

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

The clerk called **the roll** and the following Commissioners responded: Dan Kaman, John Hamilton, Richard Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown.

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

**Upon motion of Dave Waddington and second of Diedre Cole, the commission voted to approve the minutes of the January 24 and February 10, 2011 meetings and dispensed with the oral reading. All Ayes. The President declared the motion passed.**

**Dan Kaman introduced Beth Snyder, Ohio Regional Development Corporation (ORDC), to provide an update regarding the city's Community Housing Improvement Program (CHIP).** Don Icsman distributed a written summary from Beth Snyder regarding the city's 2004, 2005 and 2006 CHIP programs. Don Icsman said the president of ORDC was unavailable this evening, but because of the importance of this topic, he asked Beth Snyder to attend and provide a recap. Don Icsman said the inspections for years 2004, 2005 and 2006 have been completed as well as reconciliation with the State of Ohio by the city's finance director and he is awaiting confirmation from the inspector, Mr. Saunders. He said he believes the CHIP program is close to being completed with respect to these grant years. Don Icsman said there are still a couple of CDBG homes which are not yet completed because of weather conditions. He said the original files are in the office of the inspector general in Cleveland. Don Icsman said when the CDBG homes are completed, the state will not be inspecting them and this will be left up to the city's building official, along with ORDC, to complete. Dave Waddington said he is glad to hear these are close to being completed, but is concerned about the penalty the city may have to pay for each of these years (2004, 2005 and 2006). He said there are a lot of residents in Sandusky who may suffer during the next three years because these funds will not be available. He said this is a small fortune for needy persons in the city. Dave Waddington said he hopes this is completed before he leaves the commission. Don Icsman said if there is any criminal action to be taken it is beyond the city's control. He said the inspector general's office does not tell the city what they are doing and they are in charge of the investigation. He said he is hopeful everything the city has done has been the right thing(s) according to the State of Ohio. Dave Waddington asked Hank Solowiej to confirm whether the city used UDAG money (\$1 million) as well as \$200,000 from other sources to repair some of these homes; he asked if the city could recoup these monies if the insurance does not cover them. He asked if the UDAG money needs to be replaced. Hank Solowiej said there are no restrictions for repaying the UDAG money; he said he does not have an answer for covering the amount that may not be paid through the insurance company. He said he hopes the city will be made whole for what it has paid out. Don Icsman said it was an admirable thing to have taken care of these homes rather than the affected residents suing the city.

#### **AUDIENCE PARTICIPATION (*agenda items only*)**

Sharon Johnson, 1139 Fifth Street, said she is against giving any money back to John Eyman (Item #14).

Tim Schwanger, 362 Sheffield Way, asked who owns the property between the Chesapeake parking lot and the marina parking lot where the additional work is being done by Hoty's (Item #3). He asked if the city is using TIF money to enhance private property. Tim Schwanger said on 5.24.10, the commission voted unanimously not to return any of the money from John Eyman (Item #14). He said John Eyman would have sued the city by now if he had wanted to.

#### **PRESENTATIONS**

**Peter Zaehringer, Erie County Economic Development Corporation (ECEDC), made a presentation regarding the direction being taken by this organization.** He said he joined ECEDC in November, is new to the area, and has had a steep learning curve. He has analyzed some of the stakeholders and believes a public/private partnership is necessary for success. Peter Zaehringer said there are three pillars for the services provided by ECEDC including accountability, credibility and transparency in doing business. He said he is a numbers-driven person and accountability will be measured and evaluated to see what works. He said credibility is through implementation of programs in Erie County and other strategic

partners outside of the county and he takes a proactive approach to this. He said the sharing of successes will make transparency effective. Peter Zaehringer provided a brief overview of the things he would like to accomplish this year including the creation of a sustainable economic development foundation through:

- 1) Erie County forum for economic transformation
- 2) economic development task force
- 3) formal business visitation program
- 4) establish incubator in conjunction with BGSU Firelands
- 5) public forums
- 6) communication and reporting
- 7) strategic partnerships
- 8) collaboration

Peter Zaehringer said he is looking at implementing "economic gardening" which is designed to help existing business stay and expand in Erie County. He said he would like to develop a forum for economic transformation and a task force to develop leads for Erie County as a place to do business and work with all stakeholders. He said the recent success of Adrienne's Foods in Sandusky (creation of 200 jobs) is one example of working together with different community stakeholders. He said a business visitation program, known as Business Expansion and Retention (BEAR), has been established to address economic development related challenges and to resolve them before they escalate. He said this is a focused approach used nationwide to provide a benchmark and a historic database for sustainable economic development. Peter Zaehringer said it is important to know the local businesses and share with them the services available for help. He said the incubator program is a business counseling service, partnering with the City of Lorain for both new and existing businesses. He said this is a good regional approach.

Peter Zaehringer said the business forums will be starting up very soon to share information about programs available to local businesses. Peter Zaehringer said he was heavily involved with keeping Goodyear in Akron and was asked many times how large tax breaks were given to this company. He said it is important for each business to be aware of the programs and services available, no matter how large or how small, so that they can be competitive and grow.

Peter Zaehringer said two programs have already been implemented including the lead referral initiative and the economic development task force. He said three other goals for 2011 are the forum for economic transformation, business visitation program and the business incubation program. Peter Zaehringer said the vision of ECEDC is to champion local and regional collaboration, share resources and ideas, and create a sustainable economic development platform for Erie County to retain, grow and attract investments.

Dan Kaman asked if there were any questions and Dave Waddington said a big countywide issue is the proposed airstrip at NASA and the consultant hired for this project. He asked Peter Zaehringer if this initiative clashed more than it collaborated. Peter Zaehringer said he is not familiar with the consultant for this project and he does not yet have enough information about NASA or the consultant to respond although he does not see a problem implementing any program throughout Erie County. Diedre Cole said State Representative Dennis Murray has a program entitled Business to Government Exchange (BGX) and asked how the proposed ECEDC program fits with BGX and other programs offered by the State of Ohio. Peter Zaehringer said he did not know what will happen with initiatives because of the change in the state government.

