

Dan Kaman called the meeting to order at 5 p.m. after the **Invocation**, given by Dick Brady, and the **Pledge of Allegiance**. Dick Brady asked that Commissioner Diedre Cole be kept everyone's thoughts as she is unable to attend the meeting due to her mother's illness.

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

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

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

Upon motion of Pervis Brown and second of Dave Waddington, the commission voted to approve the minutes of the September 12 and September 19 meetings and dispensed with the oral reading. All Ayes. The President declared the motion passed.

AUDIENCE PARTICIPATION (*agenda items only*)

Sharon Johnson, 1139 Fifth Street, said the changes proposed for the Audit/Finance Committee would cause the members to become out of touch. She asked if persons who already have installed outdoor wood furnaces would be grandfathered from the new ordinance.

PRESENTATIONS

Pete Schade, Erie County Health Department (ECHD), presented information about the toxic algal bloom which has traveled as far east as Vermilion. He said National Oceanic and Atmospheric Administration (NOAA) has kept the ECHD abreast of the situation and satellite imagery shows the western basin of Lake Erie indicates a completely engulfed bay. He said NOAA, the Ohio EPA, the ECHD, the Ohio Department of Health and the ODNR have been working together to sample and confirm what is in the images and to develop a strategic plan to safeguard the public's health. He said the ECHD has been sampling water from Sandusky Bay and distributed copies of an advisory sheet about harmful algal blooms. He said there is a known problem in Sandusky Bay and bacteria have the ability to produce toxins - samples are being taken on a weekly basis. Pete Schade said 16 yellow signs have been erected at public access points along Sandusky Bay and the toxins are either neurotoxin or liver toxin which can be dangerous or fatal, although more so in pets and livestock. He said as concentrations of the toxins rise, different public health advisory signage may have to be erected (at 20 parts per billion or ppb) advising the public of "no contact". He said with current weather conditions, it is hoped the algal bloom will naturally die off. The ECHD board has developed a strategic plan and resources to help safeguard public health. Dave Waddington said he is more concerned with the Combined Sewer Overflow (CSO) sites in Sandusky and the storm water runoff issue which is a bigger problem. He asked what Erie County is going to do to meet these needs in Sandusky. Dave Waddington said Bob England of the ECHD was performing a study about non-source and source point contamination and asked where this information is. He said Sandusky has spent \$20 million upgrading its water plant and is concerned about the ECHD's report to the community. He said the samples at Cedar Point consisting of E-coli were higher than those taken from the Lions Park beach and asked what is being done to correct this. Dave Waddington said Sandusky's water comes from Lake Erie and only the emergency intake draws water from Sandusky Bay. He said Bay View is the big elephant in the room with their continuous flow problems. Pete Schade said Bay View is a part of the problem and other points to the east and west, but the big picture is the Sandusky River and the areas where the watershed puts water into Sandusky Bay. He said the ECHD plans are to work with other partners in northwest Ohio, especially those in the agricultural community, to use different fertilizers and to eliminate runoff. He said 60% of the algal bloom can be attributed to household sewage from Detroit and Toledo and is a comprehensive issue. He said letters have been addressed to members of congress to remediate the problem and we must start in our own backyard. Dave Waddington said he is a trustee for the Friends of Pipe Creek Watershed and met with Congresswoman Marcy Kaptur's office about drinking water and water quality. He said there are more important things to be fixed than the algal bloom. He asked about eating the fish from Lake Erie and if it is safe; Pete Schade said fish have been tested, although not from Lake Erie, and toxins are non-detectable although the fat, skin, liver and organs may harbor toxins and are sometimes eaten by people. Dick Brady asked about posting signage as he understood there is a ppb number above which

signage is required. Pete Schade said signage was erected in Erie County because of the visual aspect and samples will continue to be taken; once the numbers go up to 6 ppb, different signage will be erected. Currently, the numbers are 4 – 5 ppb. Julie Farrar asked if she could obtain a copy of the test results and Pete Schade said these would be forwarded to Kelly Kresser to distribute to the commission. Dan Kaman asked if the signage was erected throughout Erie County and Pete Schade said signs were erected along the Bay in Sandusky and Huron (township and city). He said signs will be erected tomorrow in Vermilion as the algal bloom is progressing in that direction. Dan Kaman asked if Ottawa County erected signage and Pete Schade said Ottawa County chose not to and he cannot answer for them. Pete Schade said Toledo and Lucas County did erect signage. Dan Kaman said he was not for the signage until he saw the algal bloom himself from the lake. Doug Keller, Water Services Manager, said city's drinking water has been tested since 2003 and recent tests are at non-detectable levels. Pete Schade said plant sampling data has been taken and he is aware of this.

