

President Dan Kaman called the meeting to order at 5 p.m. after the **Invocation**, given by Julie Farrar, and the **Pledge of Allegiance**.

The Clerk **called the roll** and the following Commissioners responded: Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman.

Dan Kaman said Kim Nuesse will be a few minutes late this evening.

Upon motion of Julie Farrar and second of Pervis Brown, the Commission voted to excuse Diedre Cole and John Hamilton. All Ayes. The President declared the motion passed.

City staff present: Scott Miller – General Services Director, Judy Nagy – Recreation Program Supervisor, Carrie Handy – Planner, Anna Enderle – Assistant Planner, Todd Roth – Engineer, Jim Lang – Interim Police Chief, Paul Ricci – Acting Fire Chief, Don Icsman – Law Director, Hank Solowiej – Finance Director, Kelly Kresser – Commission Clerk.

Upon motion of Pervis Brown and second of Dave Waddington, the Commission voted to approve the minutes of the November 8, 2010 meeting, and dispensed with the oral reading. All Ayes. The President declared the motion passed.

AUDIENCE PARTICIPATION (*Agenda Items only*)

Tim Schwanger, 362 Sheffield Way, asked for explanation as to why the expenditure from the capital project fund of \$600,000 is included in Item #1 for the Paper District. He asked about naming the two plazas at Chesapeake Lofts and asked if the city was going to wait until the November, 2011, election to do anything further to this property.

ITEM #1 – Submitted by Hank S. Solowiej, CPA, Finance Director

Budgetary Impact: Appropriation amendments are required to update the budget for previous actions of the city. Examples include: purchase of a new fountain pump at Greenhouse; water and sewer fund contributions for the Mills Street project; water fund contribution for the First Street survey; sewer fund contribution for the Camp Street underpass; Paper District marina project; HUD grant; city's share of the Health Department parking lot resurfacing project; Wastewater Treatment Plant, Phase II expansion project.

ORDINANCE NO. 10-120: It is requested an Ordinance be passed adopting Amendment No. 2 to Ordinance 10-027 passed by this City Commission on March 22, 2010, making general appropriations for the fiscal year 2010; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Pervis Brown and second of Julie Farrar, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter.

Discussion: Hank Solowiej said the total contract price for work being done at the marina project is approximately \$3 million. He said the city estimated what would be spent this year rather than appropriate the entire amount. He said this work is being done in two phases and the last budget amendment did not cover all of the work.

Don Icsman said an affirmative vote of five Commissioners would be needed to pass legislation under Section 14. **Dan Kaman announced the motion will be suspended until there are five Commissioners present to vote.**

Under **Audience Participation**, the following persons offered their comments:

Sharon Johnson, 1139 Fifth Street, asked if the city would be reimbursed for the \$4,300 spent for appraisals related to the proposed sportsplex and Julie Farrar said the city will not be reimbursed by the Frost Parker Foundation for this expense, only those expenses relating to Jim Pengally and Joe Hayberger. Julie Farrar said the city has properties appraised when considering a purchase and this is similar to how the trailer park on Monroe Street was handled and the properties in the landbanking program. Sharon Johnson said it seems these projects become city projects through payment of the appraisal costs and Dan Kaman said that is incorrect. Sharon Johnson said the Stierhoff property appraisal was not included in the documents she received in her public records request and Carrie Handy said the Stierhoff property was never appraised as it was deemed not to be necessary. Sharon

Johnson said a letter of agreement was sent by JRV Management to the city in January and asked why it was addressed to the city rather than the foundation. Sharon Johnson said the March invoice from JRV Management was a pre-billing for consultation of services not yet rendered. Julie Farrar said the foundation has no problem with the manner in which JRV Management is invoicing. Sharon Johnson asked why the city waited nine months to request money from the foundation and Julie Farrar said she thought it was best to invoice them once for the entire amount rather than submitting individual invoices and that the city has not yet spent the entire grant amount of \$37,500. Sharon Johnson said she is concerned with the environmental cleanup of the property which will cost money. Julie Farrar said Phase I and II tests were performed when the Orioles Club was built, but it is not known yet if these are still good to use. She said only a small portion of the Stierhoff property is included. Sharon Johnson said she has asked for copies of the option to purchase and Julie Farrar said the city does not have copies because the city does not have the options (the realtor does).

Dave Waddington said if the property is purchased by the foundation, they, as the owner, would be responsible for the cleanup. Don Icsman said this project is currently a coalition of persons moving an issue forward and is not yet a public partnership. He asked for clarification or parameters from the Commission as to what extent staff is to participate with their expertise and guidance. He said the foundations are moving forward with one of the options. Dave Waddington said grant monies would be available to the city if it were the owner, but would not be available to the foundation. Don Icsman said the responsibility for cleanup would be upon the purchaser and if they want to maintain the status of a bona fide purchaser, they will be considered as an owner for purposes of liability. He said the city could not take property as a gift without doing this and he would not want to put the city into any position of liability. Don Icsman said the Phase I and II would need updating by the purchaser and the city will do what is necessary to maintain the status, but not as the property owner. Sharon Johnson said she would like to make it clear the foundation would be responsible for the cleanup unless it is gifted to the city; at that point, the city would be responsible. Dan Kaman said this will not happen and the committee will handle these issues prior to doing anything. He said he would like a meeting to be scheduled with the foundation representatives and all seven Commissioners before doing anything. He said this project has morphed into possibly a city project or a partnership and it changes every day; the city is not sure where the project is at this point. Julie Farrar said the foundation needs clarification and Don Icsman said this should be approved the entire Commission.