Dick Brady asked Peter Zaehringer to speak about verifiable results. He said the perception is the city has not gotten enough for its investment with ECEDC and he would like to clear this hurdle. Peter Zaehringer said he has the most focus on accountability and has measures in place for everything he is doing. He said ECEDC has customer resource software available to help reposition itself. Julie Farrar complimented Peter Zaehringer for the initiatives he has started since he began and said this is appreciated since the city no longer has an economic development person or employee. Peter Zaehringer said his goal is to make approximately 200 visitations during his first year so that he knows what businesses are in Erie County. Diedre Cole said the city's budget is \$61 - \$62 million and if the city could refocus \$20 million back to its own businesses, this would be a huge boost to our local economy. She said she is concerned about business closing without notice and said there is not a mechanism to know when a business is struggling. Peter Zaehringer said there are seven questions in their survey to ask business owners and the interviews can be structured to know when a business is struggling. He said

trends can be looked at over a period of time (2 – 3 years) to know if a business is struggling. Dave Waddington asked if the ECEDC office will stay in Sandusky. Dick Brady said he attended his first ECEDC meeting last week and the president of the board, Mr. Kastor, made a very clear statement that the office will stay in Sandusky and will remain as an independent organization. Dick Brady said regionalization is a good concept and a one-stop-shop for economic development, but this is not something to be lumped together as a countywide opportunity at this time. He said the city needs every job and a presence and the issue of ECEDC relocating should be off of the table. Julie Farrar said she was involved with the city reaching out to a local business, but it was too late. Julie Farrar said she is pleased there will be a mechanism in place to reach out to a business before it is too late. Dan Kaman said he looks forward to working with Peter Zaehringer. He said last year two local businesses reached out to Dan Keller and Leon Wieber, ECEDC board members, and these two businesses are now happy and still in the community.

**Dan Miller, Jones & Henry Engineers, provided an update on the WWTP expansion project.** He said this project is 96% complete and the only thing left to do is seeding, grading and paving. He said the new centrifuge will be started up this week and there is still some training to take place. He said programming is underway for the PLC and the plant will have a better opportunity for monitoring and additional automation. He said the completion date is May 15. He said the plant will be able to produce a thicker sludge and that disposal options will change. Dick Brady asked where the city is with the money spent and Dan Miller said the construction contracts total \$17,049,700; the city has paid out \$16,435,000 or 96% of the total contract. He said there is \$255,000 in contract additions or a 1.5% increase for the contract. Dick Brady said this is unbelievably good and Dan Miller said this could not have been done without help from the plant staff, especially Jeff Meinert. He said Jeff Meinert provides great cooperation with the contractor. Dan Miller said the sludge contract is Item #4 on the agenda and the centrifuge will help to thicken the sludge to about 7%. He said the city currently hauls out at 3.5%; this will basically be cut by half as there will be less volume. He said the contractor will have a slight increase for hauling because the weight will be greater. He said the centrifuge will allow the plant to generate a cake-like sludge which can be hauled to the landfill or Barnes Nursery. He said this will cause competition for hauling and disposal of the sludge.

**Thomas Schwan, Sandusky Transit System (STS), provided the 2010 annual report for the STS.** Thomas Schwan said he came from Huron County Transit and has assembled information with 2010 statistics. He said ridership has increased by over 19,000 rides and the increase is due in large part to the SPARC route. He said service hours for 2010 were 27,397; revenue miles were 274,233; total mileage was 371,238; and the total operating expenses were \$1,070,748 which was up 7% from 2009. He said the cost per mile was \$2.89; the cost per trip was \$10.44; the cost per hour was \$39.09. Thomas Schwan said SPARC route 1 provided over 33,000 rides and the service hours totaled 3,629. He said last year the SPARC busses were wrapped with scenic Sandusky views and are part of the Sandusky identity.

Thomas Schwan said the city purchase 12 new vehicles last year through stimulus funds. He said the SPARC 2 route built from success of the SPARC 1 route. He said there were ten new stops with four transfer points for SPARC 1. He said bicycle racks were added to the SPARC buses which are a value-added service for riders. Thomas Schwan said the STS provided advertising last year with Buckeye CableSystem. He said during 2011, he would like to continue exploring the additional bus stops with the grant money already received. He said he would like to create a transit facility security plan to help in securing the facility (i.e. fencing around the buses) and will explore grant funding options. Thomas Schwan said he is exploring out of county medical transportation options and residents should have an option for this service. He said he is exploring a proposed third SPARC route for the west end. He believes construction of the west end overpass will be a good option for creating this route. Thomas Schwan said there has been a demand for regional transportation and coordination throughout the county and he will continue to research this. Thomas Schwan said he has had a smooth transition and thanked Carrie Handy for her help and support.

Julie Farrar introduced Terri Bihm who is the manager for MV Transportation. John Hamilton asked if STS could team up with the Ohio Veterans Home to transport residents to doctor appointments and Thomas Schwan said this is something he is looking into with the regional transportation aspect. He said more services can be provided throughout the county with regional cooperation. Diedre Cole said she spoke with Thomas Schwan about the west shore project and a ridership program in conjunction with the City of Cleveland (transporting to their RTA system). She said there may be an impact in ridership with the proposed casino project for Cuyahoga County and Thomas Schwan said he would like to explore the demand for this type of service and then act accordingly. Dan Kaman said as a west end resident, he does not buy the statement that the city cannot add a stop to this area and hopes Thomas Schwan

continues to work on this. Dan Kaman said he would be happy to ride with someone to show them how he has learned to avoid the trains.

