on loan to us from the Art and Balance Foundation in Poland. The exhibit will be returned in September. The City of Sandusky and the Sandusky Education Foundation are raising funds to purchase up to five sculptures for a permanent exhibit. Community favorites, amount of funds raised,

and unit price will be equal factors in determining which sculptures are purchased. Please let us know your favorite by selecting your top five from the following list. Cast your vote for your top five favorite sculptures by answering the survey found at www.CityofSandusky.com/PublicArt

RECREATION

- Sandusky Recreation recently received two grants from the Wightman-Wieber Charitable Foundation:
 - The first grant awarded to Sandusky Rec is the sponsorship of the Wightman-Wieber Charitable Foundation Safety Town which includes an amount of \$10,000 for each of the next five years. The funds will be used to continue Safety Town in collaboration with the city's police and fire departments in the summers of 2023 through 2027. Funds will be used to construct the town's streetscape, pay for materials and staffing.
 - The second grant from the Wightman-Wieber Charitable Foundation of \$6,000 will sponsor this year's Movies by the Bay and Movies in the Parks. The funds will be used to pay for licensing for up to eight movies on the pier and 3-4 movies in the park during the 2023 season.

I would like to ask for a motion to accept both grants and thank the Wightman-Wieber Charitable Foundation for supporting the city's recreation programs and events. **Upon motion by Mr. Waddington, and a second by Mr. Poggiali, to accept these grants. President Brady declared this motion passed.**

- Sandusky Recreation would ask for the City Commission for permission to apply for a grant from Humana Healthy Horizons. Humana Healthy Horizons offers grant funding to organizations serving vulnerable populations within area communities. Sandusky Rec would like to apply for up to \$2,000 in grant funds to support the 2023 Juneteenth Celebration at the Jackson Street Pier on Monday, June 19. The funds would be used to purchase supplies for the event.

I would like to ask for a motion to allow Sandusky Rec to apply for the Humana Health Horizons grant. **Upon motion by Mr. Meinzer, and a second by Mr. Poggiali, the Commission approved application for this grant. Roll call on the motion: Mr. Meinzer, Mr. Poole, Mr. Murray, Mr. Brady, Mr. Poggiali, Mr. Waddington, and Mr. Harris, 7. President Brady declared this motion passed.**

OLD BUSINESS

None.

NEW BUSINESS

None.

AUDIENCE PARTICIPATION

Lisa Maczuga stated the Housing Appeals Board has a vacant alternate seat and she was wondering with the meeting scheduled tomorrow, she is an applicant, could she be appointed to that open seat. President Brady asked Ms. Myers is there was an opening on this board. Ms. Myers stated she was not aware but would look into it.

Tom Lamarca stated he was not against this development but some folks may not have looked at this agreement that you just voted for, other than perhaps Mr. Poggiali and Mr. Poole. On page nineteen, item L, Sandusky Bay improvement states "The City shall take such action as might be reasonably necessary to make at least \$1M worth of public improvements as determined by the City to the Sandusky Bay Park Pavilion. The City shall make Sandusky Bay Park Pavilion one of the City's top priorities." You stated that it was no rush and not important, that you would just be obligated to spend some money, but this states it is a top priority and

the City will accept any requests from the developer regarding the Sandusky Bay development's improvement during its annual business cycle. And again, it was mentioned that the developer is not dictating or telling what improvements they may want, but here in the agreement it says they will make suggestions, and his guess is you will follow those suggestions that the developer will make to you. He stated he was a former real estate broker, and if he wrote an agreement up for a client with no dollar amount in the agreement for a lease or purchase, and have them sign the blank agreement, that is what you are really doing, what would I be facing? He is not happy with the way the agreement is written.

Sharon Johnson, Thanked Mr. Poggiali for having some common sense. She stated a contract is a contract. You are signing a contract with some blanks in it, with some details missing, and we are throwing in the water taxi and the trolley. Just so he can go to the state and say look here, it is in the contract, they are going to do this, this, and this, so I can get a \$40M grant. That is falsifying a state grant. What if the City must do this water taxi and this trolley thing? We have no money for that. We are \$1M in the red on STS. I have never seen anything like this. You sign a contract and then work out the details later. You all need a kick in the pants for that.

Mark Harper, He wanted to mention again about the affordable housing issue. It is something that really needs to be talked about in public meetings. We need alternative methods of funding public housing. Voting on bond packages, at the ballot box, alternative state grants, asking developers to make sure a percentage is low-income housing. One thing he did notice in the development agreement that he really does not agree with is under the recitals it is mentioned the possibility of 172 plus or minus market rate apartments which some or all may be converted to condominiums in the future. I full heartedly agree we need a full split between the condos and apartments. We need both types of housing. We need many types of housing, whether it is duplexes, triplexes, condos, apartments, etc. Another thing under article three it mentions that the developer shall use commercial and by reasonable efforts shall construct by three years by the date of execution of this agreement, he does not believe it should take that long, if the PUD is eighteen months why would we add more than a year to this. Then under article four with construction to make sure to keep in thought that Sandusky is a legacy city given its history to be sure that we are including local contractors and trades, also focusing on minority owned trades and contractors, whether they are women owned, LGBTQ owned, black owned. Also potentially since this is a future project working with the City schools and career center, EHOVE, and trying to attract some of those students into the trades to potentially work on this project. Also what is the agreement going forward with the water taxi and trolley, he assumes it will be with Cedar Point, or some collaboration, maybe a private-public partnership.

Mr. Poole added that we did just sign a contract that has some things left out, and I voted on faith that it will work out, he did want to point out about the former Surf's Up. Looking at what Battery Park and Surf's Up have been for the last twenty years, he would suggest that he is more than happy to listen to what Mr. Marous' company has to say about what we might develop there to supplement or augment the project that they are doing. They have been successful all-over northeast Ohio, and probably further. He does not want anyone leaving here thinking they are trying to tell us what to do. In terms of having knowledge of what may add value to this project, they are in a position to give us some good advice.

ADJOURNMENT

Upon motion of Mr. Waddington, the Commission moved to adjourn at 7:45 p.m. President Brady declared the meeting adjourned.



Cathleen A. Myers
Commission Clerk



Richard R. Brady
President of the City Commission