Dan Kaman said he understood the city needed to have the appraisals performed and said Dave Waddington was upset with him (Dan) because this expense was not covered by the foundation; Dan Kaman thought it would be included for reimbursement. Dan Kaman said the foundation asked the city to cover this \$4,300 expense which was approved by the Department Head. Sharon Johnson asked if Department Heads were permitted to spend this amount of money and Dan Kaman said the Charter allows for expenditures up to \$10,000 without Commission action. He said this particular issue was brought forward by Hank Solowiej once the expenditures got to a certain amount. Julie Farrar said she brought up the \$4,300 appraisal in an executive session because she wanted the Commissioners to be kept in the loop, but not all of the Commissioners remember this. She said this project would be a great thing for the city and we should do what we can to get it to where it needs to be. Julie Farrar said she hears people talk about the lack of jobs and economic development and the fact there is nothing for kids to do. She said this could morph into a higher tax base, job creation and helping to get kids off of the street and it seems like we are not looking at the big picture. She said this will also include a place for non-profits which will also bring more grant money into the community. Julie Farrar said she feels like we have been slapping the foundations in the face by all that has been written in the newspaper. She asked if we could all come together as a city and do something positive. She said Carrie Handy works hard on many other projects in addition to her every day job, she has a degree in urban planning and this is her area of expertise. She said there are many adult persons who are athletic and continue to exercise and this would be a great amenity for persons to want to live here. Julie Farrar said there are 5,000 motel rooms in the city and she will continue to do all she can to work with the foundations to make this happen. Sharon Johnson said she is objecting to the process and this being kept quiet. Julie Farrar said this was kept quiet and was handled in executive session(s) but the cat was let out of the bag by persons who should not have done so. She said the city was not yet ready to discuss this publicly and if the city could have gotten itself to a point where all of the players knew what was going to happen and what the plan was first, all of the answers would have been provided. Julie Farrar said she has never hidden anything from anyone, is an average person and ran for office to help the city she grew up in to become viable. Julie Farrar said Carrie Handy should be involved with this process to consider the project and Dan Kaman said he hopes the city and members of the foundation can get together to work out the project details. Dan Kaman said he is for the project but needs to know the financing and this will be a big thing for him. He said if the finances are not available, he will be a no vote just like he was initially for the Lions Park beach project. He said Dave Waddington pursued grant funds for Lions Park,

the project was financed, and he was for it. He said he is hearing the city should be expected to move forward without doing any homework but he wants to know what this will cost.

Kaiana Burchett, 3617 Plum Brook Circle, asked Julie Farrar if the expansion at Kalahari would affect the life of the sportsplex project. Julie Farrar said she is not privy to make any announcement about the Kalahari project, but she does not believe it will compete. She said there is not yet a timeline for the project. Kaiana Burchett asked when the independent study regarding the appraisals will be completed and Don Icsman said hopefully by the next Commission meeting. Kaiana Burchett asked the Commission if they would be supportive of an ordinance requiring minutes to be taken in executive session and then made available to the public. Dan Kaman said he would not support this and the Ohio Revised Code is what the city utilizes as a guide for what topics are permitted in executive sessions. He said the large amount of executive sessions held this year was because of union contracts and information was released as soon as the contracts were signed. Dan Kaman said the city was also trying to prepare its budget and some jobs were on the line and discussed during executive session.

Don Icsman said as the legal advisor for the Commissioners, he would recommend not passing an ordinance which conflicts with state law concerning public records or open meetings. He said requests for change to state law should be made to the state legislators. He recapped the purpose of 60 executive sessions held during 2010. Kaiana Burchett asked if, hypothetically, the Commission would support this type of a change and Don Icsman said the city would not support this and revealing any discussions taking place in executive session would be an ethical violation. He said the city will not prepare minutes for meetings that, by law, are to be kept confidential. Dan Kaman said he would not support this type of legislation, especially for personnel issues. Don Icsman said all of this information eventually gets out to the public, i.e., when negotiations are completed, the contracts are released. He said strategies are not going to be discussed publicly, but everyone will know once something is settled.

Jason Singer, Sandusky Register, 314 West Market Street, said this is not necessarily true and some of the facts come out, but not all. He said some states do require that minutes be taken during executive session and are ultimately released once an issue is settled. Jason Singer said he would have to check with the Attorney General to learn if it is illegal to keep minutes in executive session. Don Icsman said it is not illegal, but he would not want to pass legislation to require this. Jason Singer asked if the city felt it would be a good practice to take notes during executive session and Don Icsman said it would be an ethics violation to release anything that is discussed or disclosed during executive session as they are supposed to be confidential. Jason Singer said the minutes (if taken) would become an official record of what is discussed and Don Icsman said he would risk disclosure of this document prematurely. Julie Farrar said she wished the Commission had to keep minutes during executive session for clarification purposes because of what happened with the sportsplex project. Don Icsman said this would pose a risk of documents being released prematurely.