**Upon motion of Dave Waddington and second of Pervis Brown, the commission voted to accept all communications. All Ayes. The President declared the motion passed.**

Dan Kaman announced Item #8 will be tabled for this meeting.

**ITEM #1 – Submitted by Donald C. Icsman, Law Director & Acting City Manager**

**Budgetary Information:** The consultant will be paid at a rate of \$55.00 per hour, plus mileage reimbursement at 32.5 cents/mile. The total estimated compensation for services is not to exceed \$10,000.00 and will be paid with water and sewer funds.

**ORDINANCE NO. 11-004:** It is requested an Ordinance be passed **approving and authorizing the city manager to enter into an agreement for professional consulting services; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the city charter.**

**Upon motion of Diedre Cole 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: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the Ordinance passed.**

**ITEM #2 – Submitted by Todd Roth, P.E., P.S., Director of Planning, Engineering & Development**

**Budgetary Information:** The cost of the Phase II ESA is \$9,950.00 to be paid with sewer funds. It is anticipated that the work required in the sewer pump station will exceed the cost of the overall project design cost. Due to the lack of funding in the city capital fund, sewer funds are being used in the forefront of the project to keep the project moving forward. At the time of construction, city capital will be required to pay its share of the project cost.

**ORDINANCE NO. 11-005:** It is requested an Ordinance be passed **authorizing and directing the city manager to enter into a second amendment to the agreement for professional design services with Transystems Corporation of Cleveland, Ohio, for the Camp Street underpass rehabilitation 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 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: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the Ordinance passed.**

**ITEM #3 – Submitted by Todd Roth, P.E., P.S., Director of Planning, Engineering & Development**

**Budgetary Information:** The additional tasks total \$34,000. It will be paid with the proceeds from the TIF arrangement on the Chesapeake Lofts Condominium.

**ORDINANCE NO. 11-006:** It is requested an Ordinance be passed **authorizing and directing the city manager and/or finance director to make payment to Hoty Builders, LLC, of Sandusky, Ohio, for additional work provided for the paper district marina project; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the city charter.**

**Upon motion of Dave Waddington and second of Pervis Brown, the commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the city charter.**

*Discussion:* Julie Farrar asked who owns the property where this work will be done. John Hancock, John Hancock & Associates, said the city has a 99-year lease with Chesapeake Lofts; he said the city owns the submerged lands lease and the property is then subleased by the city. He said there is a combination of interests and the city has to have this work performed in order to meet their responsibilities under the Voluntary Action Program (VAP). He said this work has been approved by members of the Chesapeake Lofts association. Dan Kaman said in layman's terms, the city is the landlord and Chesapeake Lofts is the tenant. Don Icsman said there is sufficient evidence of title by the city and this was determined prior to proceeding with the work.

**Roll call on the motion:** Yeas: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the motion passed. **Roll call on the Ordinance:** Yeas: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the Ordinance passed.

**ITEM #4 – Submitted by Todd Roth, P.E., P.E., Director of Planning, Engineering & Development**

**Budgetary Information:** Funds for the payment of this service are routinely included in the operating budget of the Water Pollution Control plant. The estimated amount of sludge for the first half of 2011 is 5,500,000 gallons at a price of \$.0273 per gallon or \$150,150.00.

**ORDINANCE NO. 11-007:** It is requested an Ordinance be passed **authorizing and directing the city manager to enter into a six month contract extension with Maple View Farms, LLC, of Castalia, Ohio, for the land application of sewage sludge from the Water Pollution Control plant for calendar year 2011; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the city charter.**

Upon motion of Julie Farrar 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: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the Ordinance passed.

**ITEM #5 – Submitted by Carrie R. Handy, Chief Planner**

**Budgetary Information:** The construction estimate is \$37,386. The city is requesting \$20,000 in grant funds from the Sandusky/Erie County Community Foundation. City Community Development Block Grant funds will provide the remaining \$17,386.

**RESOLUTION NO. 003-11R:** It is requested a Resolution be passed **approving and ratifying a grant application submitted to the Sandusky/Erie County Community Foundation for the Lions Park multi-purpose play surface 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 Pervis Brown, 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: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the motion passed. Roll call on the Resolution: Yeas: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the Resolution passed.

**ITEM #6 – Submitted by Carrie R. Handy, Chief Planner**

**Budgetary Information:** The cost of this contract is covered by Community Development Block Grant program funds not to exceed \$48,900 including reimbursable expenses. There will be no impact on the city's general fund.

**ORDINANCE NO. 11-008:** It is requested an Ordinance be passed **authorizing and directing the city manager to enter into an agreement for professional design services with The Collaborative, Inc., for the Lions Park project Phase II; 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: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the Ordinance passed.

**ITEM #7 – Submitted by Carrie R. Handy, Chief Planner**

**Budgetary Information:** The City of Sandusky will award the Erie County General Health District a total of \$44,861: \$10,000 to provide 2-1-1 Information and Referral Services and \$34,861 to provide the community wellness outreach program. The Erie County General Health District is providing the match for the 2-1-1 Information and Referral services program from other local funding sources of \$19,500 and in-kind match of \$8,000. The community wellness outreach program has an in-kind match of \$18,153. There is no impact to the city's general fund.

**ORDINANCE NO. 11-009:** It is requested an Ordinance be passed **authorizing and directing the city manager to enter into a subrecipient agreement with the Erie County General Health District, substantially in the same form as attached hereto, and to expend an amount not to exceed \$44,861 from the FY 2010 Community Development Block Grant funds;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**Upon motion of Diedre Cole 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: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the Ordinance passed.**

**ITEM #8 – TABLED**

**ITEM #9 – Submitted by Carrie R. Handy, Chief Planner**

**Budgetary Information:** The City of Sandusky will award WSOS Community Action Commission, Inc. \$40,000 to provide down payment assistance for home ownership, homebuyer counseling and educational services to low- and moderate income residents in Sandusky under the rules and regulations of the U.S. Department of Housing and Urban Development Community Development Block Grant. There is no impact to the city's general fund.