Carrie Handy oversaw the public hearing presenting a draft of the city's application for its FY 2010 Consolidated Annual Performance & Evaluation Report (CAPER). She provided an update of the projects and accomplishments for 2010 including:

- funded a portion of the county's Information & Referral Hotline (2-1-1)
- hired a consultant to administer the Fair Housing program
- provided down payment assistance and held two homebuyer classes
- provided emergency home repair and accessibility improvements
- completed downtown building improvement program
- ECHD provided a community wellness program
- continued emergency housing payment and utility assistance programs
- Citizens Circle program (reentry into the community from incarceration)
- provided youth recreation scholarship program
- street improvements including Hayes Avenue, Meigs Street, McEwen Street, Tyler Street, Shelby Street and Cedar Point Drive
- Sandusky Bay Pathway project on Cedar Point Drive will be completed at a later date (also a section on West Water Street)
- provided better access to Lions Park and Lions Park beach and developed plans for its future
- completed a Master Plan for Huron Park
- provided small improvements to address ADA accessibility at various parks
- created community gardens
- initiated community gardening program
- will be certifying jobs for the loan to Crush Wine Bar and LEWCO; Markley's loan will end and payments will begin on what has been drawn
- revolving loan balance is \$716,160
- code enforcement efforts were funded by paying for half the cost of one code enforcement officer

Carrie Handy said the draft CAPER report shows that 95.23% of CDBG funds were spent to assist low to moderate income areas or persons; the rest was spent to eliminate slum and blight. A new citizen participation plan has been drafted and is available; a public hearing will be held soon about this draft plan.

CURRENT BUSINESS

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.

ITEM #1 – Second Reading

ORDINANCE NO. 11-083: It is requested an Ordinance be passed **amending part one – administrative code, title seven – boards and commissions, chapter 181 – Audit/Finance Committee, in the manner and way specifically set forth hereinbelow.**

Upon motion of Dave Waddington and second of Pervis Brown, the commission voted to adopt this Ordinance under second reading.

Discussion: Dan Kaman said he spoke with Hank Solowiej, Finance Director, and Al Nickles, Audit/Finance Committee Chairman, who both said if more meetings become necessary, they will take place. Dick Brady said this board is not trying to duck their responsibility and it is incumbent upon the city to allow the members to be effective and work within a timeframe they are comfortable with.

Roll call on the motion: Yeas: Dick Brady, Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman and John Hamilton, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dick Brady, Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman and John Hamilton, 6. The President declared the Ordinance passed under second reading.

ITEM #2 – Second Reading

ORDINANCE NO. 11-084: It is requested an Ordinance be passed **amending part fifteen (fire prevention code), by the addition of chapter 1503 (outdoor wood furnaces), of the codified ordinances, in the manner and way specifically set forth hereinbelow;** 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 second reading.

Discussion: Julie Farrar said after this Ordinance was read the first time, some residents were under the impression she is against fire rings or burn pits, but stated this legislation does not cover these items. Paul Ricci said this proposed legislation does not regulate the use of indoor fires nor does it regulate outdoor open burning. It is to regulate the use of outdoor wood stoves and hydronic stoves for purposes of heating water and providing heat for indoor heating systems. John Hamilton asked if existing burning systems would be grandfathered in and Paul Ricci said existing devices would be grandfathered and would not be required to have a permit. He said if complaints are received about an existing outdoor wood appliance, an inspection would take place and if determined to be a verifiable nuisance, recommendations would be made to abate it by either raising the chimney height or other recommendations. Paul Ricci said he is aware of four units currently installed in the city.