Tim Schwanger, 362 Sheffield Way, said the sportsplex project should have been handled in public from the beginning. Tim Schwanger asked what the plans are for the Northwest Plaza at Chesapeake Lofts and if this area was going to remain seeded until the next election. Dan Kaman asked what an election has to do with this area and Tim Schwanger said there will be a new Commission next November. Dan Kaman said the Northwest Plaza will be finished off with grass; the southeast corner curb will be finished by closing it off to traffic and seeded because the money is not available yet to do anything else. Tim Schwanger said the money is not available for the southeast corner but the money is there for the northwest corner. Dan Kaman said a consensus has not been reached as to what will be constructed in this area. Discussions have included construction of a gazebo, obstructing views to Sandusky Bay and construction of a fountain; there are mixed messages about what would be best. Don Icsman said the idea is to figure out what to do with these areas through consensus before irrevocably doing something that cannot be undone. He said he has met with members of the Historical Society to garner their input as well as persons from Chesapeake Lofts. Tim Schwanger asked if anyone knew the status of the street lights in Sandusky that are not working and Todd Roth said the city recently provided a list of well over 100 lights to Ohio Edison and he has also spoken with Gary Mortus. Todd Roth said he would like to give Ohio Edison ample time to make these repairs.

Note: Kim Nuesse arrived at the meeting during the discussion above, at approximately 5:40 p.m.

Kim Nuesse said the sportsplex project is still a private project and is not being managed by the city. She said it is a concept being explored by a steering committee with Julie Farrar. She said the concept was brought to the city for discussion purposes and the city has no obligation to make anything public. She said the Commission has not voted on this and it is not a city project. She said nothing is being hidden. Kim Nuesse said the city is in the middle of hosting a planning session regarding what it will focus on for

2011 and this is something that could be added to the process for discussion. She said there are many projects, some with more priority than others, and funding needs to be discussed. Tim Schwanger said this should have been made public in January rather than August. Kim Nuesse said she disagreed and said not every single idea can be brought forward before it is concrete and this is not a realistic expectation.

ITEM #1 – Submitted by Hank S. Solowiej, CPA, Finance Director (see Page 1)

ORDINANCE NO. 10-120: It is requested an Ordinance be passed adopting Amendment No. 2 to Ordinance 10-027 passed by this City Commission on March 22, 2010, making general appropriations for the fiscal year 2010; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Pervis Brown and second of Julie Farrar, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter.

Roll call on the motion: Yeas: Kim Nuesse, Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman, 5. The President declared the motion passed. Roll call on the Ordinance: Yeas: Kim Nuesse, Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman, 5. The President declared the Ordinance passed.

ITEM #2 – Submitted by Hank S. Solowiej, CPA, Finance Director

Budgetary Impact: There would be an estimated savings of up to 14% for these electric accounts. The savings over 12 months is estimated to be greater than \$49,000. This savings is larger than the city residential and small commercial accounts aggregation program administered by AMP Ohio which provides a savings of 3%. Programs like these are available to larger users with usage greater than 700,000 kWh per year.

ORDINANCE NO. 10-121: It is requested an Ordinance be passed approving a pricing schedule addendum to the agreement with FirstEnergy Solutions, substantially in the same form attached, for electric service for the city's largest accounts located in the City of Sandusky for the period of June, 2011 to June, 2012; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dave Waddington and second of Kim Nuesse, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter.

Discussion: Dave Waddington said this will save the city up to 14% at these facilities for electric costs and is significant.

Roll call on the motion: Yeas: Kim Nuesse, Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman, 5. The President declared the motion passed. Roll call on the Ordinance: Yeas: Kim Nuesse, Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman, 5. The President declared the Ordinance passed.

ITEM #3 – Submitted by James F. Lang, Interim Police Chief

Budgetary Impact: The total amount of this expenditure is \$19,572.81. The funds for this expenditure are budgeted for in our 2010 police operating budget, account #110 1020 530 00. The replacement cost is \$10,780.52 and the maintenance cost is \$8,792.29.

ORDINANCE NO. 10-122: It is requested an Ordinance be passed authorizing payment for replacement and maintenance costs pursuant to the 9-1-1 agreement between the City of Sandusky and Erie County; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Pervis Brown and second of Dave Waddington, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter.

Roll call on the motion: Yeas: Kim Nuesse, Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman, 5. The President declared the motion passed. Roll call on the Ordinance: Yeas: Kim Nuesse, Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman, 5. The President declared the Ordinance passed.

ITEM #4 – Submitted by Carrie R. Handy, Chief Planner

Budgetary Impact: The city will pay the costs (minimal) associated with recording the documents at the Erie County Recorder's Office from the Engineering Department's 2010 operating budget.

ORDINANCE NO. 10-123: It is requested an Ordinance be passed vacating a portion of Arthur Street right-of-way between Wayne Street and Columbus Avenue, within the city, as set forth on the vacation plat, a copy of which is marked Exhibit "A", attached to this Ordinance and incorporated herein; 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 Pervis Brown and second of Kim Nuesse, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 13 of the City Charter.

Roll call on the motion: Yeas: Kim Nuesse, Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman, 5. The President declared the motion passed. Roll call on the Ordinance: Yeas: Kim Nuesse, Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman, 5. The President declared the Ordinance passed.

ITEM #5 – Submitted by Carrie R. Handy, Chief Planner and Amanda Meyers, Paralegal

Budgetary Impact: The city will collect an annual registration fee of fifty dollars (\$50.00) per vehicle, for the purpose of inspection, administration and enforcement of Chapter 955. One half of the permit fees collected will be paid by the city to the Board of Health for providing bulky and solid waste vehicle inspection services.

RESOLUTION NO. 039-10R: It is requested a Resolution be passed authorizing the City Manager to enter into a contract for services with the Erie County General Health District Board of Health for bulky and solid waste vehicle inspection services; and declaring that this Resolution shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Kim Nuesse and second of Julie Farrar, the Commission voted to adopt this Resolution under suspension of the rules and in accordance with Section 14 of the City Charter.