**ORDINANCE NO. 11-010:** It is requested an Ordinance be passed **authorizing and directing the city manager to enter into a subrecipient agreement with WSOS Community Action Commission, Inc., substantially in the same form as attached hereto, and to expend funds in an amount not to exceed \$40,000 from the FY 2010 Community Development Block Grant;** 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 Diedre Cole, 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: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the Ordinance passed.**

**ITEM #10- Submitted by Judy Nagy, Recreation Program Supervisor**

**Budgetary Information:** There is no budgetary impact. These grants require no matching funds from the city and will be used as partial funding for the costs of the projects.

**RESOLUTION NO. 004-11R:** It is requested a Resolution be passed **approving and ratifying a grant application submitted to the Sandusky/Erie County Community Foundation for the Take the Kids Fishing Fun Day; approving the submission of grant applications to the Wightman Wieber Foundation and the Ohio Eagles Charity Fund, Inc. for the summer playground program for the recreation department and, if awarded, authorizing the City Manager to execute any required agreements;** 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 Diedre Cole, 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: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the motion passed. Roll call on the Resolution: Yeas: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the Resolution passed.**

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

**Budgetary Information:** The total cost for the equipment is \$3,900. The federal share covers \$3,510 (90%) of the proposed expenditures. The matching \$390 (10%) funds for this purchase will be provided by funds from the city's equipment replacement fund (EMS billing fund).

**RESOLUTION NO. 005-11R:** It is requested a Resolution be passed **approving and ratifying the submission of a grant application to the U.S. Department of Homeland Security for the FY 2010 Assistance to Firefighters Grant program, Fire Prevention and Safety grant for the Sandusky Fire Department Fire Prevention Bureau;** and declaring that this Resolution 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 Resolution under suspension of the rules and in accordance with Section 14 of the city charter. Roll call on the motion: Yeas: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the motion passed. Roll call on the Resolution: Yeas: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the Resolution passed.**

**ITEM #12 – Submitted by Paul E. Ricci, Interim Fire Chief**

**Budgetary Information:** Firelands Corporate Health Center is the sole provider of the contractually required annual testing for firefighters within the City of Sandusky. Having the tests performed within the city allows firefighters to be tested while on duty and therefore, avoids the additional expense of overtime and mileage. In addition, Firelands Corporate Health Center maintains the firefighter's medical charts and current testing is based upon what each firefighter had tested for in the immediate prior year which means not all firefighters need to have all tests done which will also be a cost savings to the city. The total estimated cost for the medical examinations is not to exceed \$38,662.30. The cost for the exams is included in the draft fire department 2011 budget. This amount includes the six (6) additional firefighters that will be hired through the SAFER grant.

**ORDINANCE NO. 11-011:** It is requested an Ordinance be passed **authorizing and directing the city manager to expend funds to Firelands Regional Medical Center, Corporate Health Center of Sandusky, Ohio, for annual medical exams and fit for duty testing to be completed for the Sandusky Fire Department in CY 2011;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**Upon motion of Julie Farrar and second of Dick Brady, 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 asked said he likes the idea that an on-duty firefighter can have their tests performed without creating overtime. Paul Ricci said Firelands Regional Medical Center (FRMC) actually comes to the fire station to do all of the testing with the exception of the stress tests. Dick Brady said it is important to point out the city has a ten year history with FRMC and he asked Paul Ricci to speak of the city's relationship with them. Paul Ricci said FRMC has an extensive confidential knowledge of city employees and have tailored their programs to meet the needs of the Sandusky Fire Department. He said overtime and travel costs have been completely eliminated because of this partnership. He said they help with supply replacement and additional costs will be saved in the future as well. Paul Ricci said FRMC is committed to helping reduce future healthcare costs. Julie Farrar said she has ridden with the firefighters and thought the relationship between the SFD and FRMC is amazing, especially with cleaning up and resupplying.

**Roll call on the motion: Yeas: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the Ordinance passed.**

**ITEM #13 – Submitted by Paul E. Ricci, Interim Fire Chief**

**Budgetary Information:** The total amount of the grant funds awarded is \$1,067,913 for personnel and fringe benefits and will be used to provide funding for six (6) additional firefighters for two (2) years. No matching funds are required for this grant but there will be some costs to the city for uniforms and physicals.

**ORDINANCE NO. 11-012:** It is requested an Ordinance be passed **authorizing and directing the city manager to accept a FY 2010 Staffing for Adequate Fire and Emergency Response (SAFER) grant in the amount of \$1,067,913 from the U.S. Department of Homeland Security and authorizing the city manager and/or finance director to expend funds consistent with the grant agreement articles;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**Upon motion of Dick Brady 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:* Julie Farrar said she thinks it is awesome that personnel from the SFD pursued and secured this grant.

**Roll call on the motion:** Yeas: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the motion passed. **Roll call on the Ordinance:** Yeas: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the Ordinance passed.

**ITEM #14**

**ORDINANCE NO. 11-013:** It is requested an Ordinance be passed **authorizing and approving a settlement agreement and mutual release between the City of Sandusky and Sandusky Marina District Development, LLC;** 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 John Hamilton, 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 in May of 2010, he voted to keep the \$100,000 check from John Eyman, Sandusky Marina District Development, LLC. He asked Don Icsman to recap what has changed since that time. Don Icsman said in September or October, 2010, the city was made aware of a potential lawsuit that would be filed by John Eyman. He said this lawsuit was to be based upon breach of contract, unlawful coercion, fraud, misrepresentation and like allegations for damages in the amount of \$100,000. He said the analysis undertaken by the commission at that time, given the potential allegations, would have fit squarely within our insurance coverage for recovery and defense.