Roll call on the motion: Yeas: Kim Nuesse, Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman, 5. The President declared the motion passed. Roll call on the Resolution: Yeas: Kim Nuesse, Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman, 5. The President declared the Resolution passed.

ITEM #6 – Submitted by Kathryn K. McKillips, Engineer

Budgetary Impact: The initial annual amount for continuing to participate with the Erie County NPDES Phase II program is \$10,000.00. This amount will be reviewed on an annual basis and adjusted as needed to accommodate program objectives. The annual cost will be paid with sewer funds.

ORDINANCE TABLED: It is requested an Ordinance be passed authorizing and directing the City Manager to enter into a Memorandum of Agreement with the Erie Soil & Water Conservation District and the Erie County Board of Commissioners for participation in the Erie County National Pollutant Discharge Elimination System (NPDES) Phase II program; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Kim Nuesse and second of Dave Waddington, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter.

Discussion: Dan Kaman said he has questions about the agreement. He said this is the first time the city will partner with the county for this and asked what other municipalities will be required to pay. Todd Roth said he did not know but he would find out. Dan Kaman said he is concerned because the Erie County Commissioners identified the Erie Soil & Water Conservation District as the lead agency and the city's contribution of \$10,000 will go toward funding a county employee. He asked if this person has already been hired as he does not want city money going toward a county employee for a program because of their history. Dan Kaman said this is a draft agreement and he would like to wait for the final agreement from the county before voting. He said a couple of the job duties are currently performed by Erie Regional Planning, but understands the new person/employee would assume them. He said there is a reference to "the Commissioners" in the agreement and assumes this must be the County Commissioners. Dan Kaman said he is not comfortable with the city putting \$10,000 into this as the county will be the one holding the NPDES permit. Dave Waddington asked if this should be tabled and Dan Kaman said he is only one vote. He said the agreement calls for monthly meetings and this will be a

county committee, yet the Erie County Council of Governments cannot seem to meet on a quarterly basis.

Upon motion of Dave Waddington and second of Kim Nuesse, the Commission voted to table the motion to adopt this Ordinance until the next City Commission meeting. All Ayes. The President declared the motion to table passed.

ITEM #7 – Submitted by Kathryn K. McKillips, Engineer

Budgetary Impact: The additional tasks total \$177,626.00. The current invoice is in the amount of \$88,785.60. \$78,589.39 is eligible for CORF reimbursement and \$10,196.21 is the CORF match. The match and remaining balance, or \$99,036.61, on the additional tasks, are to be paid with TIF funding.

ORDINANCE NO. 10-124: It is requested an Ordinance be passed authorizing and directing the City Manager and/or Finance Director to make payment to Partners Environmental Consulting, Inc., of Solon, Ohio, for certified professional services for the Paper District marina project as part of the Bayfront Paper District Redevelopment project; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Pervis Brown and second of Dave Waddington, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter.

Roll call on the motion: Yeas: Kim Nuesse, Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman, 5. The President declared the motion passed. Roll call on the Ordinance: Yeas: Kim Nuesse, Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman, 5. The President declared the Ordinance passed.

ITEM #8 – Submitted by Kathryn K. McKillips, Engineer

Budgetary Impact: The construction estimate is \$1,358,390.00. The MPO will fund 80% of the eligible costs or \$882,713.60 (80% of \$1,103,392.00). CDBG will provide the 20% match of \$220,678.40. The water fund will pay for the water main which is 100% city cost in the amount of \$254,998.00.

RESOLUTION NO. 040-10R: It is requested a Resolution be passed approving and ratifying the submission of an application to the Erie Regional Planning Commission Metropolitan Planning Organization (MPO) and authorizing and directing the City Manager to enter into the LPA Federal Local-Let Project Agreement with the Ohio Department of Transportation for the Water Street rehabilitation and paving project; and declaring that this Resolution shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dave Waddington and second of Julie Farrar, the Commission voted to adopt this Resolution under suspension of the rules and in accordance with Section 14 of the City Charter.

Discussion: Dan Kaman said he supports the rehabilitation of Water Street but asked where Shoreline Drive is on the list. Carrie Handy said there are no definitive plans for Shoreline Drive, but it is being discussed. She said nothing has been done to date because the city was not sure what was going to be developed west of the Paper District marina. She said the city is looking into preparing cost estimates.

Roll call on the motion: Yeas: Kim Nuesse, Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman, 5. The President declared the motion passed. Roll call on the Resolution: Yeas: Kim Nuesse, Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman, 5. The President declared the Resolution passed.

ITEM #9 – Submitted by Paul E. Ricci, Interim Fire Chief

Budgetary Impact: This purchase will not negatively impact the general fund. The cost for the 2011 Freightliner Medium Duty Ambulance is \$190,756.55 (with state term schedule pricing) and the cost for the necessary patient care option is \$2,614.00 (without state term schedule pricing) for a total cost of \$193,370.55 and funding is available from revenue generated by ambulance transport fees. This funding is dedicated for fire department apparatus replacement, account #431 1330 540 90. This price includes a joint purchase vehicle discount of \$1,500 with the City of Huron Fire Department as they too are purchasing an ambulance at this time.

ORDINANCE NO. 10-125: It is requested an Ordinance be passed authorizing and directing the City Manager to purchase one (1) 2011 Freightliner medium duty ambulance through the State of Ohio Cooperative Purchasing program and the necessary patient care equipment option from Horton Emergency Vehicles Company of Grove City, Ohio; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Kim Nuesse and second of Julie Farrar, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter.

Discussion: Dave Waddington said he wished to point out there is a joint vehicle discount of \$1,500 for this ambulance as the City of Huron is also purchasing an ambulance at this time. Dave Waddington said the ambulance being replaced will be shared with the City of Huron. Paul Ricci said as a result of work done by both departments, this will be a joint partnership to share an ambulance as a backup for both departments. He said the maintenance costs will be shared by both departments and over the past three years, the city has spent \$18,000 to keep this vehicle as a front line ambulance. He said this is a win-win for everybody. Kim Nuesse said the city got its money's worth for this ambulance and Paul Ricci added it is a 2000 model and has been kept beyond the recommended useful life of 6 – 8 years. Dan Kaman asked if sometimes we replace the boxes and keep the chassis and Paul Ricci said in 2004, the first freightliner medium duty was purchased with the idea that future purchases will be for a chassis only.

Roll call on the motion: Yeas: Kim Nuesse, Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman, 5. The President declared the motion passed. Roll call on the Ordinance: Yeas: Kim Nuesse, Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman, 5. The President declared the Ordinance passed.

ITEM #10 – Submitted by Paul E. Ricci, Interim Fire Chief

Budgetary Impact: This purchase will not negatively impact the general fund. The funding for this purchase of one (1) LifePak-15 heart monitor in the amount of \$26,147.85 is available from revenue generated by ambulance transport fees. This funding is dedicated for fire department apparatus and equipment replacement, account #431 1330 540 90.

ORDINANCE NO. 10-126: It is requested an Ordinance be passed authorizing and directing the City Manager to purchase one (1) Lifepak-15 heart monitor through the State of Ohio Cooperative Purchasing program from Physio Control of Redmond, Washington; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Kim Nuesse and second of Dave Waddington, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Kim Nuesse, Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman, 5. The President declared the motion passed. Roll call on the Ordinance: Yeas: Kim Nuesse, Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman, 5. The President declared the Ordinance passed.

ITEM #11 – Submitted by Paul E. Ricci, Interim Fire Chief

Budgetary Impact: This purchase will not negatively impact the general fund. The funding for this purchase of emergency medical supplies in the total amount of \$18,546.14 is available from revenue generated by ambulance transport fees. This funding is dedicated for fire department apparatus and equipment replacement, account #431 1330 540 00. Below are the vendors and prices from whom we will purchase the supplies. These vendors are sole distributors for the different types of emergency medical supplies that are needed to equip our new ambulance and the best prices:

BoundTree Medical, Dublin, OH	\$4,771.71
PharMed Corp., Westlake, OH	\$11,260.00
Flo-Tec, Indianapolis, IN	\$365.48
Nightgale-Alan Medical Equipment, Cincinnati, OH	\$322.95
Armstrong Medical, Lincolnshire, IL	<u>\$1,826.00</u>
TOTAL	\$18,546.14

ORDINANCE NO. 10-127: It is requested an Ordinance be passed authorizing and directing the City Manager to purchase emergency medical supplies from various vendors for the Sandusky Fire Department; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Kim Nuesse and second of Julie Farrar, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Kim Nuesse, Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman, 5. The President declared the motion passed. Roll call on the Ordinance: Yeas: Kim Nuesse, Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman, 5. The President declared the Ordinance passed.

CITY MANAGER'S REPORT

Upon motion of Dan Kaman and second of Dave Waddington, the Commission voted to accept a donation in the amount of \$220.00 - proceeds from a pancake breakfast from the Commons of Providence - for the Fire Department Trust Fund (Account #863 1310 485 00). All Ayes. The President declared the motion passed.

Don Icsman said he and Kelly Kresser have both had conversations with **the city consultant, Bruce Greenfield, who is available for a planning session with the City Commissioners on December 15.** Dan Kaman asked Kelly Kresser to clarify which Commissioners are available to meet on this date and she said six of the seven would be available and one requested changing the time from 4 p.m. to 6 p.m. Kim Nuesse asked how many sessions would be needed and Don Icsman said no more than three; it was hoped that the first could be held before the end of the year.

Don Icsman asked the Commission for approval to dispose of 14 items according to a list distributed from the General Services Department which are no longer needed and/or able to be used. Upon motion of Dave Waddington and second of Pervis Brown, the Commission voted to authorize disposal of these items, through www.govdeals.com. All Ayes. The President declared the motion passed.

Don Icsman asked for **approval for the Acting Fire Chief, Paul Ricci, to attend the "Line of Duty Death State Response Team" training program in Charleston, West Virginia, on December 13.** He said this training is being presented by the National Fallen Firefighters Foundation and the cost for the course and accommodations are paid for by the Foundation. **Upon motion of Kim Nuesse and second of Dave Waddington, the Commission voted to allow out of state travel for Paul Ricci for this training. All Ayes. The President declared the motion passed.**

Don Icsman asked for **approval for the Chief Planner, Carrie Handy, to attend the 2010 Regional Financial Management Training seminar presented by the U.S. Department of Justice Programs, Office of the Chief Financial Officer in Washington, D.C. on December 8 - 9, 2010.** He said the training covers financial management of the Weed and Seed grant funds and grant budget issues. The training is free and the costs of the flight, hotel and rental car will be paid with Weed and Seed grant funds. **Upon motion of Pervis Brown and second of Julie Farrar, the Commission voted to allow out of state travel for Carrie Handy to attend this training. All Ayes. The President declared the motion passed.**