Don Icsman said in December, 2010, a different type of potential lawsuit was submitted to him and he had the opportunity to speak with the commission. He said this was drafted in the form of reformation of the contract and a declaratory judgment seeking the court's interpretation of the contract. He said the question arose as to what the intention was with the contract. He said the issue of insurance coverage was not as clear for these types of allegations and his advice was that this changed the game in terms of what it would cost the city (i.e. taxpayer money). He said this affirmatively placed the city in a position to spend money to defend itself and the cost of the defense would have been deducted from the \$100,000. He said this was a significant change and advised the commission he could try to see if there was room for settlement. Don Icsman said the cost to defend is part of the decision to be made and there is a high fiduciary responsibility handling this money. He said there is also an intangible cost in the loss of focus, staff time and the distraction to defend former and current city employees. He said there is no guarantee in the result and this country does not have a "loser pay" provision unless there is frivolous conduct or a statute to provide for it. Don Icsman said there have been cases where the city may try to get its fee reimbursed but this is extremely rare. Don Icsman said this is his job, this is what he knows and this was his recommendation. He said there was no decision made before tonight and this legislation is how the decision will be made regardless of what was stated in the newspaper. Don Icsman urged the commission to consider this settlement and said this is a guarantee that the city will not have to spend any more money and will get/keep the balance of the \$100,000. He said the city will now know exactly what this matter will cost. Don Icsman said he does believe the city is right, but this would be a tough case to win; he said the newspaper recently went through a similar situation and prevailed, but they had to pay to defend themselves and these costs were not recouped. Dave Waddington said he assured the newspaper reporter that the city had not yet made a decision about settlement. Don Icsman said there was significant money spent on this potential development but this is what the city should be doing for any project if it is open for business. He said there was a committee established to vet these types of things and is now in place to help with this issue.

Dan Kaman said this started with a call from Jason Singer at the Sandusky Register. Dan Kaman said Don Icsman advised him that the city was close to an agreement but that he (Dan) should not have told Jason Singer. He said he is being attacked because the city has executive sessions, yet pending lawsuits and discussions about options are exactly the reason for having them. He said this has been battled for months and cannot be talked about in public. He said he is also being accused of "rolling over" when lawsuits are threatened, yet there are currently 28 lawsuits involving the city. He said there are times when there have been more, other times when there have been less, and the city does win more cases than it loses. He said the commission does discuss these types of things during executive session(s) and this is the decision to be made tonight. Dan Kaman said he does not want to give John Eyman a dime and never has, but this is better than having current and former city employees and commissioners take the stand as there is a cost to the city for this. He said there comes a point in time where the people's money has to be considered and said the commissioners were elected to make these types of decisions. Julie Farrar said she spoke with Don Icsman before the meeting and will abstain from the vote as she does not know where the decision is for her with the Ohio Ethics Commission regarding this project. Dan Kaman said he was told not to vote, but since this is money the city will have to pay, he will be voting.

**Roll call on the motion:** Yeas: Dan Kaman, John Hamilton, Dick Brady, Dave Waddington, Diedre Cole and Pervis Brown, 6. Abstain: Julie Farrar, 1. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dan Kaman, John Hamilton, Dick Brady, Dave Waddington, Diedre Cole and Pervis Brown, 6. Abstain: Julie Farrar, 1. The President declared the Ordinance passed.

**ITEM #15 - Submitted by Kelly Kresser, City Commission Clerk**

A notice has been submitted to the City of Sandusky from the Ohio Department of Liquor Control requesting a transfer of a liquor license for C1, C2 and D6 classes from Roggeman LLC dba Variety Village Drive Thru to Roggeman, Inc., dba Variety Village Drive Thru, 332 East Market Street, Sandusky, OH 44870. It is requested the clerk notify the Ohio Department of Liquor Control that the city has no objections to this request.

**Upon motion of Dave Waddington and second of Diedre Cole, the commission voted to request the clerk of the commission to notify the Ohio Department of Liquor Control that the city has no objections to this request.** Yeas: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the motion passed.

**CITY MANAGER'S REPORT**

**Upon motion of Dave Waddington and second of Diedre Cole, the commission voted to accept a donation in the amount of \$20 from Larry and Loretta Koepp for the Friends of the Greenhouse fund. All Ayes. The President declared the motion passed.**

**Upon motion of Diedre Cole and second of Pervis Brown, the commission voted to accept a donation in the amount of \$20 from William and Shannon Smith for the recreation department to continue the advancement of the Sandusky Bay Pathway. All Ayes. The President declared the motion passed.**

Don Icsman said the OSU Alumni Club of Erie County has once again offered to maintain Facer Park for the upcoming growing season through the city's adopt a park program. Upon motion of Dave Waddington and second of Pervis Brown, the commission voted to authorize the adoption of Facer Park by the OSU Alumni Club of Erie County for 2011. All Ayes. The President declared the motion passed.

Don Icsman said the Sandusky police department recently was the winner of a contest and won a new police cruiser. Jim Lang said Lt. Robert VanScoy entered the winning ticket in Columbus in November, 2010, during the Click it or Ticket campaign. He said the city has received this vehicle, it has been outfitted and officially made ready, and is on the road. Diedre Cole asked about the recent cruiser purchases and Jim Lang said seven cruisers are on order. She asked if one will be deducted from this order and Jim Lang said the city has 14 cruisers and this will replace one of the 14 for a total of 8. Diedre Cole said the markings are not same as those used previously and Jim Lang said the graphics have been changed to fit more with the police department's image. Jim Lang said the police officers helped with the redesign.

**Don Icsman introduced Jerry Garrett and said the city is currently putting together a new civil service list.** He said there is importance to making sure the city is sensitive to the concept of diversity in terms of outreach and will be involving Jerry Garrett because of his background and expertise. He said this will not cost a lot of money, but is an important concept and will be well worth the cost. **Upon motion of Dave Waddington and second of Julie Farrar, the commission voted to support utilizing Jerry Garrett in this capacity. All Ayes. The President declared the motion passed.**

Don Icsman said Beth Snyder spoke earlier tonight, but he wanted to add one thing. He said a meeting took place last week regarding **the application made by ORDC on the city's behalf for the 2011 Community Housing Improvements Program (CHIP).**

Don Icsman said February is **Black History Month** and said there are three upcoming events of mention including: 1) education forum on Saturday, February 19 from 8 a.m. – 1 p.m. at Grace Episcopal Church; 2) fundraiser to be held during the weekend of March 26; and, 3) the annual Freedom Fund Banquet in October, 2011. Don Icsman asked Diedre Cole to read a story about Ernie "Cokey" Nimmons who excelled as a student and an athlete during a period in our history when the options open to blacks were much more limited than they are today.

Don Icsman said **the city will sign a listing agreement tomorrow with Dave Biechele of Vacationland Realty for marketing and/or development of the Keller Building property.**

Don Icsman said there are **20 non-union or administrative employees still employed by the city and he is recommending a one percent (1%) pay adjustment for these employees**; he said five of the employees in this group are not requesting this adjustment including himself, Hank Solowiej, Deb Leslie, Connie Nicholson and George Poulos. Hank Solowiej said these employees are not covered by a collective bargaining unit and Section 145 allows for an administrative benefits review committee - made up of the charter officers and the president of the commission – to meet and make a recommendation each year. He said the one percent (1%) pay adjustment will cost approximately \$5,200 to the general fund for this year and has been approved by the members of the Audit/Finance Committee. **Upon motion of Pervis Brown and second of Diedre Cole, the commission voted to provide one percent (1%) pay adjustments to the administrative employees, with the exception of Don Icsman, Hank Solowiej, Deb Leslie, Connie Nicholson and George Poulos.**

*Discussion:* Dan Kaman said this group of employees has not received raises for 2 – 3 years and said this is a way to thank them for the work that they do. He said almost all of the employees in this group are now doing more than one job. Dick Brady said he has some commercial leases which were adjusted by the cost of living increase. In November, 2010, he said this increase was at 1.2% and he appreciates the 1% adjustment.

**All Ayes. The President declared the motion passed.**

Julie Farrar asked if Item #8 was tabled because of the CHIP meeting which was held last week. Don Icsman said this item was tabled due to a discrepancy in the amount of the contract.

**Dave Waddington asked Don Icsman to provide an update about the status of the Sandusky Bay Pavilion (SBP) property.** Don Icsman said a meeting took place last week with Neil Allen and Gene Kidwell from the Sandusky Area Maritime Museum and a draft agreement was presented to them. He said there are some minor electrical improvements that need to be made at the SBP and will cost approximately \$5,000. He said the city has a source for this funding and hopefully these improvements will be made so that this agreement can be put into place this year.

**Dave Waddington asked Dan Kaman, Don Icsman and perhaps one other commissioner to meet with the officials from Cedar Point prior to the start of their 2011 season.**

**Dan Kaman asked the status of building a partition in the personnel office and Scott Miller said he is putting costs together and working with Connie Nicholson and Deb Leslie for the best option.**

Don Icsman presented pictures of **the Paper District marina project** and said the scheduled completion of Phase II is in June. Dan Kaman said this area looks much better than it did at this time last year. He said the contractor had started to set the docks but had to stop because of the snow. He said the large mound or amphitheatre portion will not be used during this season and will be delayed for one year. He said a good footing will need to be started before putting this area to use. Dick Brady asked where the city is with finding someone to manage the marina and Todd Roth said the RFP's are due this Thursday, February 17. He said there have been a few taken out but none have been returned yet. He said this was advertised and invitations were sent to persons who had previously shown interest. He said there is a proposal to operate the ramp as well as for operation of the marina; Don Icsman said the options are to bid on both the ramp and the marina, or to bid on each separately. Diedre Cole asked if there was another plan in the event the RFP solicitations are not successful and Don Icsman said staff will come back to the commission with a plan if necessary. Todd Roth encouraged anyone with the desire to submit a proposal to pick up an RFP from the engineering office.

#### **OLD BUSINESS**

Dave Waddington asked for **an update from Todd Roth regarding the current and ongoing projects by the engineering department.** Todd Roth distributed a written update to each of the commissioners. Todd Roth said there were a couple of meetings held last week with officials from the Ohio Department of Transportation. He said he will continue to update this project list and provide them to the commissioners. He said he has also begun meeting regularly with Jeff Meinert, WPC superintendent and Doug Keller, Water Plant superintendent, about the ongoing projects at each of these facilities. He said potential funding sources need to be sought for the project to add a water line into the bay. He said the water line loop has been installed but the meter has not yet been installed. Diedre Cole asked about the bike path project between the boat launch facility and King Street and Todd Roth said he met with the railroad officials about this today. He said one of the locations being considered is owned by them (the railroad). He said the portion of the bike path on his project list is for the portion within Lions Park. Dave Waddington said \$1.6 million has already been paid through the highway funds for the Camp Street

underpass project. Todd Roth said the Camp Street underpass project is an MPO project and there are several others on the project list. Todd Roth said he removed the projects which are not already funded. Diedre Cole said the commissioners are in the middle of their strategic planning and asked if the projects were in priority order; Todd Roth said they are in chronological order and some financing is already established. Diedre Cole said there are two other underpasses in Sandusky besides Camp Street and asked if there will be some consistency with their design. Todd Roth said there is a meeting scheduled next Tuesday with the contractor for the Camp Street underpass project at which time he can look at the design. Julie Farrar said she recalled the material used for the Hayes Avenue underpass was an easier surface to clean of graffiti and Scott Miller said this is not the case. Dan Kaman said there are over \$30 million worth of ongoing projects and for 2011, there are just over \$24 million. He said this is news for persons who do not believe the city is getting anything done.