Don Icsman asked Carrie Handy to discuss the proposed **application for the Metropolitan Planning Organization (MPO) for Transportation Enhancement Funds for Lions Park.** Carrie Handy said she distributed a cost estimate and map of the proposed project area. She asked for permission to submit this application for the walking trail around the edge of Lions Park to connect to Monroe Street. She said the city was recently made aware the MPO has excess transportation funds which are available for these types of projects. Carrie Handy said approximately \$400,000 is available and the city could be eligible for about \$200,000 of this amount. She said the estimate for this project is \$162,350 and of this total, the city will apply for \$129,880 in MPO monies (80%) and utilize \$32,470 from the city's 2012 CDBG funding (20%) for the match. Dan Kaman asked if there was money available now for the street which is being eliminated at the entrance to Lions Park and Carrie Handy said this street will be relocated to the west. She said there is consideration for the entryway and street location in this area. **Upon motion of Dave Waddington and second of Kim Nuesse, the Commission voted to support the city's application for the MPO's Transportation Enhancement Funds for Lions Park. All Ayes. The President declared the motion passed.**

Dave Waddington asked if **swimming will be permitted in 2011 at the Lions Park beach** and Carrie Handy said there is nothing to prevent this. Don Icsman said much has improved since the 1960s and the city's liability will not change as there will not be a charge to use the area and swimming will be "at your own risk"; lifeguards will not be provided. Dave Waddington said there is signage in the park now which indicates "no swimming" and Don Icsman said this signage should be changed to read "swim at your own risk".

Don Icsman asked for clarification, to avoid miscommunication or confusion by the public, regarding **the amount of time which the Commission feels is allowable for Carrie Handy to spend working on the sportsplex project.** Don Icsman said Carrie Handy has certain expertise to bring to the project but he would like clarification about how much time she should spend with it. Julie Farrar said Carrie Handy is an educated lady and should be able to give this and other projects the appropriate amount of attention. Carrie Handy said she would be happy to keep track of her hours and report back with the amount of time spent on the sportsplex project. She said she would not anticipate spending a lot of time

on this. Kim Nuesse said she believes Don Icsman is looking for a definitive answer and she would rather give Carrie Handy a number to start with and asked Carrie Handy how much time she is currently spending on the project. Carrie Handy said she has not spent much time on this project recently but she said four hours per week would probably be sufficient. Kim Nuesse asked if the other Commissioners felt it would be fair to allow no more than five hours per week for Carrie Handy to work on this project to allow her to provide her expertise without jeopardizing other projects. Pervis Brown said it is important to show support for these efforts to help make this project a reality. He said he believes this should become some type of partnership for improvement and enhancement for the community. He said we have been talking about some type of recreation, community or youth center for years and he believes some of the negativity is the reason why we do not yet have one. Kim Nuesse said everyone is supportive but believes she is providing a reality check and asking questions that need to be asked to evaluate the project. She said questions about affordability must be asked and there are many pieces to this which are being worked on. Kim Nuesse said she is for getting this information together so that a vote can be taken by the Commission and she is trying to see things are done properly. Dan Kaman said Carrie Handy has responded to all of the questions he has had about different projects and he looks forward to the meeting with all seven Commissioners about the sportsplex project to make a decision.

Dave Waddington asked Carrie Handy to provide a brief recap of the **Huron Park project** and said the park improvements will help to rebuild Sandusky and make it more vibrant. Carrie Handy said the committee is very close to having a Master Plan to present to the City Commission for final approval. She said part of the process is the design of a new playground area near the splash pad. She said some designs have been provided by Dave Williams & Associates for consideration and the cost of the play equipment is approximately \$160,000. She said this may be phased in because of affordability. Dave Waddington said approximately \$120,000 is available toward this purchase and CDBG funding may be considered for the balance. Carrie Handy said she may be requesting reappropriation of some Revolving Loan Fund money for this purpose. Dave Waddington said this play equipment will be colored earth tones and made ADA accessible. Julie Farrar asked if the climbing wall is still included with the proposal and Dave Waddington noted it is.

Dan Kaman said he recently was in Savannah, Georgia and complimented their **entertainment district**. He said Sandusky has an entertainment district but feels it is pitiful and has a long way to go. He said we do a lot of things with recreation but there are a lot more things we could be doing. Dave Waddington said the biggest thing he is looking at is rebuilding our neighborhoods and the rehabilitation of some of our parks. Kim Nuesse said investing in parks is an investment in a city. She said sometimes people look only at the police activity or officers on duty, but Sandusky needs to reinvent itself and make it a family friendly place to live and stay. She said this is also how businesses are attracted to the area and said neglected parks invite crime.

Dave Waddington said there was an **Audit/Finance Committee meeting on Friday and some good news was provided**. He said insurance premiums are going to increase by only 5 ½% in 2011, the admissions taxes are up 4.7%, hotel/hotel tax is up 4% and it looks like the city will be in the black; he said the golf course was in the black for 2010. He said his only concern is the estate tax and the actual amount received was less than projected in the budget. Dave Waddington said going into next year, it appears the city will be above water. Dan Kaman said his concern is the police contract and the requirement to have 47 officers in place prior to hiring seasonal officers. He said if more money needs to be taken from the General Fund to keep this number of police officers, this could be a problem.