Dick Brady said he would like to begin and encourage discussion about providing funding to the Erie County Economic Development Corporation (ECEDC). He said the city contributed \$5,000 to this organization last year. He said there are businesses in the community contributing multiples of this amount of money and he is embarrassed about the city's participation. He said it is timely to take advantage of Peter Zaehringer's ideas and concepts for things that are good for Sandusky. Dick Brady said there will be people who cannot afford to do this, but he is of the belief that the city cannot not afford to support ECEDC. He said Peter Zaehringer has provided a way to give measurable results. **Upon motion of Julie Farrar and second of Dave Waddington, the commission voted to provide support to the Erie County Economic Development Corporation in the amount of \$30,000 for 2011.**

*Discussion:* Dick Brady said oftentimes throwing money at a problem for a limited amount of time can almost be a self-fulfilling prophecy that ends in failure. He said the community needs to find a way to fund ECEDC for a three-year period of time (at a minimum). He said this will help with a specific task, i.e. retaining the businesses in the community through the hiring of an additional employee. He asked if the commission would consider an amendment to the motion made regarding ECEDC funding. **Julie Farrar amended her motion to fund the Erie County Economic Development Corporation in the amount of \$30,000 per year for the next three years. Dave Waddington agreed to second this amended motion.** Diedre Cole said she believes the city is headed in the right direction with its initial investment. She said she would like to know how this will be paid said and that she would like to see a plan so that the city knows specifically what it is going to get for its money. Diedre Cole questioned whether the \$30,000 commitment is enough when considering the hiring of another full-time person. Dan Kaman said discussions have begun and there will be a series of steps that must be taken; he said the idea has been suggested that the Eyman check be used for the initial year. He said the city previously was paying an employee close to \$80,000/year to provide economic development services and the money from this position could be used to help fund ECEDC. He said \$30,000 is a good base number and benchmarks will have to be provided. Julie Farrar said this is a good starting point and that Peter Zaehringer is the third ECEDC director since she became a city commissioner. She said she has seen more from him in three months than in the three years she has been here. Julie Farrar said she does not want to just throw out money, she would like to see what the future brings. Dan Kaman said there are other townships and cities in the county that should also step up. He said when Dan Keller and Leon Wieber were on the ECEDC board, he got more out of them than from employees working for the city in these positions (for economic development). Dave Waddington said he recently attended an Erie County Council of Governments meeting and the presentation made at the meeting by Peter Zaehringer of ECEDC helped to sell him with the organization. **Roll call on the motion: Yeas: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the motion passed.**

#### NEW BUSINESS

**Dan Kaman said there is an opening on the Oakland Cemetery & Memorial Park Board. Upon motion of Pervis Brown and second of Dave Waddington, the commission voted to appoint Andrew S. Martin to this board for a term which will expire on January 31, 2012. All Ayes. The President declared the motion passed.** Dan Kaman said anyone interested in applying for a city board or commission is welcome to fill out a volunteer application.

**Upon motion of Pervis Brown and second of Diedre Cole, the commission voted to hold an executive session regarding personnel: department of planning, engineering & development. Roll call on the motion: Yeas: Dan Kaman, John Hamilton, Dick Brady, Julie Farrar, Dave Waddington, Diedre Cole and Pervis Brown, 7. The President declared the motion passed.**

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

Dennis Timple, 553 Bimini Drive, said the city crews did a fabulous job in very tough situation with snow removal this season. He said there are still some challenges because of vehicles parked on emergency snow streets and thanked the staff in the police department for writing tickets. He said the city should begin to tow the vehicles in violation. He suggested using an odd/even system or restriction for parking vehicles on the street. Dennis Timple urged citizens to call about potholes in the city so that they can be repaired.

Wesley Poole, 1939 East Oldgate, asked about the report made by Todd Roth tonight and if the city has committed to spending \$24 million on projects. Dan Kaman said a list of ongoing projects (and proposed projects) was provided with numbers as a starting point for the planning sessions. Wesley Poole said it would have been helpful to have this information up on the screen for everyone to see. Wesley Poole said he understood there may not have been insurance coverage regarding the John Eyman lawsuit/settlement and Don Icsman said the insurance company will not pay for the defense. Wesley Poole asked if the insurance company will cover the settlement amount and Don Icsman said this money has been set aside since it was paid to the city by John Eyman. Wesley Poole said it seems this contract was written and/or reviewed by a lawyer but that ultimately was not as strong as we thought it was. He said he is concerned about the outcome and the city may be paying for good advice which may not be working out well. He talked about people being fired - and then litigating - and said he would appreciate the city looking at this so it does not spend so much money on advice that is not working out. He said there may be consultants working who are creating work for themselves. Don Icsman said the city's bond counsel has been doing this for 50 years and they provide us with the best possible advice and drew up a great contract. Don Icsman said he did not say the city would not win a case, he said the city needs to be pragmatic and realistic because it will have to pay for its own defense. He said the contract and the quality of the advice is not in question; it is the reality of defending. Don Icsman said the city did not roll over when it was sued by Tim Schwanger; he said the city went to court and won the case, yet still had to pay for its defense. He said there was some question about going after him (Tim) for the fees paid by the city, but this did not meet a frivolous standard according to the law. He said without the involvement of the lawyers, the city would not have had the \$100,000 in the first place. Wesley Poole said he has no argument about the current decision, but John Eyman decided to challenge us and we decided we may be weak; Dan Kaman asked Wesley Poole to step down from the podium as personal attacks will not be tolerated.