OLD BUSINESS

Dave Waddington asked Todd Roth to talk about two items of old business. Todd Roth said the plans for the **drying pads at the Waste Water Treatment Plant (WWTP) were created through the overall improvements project at the WWTP**. He said there is a piping system which goes to the holding tank for materials and liquid coming off of the material. The liquid is then taken back to the treatment plant for processing. The material placed in the drying pads to remove the liquid is then taken away and disposed of either at the landfill or via land applied sewage sludge. He said the other option is extending the contract for taking material out of the plant and it still could be land applied as it is now. He said it will not be Class A and cannot be made available to the public and the city is still looking at what is best. He said Jeff Meinert from the WWTP could come to a future Commission meeting to explain this in more detail. Dave Waddington said he was asked about this and had a question from the Friends of Pipe Creek committee. Todd Roth said everything runs off into a drain, is placed into a holding tank and then sent for removal.

Tom Whitted said **a walkthrough was performed last week for the energy audit.** He said the city was told it spends about \$2/SF per month and it would be good to perform an audit. He said they looked at the lighting, heating system, hot water, air conditioning and HVAC. The next step is to look at and crunch some of the numbers and see what can be done, especially with the boilers and lighting. Todd Roth said a payback period will be put with each item.

Dave Waddington said **two recycle bins will be placed back at Kiwanis Park and at the city service center and it has not yet been decided if this fee will be \$2 or \$3 per resident.** Don Icsman said he distributed copies of a statement regarding the enforcement or assessment of this fee on city resident's water bills. He said the city does not have the legal authority to assess this fee and this must be done by the Board of County Commissioners according to state statute. He said he will share this with the county and the logistics of the assessment procedure will be worked out but the bins will be placed before the holiday season. Dave Waddington asked Todd Roth about getting answers to these and other questions from Erie County and Todd Roth asked for the specific questions so that he can be sure to get the proper responses back to the Commission. Dan Kaman said the county is pushing recycling and is fine with what the city is doing, but there are now a few wrinkles with what has been accepted and approved. He said he does not want to have to pull the recycle bins after the holidays and make city residents upset. He said the city ordinance passed called for an assessment of \$2/household to cover the costs for the two recycle bins and the city is in compliance with the EPA. He said the city will put the bins out, at their own cost, but if they have to be pulled, he hopes the residents understand why. Dave Waddington said the cost for three bins is approximately \$30,000/year and 11,000 households would pay approximately \$2 each per year. Dave Waddington said he would love to know the total tonnage since the bins were taken away and if this material is now going to the Erie County Landfill.

Julie Farrar asked if the Commission would like to include **background checks, drug and psychological testing requirements in the job posting for the City Manager** and Dan Kaman indicated he would like it to be included. Julie Farrar said the job will be posted on the ICMA website for 30 days. She said one Sunday advertisement in the Morning Journal, Sandusky Register and Columbus Dispatch would cost \$3,637; running the advertisement for two Sundays would cost \$7,024. Dan Kaman said he would prefer running the advertisement on two Sundays; Pervis Brown, Kim Nuesse and Dave Waddington said they prefer it to run one Sunday. It was decided to run this advertisement on one Sunday only in these newspapers.

NEW BUSINESS

Dave Waddington said **Christmas lights were recently installed at the Sandusky Bay Pavilion and the group of volunteers who put them up is forming an adopt-a-park group for this property in 2011.** He said there are several events at this location next year and he would like this area to be cleaned up for them. Interested volunteers can sign a waiver to be a part of this and he said the form is available on the city's website. He said this area, as well as others in the city, could benefit from being adopted. Dan Kaman asked if the Sandusky Waterfront Watchdogs are adopting this area and Dave Waddington said any interested citizen can participate.

Kim Nuesse asked where the city is with the **environmental consultant breakdown of expenses** and Don Icsman said this information was received last week. Todd Roth said a copy was also submitted to the city's attorney and the EPA. He said both entities were satisfied.

Kim Nuesse asked about **paving the city parking lot on Jackson Street** and Don Icsman said there are hopes and wishes to do so, but funding is an issue. He said the city may be closer to this after the sale of the property to Diane and Gary Ackerman, this does need attention and is being discussed. He said this could be addressed in the upcoming planning session with the facilitator.

Dan Kaman said he would like the Commission to consider closing **the Sandusky Bay Pavilion in the wintertime** and Scott Miller said most of the mess is because of the trees and the dirt that is blown into the area. He said he prefers it to be closed and Dave Waddington said the Recreation Board could consider this at their next meeting. Dave Waddington said some members of the Recreation Board feel like they are being left out of some decisions being made and are out of the loop and he tries to pass along as much information as he can. Dan Kaman said whatever is best is what he would like to see regarding closure of this facility during the winter months. Pervis Brown asked why the city would keep this area open in the wintertime and what the purpose would be and Dan Kaman said he believes it is because of public access, but he agrees it should not be open/unlocked. Don Icsman said he recommends closing the facility for the winter and said he sees nothing positive with keeping it open, especially because of the weather here.

Julie Farrar thanked **Carrie Handy for coming in during her vacation time** for this Commission meeting.

Upon motion of Pervis Brown and second of Kim Nuesse, the Commission voted to have an Executive Session regarding pending litigation. Roll call on the motion: Yeas: Kim Nuesse, Julie Farrar, Dave Waddington, Pervis Brown and Dan Kaman, 5. The President declared the motion passed.

Under **Audience Participation**, the following persons offered their comments:

Richard Koonce, 1703 Pierce Street, said last year at this time, he stepped out on faith and purchased three former school buildings for the Nehemiah Center to help create recreational programs for the youth of the community. He said this center also offers an after school mentoring program and this was the intention from the beginning. He said he would never stand in the way of anything of benefit to the community and he gives a green light to this new project (sportsplex). He said the programs at the Nehemiah Center are for children falling through the cracks who are in a pipeline from the juvenile detention center to the penitentiary. Richard Koonce said he is the kind of person who rolls up his sleeves to do what is necessary to help the community and partner with others for grant opportunities but sees that others do not always want to partner. He said these former school buildings were turned over to the Spirit and Truth Ministries to work in partnership with Nehemiah Partners which opened at the former Campbell School. He said the former Madison School is used for outreach and is the location of Spirit and Truth Ministries. He said this is the location for the annual North Coast Streetball Tournament. Richard Koonce said work is being done through various programs and he is happy to provide this information to the Commissioners today. Carrie Handy said the city is partnering with the Nehemiah Center for the mentoring program using Weed and Seed grant funds in 2011. Kim Nuesse said the city is supporting existing programs. Carrie Handy said the city has also spoken with the Nehemiah Center about grant monies to make one of their locations a safe haven.

Tracy Shoemo, 1021 Fifth Street, said he would like the community to know what is going on in these former school buildings. He said many people drive by to look and he wishes they would stop in; he invited anyone in the community who may be interested to do so. He said they have been working to obtain the necessary permits and meet city and state codes. Tracy Shoemo said the city has been very helpful with these processes. He said these buildings are for the families of this community. Julie Farrar said she has known Tracy Shoemo and Richard Koonce for a long time and she believes everyone here is for doing the right thing for our kids. She said she does not want anyone to think the city is trying to do anything in duplication of their efforts. Julie Farrar said this sportsplex would be another plus and Jim Pengally and Carrie Handy have met with Tracy Shoemo and Richard Koonce about the logistics of the sportsplex.

Barry Riddle, 1338 Fifth Street, said anyone who has not yet been out to see the new Lions Park is missing some of the most beautiful scenery in this country. Barry Riddle asked why there are two Arthur Streets in Sandusky. He asked if there was money appropriated for the swell between the parking lot and the marina at Chesapeake Lofts and Hank Solowiej said he was not sure if this was included in Phase I or Phase II. Dan Kaman said he believed it was part of Phase II. Barry Riddle said the Chesapeake group should be responsible for this.

Wesley Poole, 1939 East Oldgate, asked about the city manager hiring process and Julie Farrar said she, John Hamilton, Pervis Brown and six residents or stakeholders from the community will reduce the number of candidates down to about ten for job interviews. Wesley Poole said the city has not had very good success following this process and would be more comfortable if all of the Commissioners looked at the resumes. Dan Kaman said that is what happened last time and is the reason this is being changed. Wesley Poole said he did not believe the last group of Commissioners looked at all of the resumes. Don Icsman said the city utilized a private company to do the last search and may have been why this happened. Wesley Poole said he cannot complain if those elected were screening the candidates but he has concerns about using 'stakeholders' and asked what qualifications they would bring to the table. Wesley Poole said the city offers services and does not understand having business persons on the panel who may serve to benefit. Julie Farrar said there may be questions that might be asked by someone from Erie Regional Planning or Firelands College that the seven Commissioners might not think to ask. Wesley Poole asked if all of the applicants will be interviewed and Julie Farrar said this committee will mainly be part of the paper review to whittle down to the top 10 candidates. She would also like this group to be in on the interviews. Dan Kaman said the city is looking at persons from outside of the city to screen the applicants and the Commission is trying something different because other processes did not seem to work. Wesley Poole asked if these meetings will be public and Dan Kaman said they will be for personnel and not open meetings.

Sharon Johnson, 1139 Fifth Street, said persons from outside of the city limits should not be on the city manager search committee. She suggested appointing one member each from Sandusky Proud, Save Our Shoreline Parks, the NAACP, a business representative, and the Sandusky Main Street Association should be on the committee rather than all business persons or persons outside of the city limits.

Kaiana Burchett, 3617 Plum Brook Circle, asked if there will be certain criteria for the persons on the City Manager search committee. Dan Kaman said this committee will do the preliminary selection and will include three Commissioners; the other four Commissioners will give input. Dan Kaman said he does not yet know what is being looked for in a stakeholder and the job description was just updated. Julie Farrar said the applications are due January 10, 2011, so nothing will need to be done with this committee until that time.

Don Icsman said he has enjoyed the opportunity to serve in the position of acting city manager and believes some accomplishments have been made. He said he also has a contract to be the lawyer for the city and he wishes to honor this contract and continue to be the lawyer, not the city manager. Don Icsman said he will not be participating in the process (for the new city manager). He said this gives flexibility to the Commission and he will continue to work hard. Don Icsman said the pool of candidates will be enhanced and will eliminate any problems with a person who might beat Don Icsman out for the job knowing that he (Don) too had applied for the position. Dan Kaman said he hopes Don Icsman reconsiders and said he has worked for three city managers and he (Don) has been the most up front. He said when he finds out there is something that can or cannot be done, he does not find out that Don Icsman changes what he has said, but this has happened in the past.

Tim Schwanger, 362 Sheffield Way, said the group volunteering to take care of the Sandusky Pay Pavilion will be "Friends of the Sandusky Bay Pavilion" rather than an existing group.

Dan Kaman said he hopes to see everyone downtown on Friday night for the Christmas Lighting Ceremony.

At 7:22 p.m., Dan Kaman announced adjournment of the regular session.

One Executive Session was held beginning at 7:27 p.m. At 7:50 p.m., Dan Kaman declared adjournment.

Kelly L. Kresser
Clerk of the City Commission

Daniel J. Kaman
President of the City Commission