Gary Guendelsberger, 726 Walnut Ridge Lane, asked what became of the presentation from Greener Corners and Dan Kaman said this was rescheduled for the next meeting at the request of staff from Greener Corners. Gary Guendelsberger asked what the action plan is for asbestos removal and roof repairs for the Keller Building. Todd Roth distributed a report about the **Keller Building** and said the city is obligated to make certain repairs according to the memorandum of agreement. He distributed a copy of the 2010 annual report generated by Ruth Haag which included quotations on some of the first repairs needing to be addressed. Todd Roth said the initial stabilization was to repair the wind damage to the roof and current funding available is \$13,900. Todd Roth said the city needs to continue to pursue the integrity of the water tower, the falling stone and the asbestos removal. He said the building is being marketed for redevelopment by Vacationland Realty. He said the city needs to continue to ensure the building is secured and a Knox Box has been installed for this purpose. He said the city needs to maintain the building and make repairs to the roof and continue to look for funding for these items. He said Clean Ohio Revitalization Funds (CORF) will no longer be an option for these items. Todd Roth said the city is obligated through October, 2012, under this MOA and will have to address issues as they come. Gary Guendelsberger asked if a task force had been established to determine whether city hall will relocate or stay in its current location and Dan Kaman said the seven commissioners and staff are still discussing both of these options. Gary Guendelsberger asked if either of the ICMA surveys have been returned. Don Icsman said he received an email on February 10 stating the dispatch and fire report are complete and are being reviewed; he said a draft will be sent to the city next week. He said the analysis for police department is expected to be received next week as well. Dan Kaman said the commission is just as anxious as the citizens to receive these reports. Gary Guendelsberger asked what direction the city is taking regarding the sportsplex and asked if any other organizations have offered their financial support. Julie Farrar said the city has a \$1 million commitment from the Frost Parker Foundation and said there is a meeting scheduled next week about this project with JRV Management, Dick Brady, Pervis Brown and Carrie Handy. She said there is a lot of work yet to be done. Gary Guendelsberger asked if the final report on the coal tar plume has been completed and Todd Roth said he is waiting for a scope of services from the consultant. Gary Guendelsberger asked if an update could be provided periodically regarding the landbanking program and Julie Farrar said Amanda Meyers provided an update on this program during a recent commission meeting. Julie Farrar said this

information is available online (in the minutes) and Dan Kaman said we can try to get this information on the website.

Sharon Johnson, 1139 Fifth Street, asked if there is a total for overruns on the paper district marina project and Dan Kaman said he did not believe there are overruns. Todd Roth said this was a design/build contract and what was approved tonight was beyond the original scope of the project. Sharon Johnson said the amphitheatre area at the new marina looks too steep and does not look like it will be ready this season. Dan Kaman said this area will not be ready or usable this year, has not yet been designed, and will be Phase III of the project. Sharon Johnson said ECEDC has not had a good track record and believes this should have been handled one year at a time based upon performance.

Dale Koesel, 1421 Hayes Avenue, said the S.R. 4 corridor has become a speed track for persons leaving the downtown entertainment district. He said he had two vehicles parked on the street and in the last four months, they have been hit five times by hit-and-run drivers. Dan Kaman said Jim Lang can place the speed trailer on S.R. 4 and can enhance patrols in this area. Dale Koesel said he and his wife no longer use the alleyway near their home as it is not cleared of snow and because of the drug problems previously in the neighborhood.

Andy Ouriel, Sandusky Register, asked what will be analyzed with regard to Item #1 on the agenda and if staffing will be reduced at the water plant. Dan Kaman said the purpose is to perform an analysis of the water plant and then make recommendations about what can be done differently. Andy Ouriel asked if there will be a recommendation to sell water beyond Erie County and Dan Kaman said he does not yet know what will be recommended. Andy Ouriel asked why the cost will increase by \$34,000 for Item #3 and Todd Roth said this work is beyond the original scope of services bid upon. Andy Ouriel asked what was included with the additional work and Todd Roth said the work being done is between Chesapeake Lofts and the marina and is outlined as submitted on tonight's agenda. Andy Ouriel asked if a decision was made to provide actual funding to ECEDC tonight and Dan Kaman said the commission voted to provide \$30,000 each year for the next three years. He said there will be an agreement put into place and signed by the commission.

Tim Schwanger, 362 Sheffield Way, said perhaps language could be added in the contract with ECEDC that does not tie up future dollars. Dan Kaman said this three-year contract will have benchmarks. Dick Brady said he would look for quarterly reports to ensure they (ECEDC) are measuring up. Tim Schwanger said Wesley Poole was calling the agreement weak when he spoke tonight about the Sandusky Marina District Development, LLC. Dan Kaman said he will take questions at any time, but he took issue with innuendos being made. Dan Kaman said a decision was made and this is what the commissioners were elected for, yet every decision is questioned. Tim Schwanger said the commission should have spoke publicly about the marina district settlement prior to tonight's meeting.

Dennis Timple, 553 Bimini Drive, said the city may have prevailed with this lawsuit, but understands the time spent sitting in a courtroom could be better spent. He said the secretary of state claims the Marina District LLC does not exist and the best decision was made tonight (to settle).

**At 7:48 p.m., Dan Kaman announced adjournment of the open session. One executive session was held beginning at 7:54 p.m. At 8:50 p.m., Dan Kaman announced adjournment.**

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Kelly L. Kresser  
Clerk of the City Commission

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Daniel J. Kaman  
President of the City Commission