Roll call on the motion: Yeas: Dick Brady, Julie Farrar, Dave Waddington and Pervis Brown, 4. Nays: Dan Kaman and John Hamilton, 2. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dick Brady, Julie Farrar, Dave Waddington and Pervis Brown, 4. Nays: Dan Kaman and John Hamilton, 2. The President declared the Ordinance passed under second reading.

ITEM #3 – Submitted by Amanda Meyers, Paralegal

Budgetary Information: The cost associated with these purchase agreements is the total amount of the title examination, deed preparation, escrow fees and any other customary fees that may be due and payable in the ordinary course of the sale and purchase transaction. The city will recoup the majority of the expenses from the nonrefundable earnest money deposit required to be paid by the purchaser and in part from the distribution of proceeds from the sale of land bank property sold for development pursuant to R.C. 5722.08 (A). The sale of this property will enhance surrounding property values and the taxing districts will once again begin collecting real property taxes.

A. ORDINANCE NO. 11-085: It is requested an Ordinance be passed **declaring that certain real property owned by the city as part of the land reutilization program identified as parcel #58-01503.000, located at 1432 Harrison Street, Sandusky, is no longer needed for any municipal purpose and authorizing the execution of purchase agreements with respect to that real property;** 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. Roll call on the motion: Yeas: Dick Brady, Julie Farrar, Dave Waddington, Dan Kaman and John Hamilton, 5. Abstain: Pervis Brown, 1. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dick Brady, Julie Farrar, Dave Waddington, Dan Kaman and John Hamilton, 5. Abstain: Pervis Brown, 1. The President declared the Ordinance passed.

B. ORDINANCE NO. 11-086: It is requested an Ordinance be passed **declaring that certain real property owned by the city as part of the land reutilization program identified as parcel #58.02512.000, located at lot #183 St. Clair Street, Sandusky, is no longer needed for any municipal purpose and authorizing the execution of purchase agreements with respect to that real property;** 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 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: Dick Brady, Julie Farrar, Dave Waddington, Dan Kaman and John Hamilton, 5. Abstain: Pervis Brown, 1. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dick Brady, Julie Farrar, Dave Waddington, Dan Kaman and John Hamilton, 5. Abstain: Pervis Brown, 1. The President declared the Ordinance passed.

C. [ORDINANCE NO. 11-087](#): It is requested an Ordinance be passed declaring that certain real property owned by the city as part of the land reutilization program identified as parcel #58-02056.000, located at lot #175 St. Clair Street, Sandusky, is no longer needed for any municipal purpose and authorizing the execution of a purchase agreement with respect to that real property; 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 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: Dick Brady asked about the purchase price and the numbers/costs listed in the agreement as they do not add up. Amanda Meyers said there is a typographical error in this document which has been corrected. Amanda Meyers said the figure of \$16,000 is the taxable amount and she is working with the auditor as this would be a large amount to have the purchaser assume.

Roll call on the motion: Yeas: Dick Brady, Julie Farrar, Dave Waddington, Dan Kaman and John Hamilton, 5. Abstain: Pervis Brown, 1. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dick Brady, Julie Farrar, Dave Waddington, Dan Kaman and John Hamilton, 5. Abstain: Pervis Brown, 1. The President declared the Ordinance passed.

D. [ORDINANCE NO. 11-088](#): It is requested an Ordinance be passed declaring that certain real property owned by the city as part of the land reutilization program identified as parcel #56-00687.000, located at 321 East Jefferson Street, Sandusky, is no longer needed for any municipal purpose and authorizing the execution of a purchase agreement with respect to that real property; 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: Dick Brady, Julie Farrar, Dave Waddington, Dan Kaman and John Hamilton, 5. Abstain: Pervis Brown, 1. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dick Brady, Julie Farrar, Dave Waddington, Dan Kaman and John Hamilton, 5. Abstain: Pervis Brown, 1. The President declared the Ordinance passed.

E. [ORDINANCE NO. 11-089](#): It is requested an Ordinance be passed declaring that certain real property owned by the city as part of the land reutilization program identified as parcel #59-00792.000, located at 506 Putnam Street, Sandusky, is no longer needed for any municipal purpose and authorizing the execution of purchase agreements with respect to that real property; 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: Dick Brady, Julie Farrar, Dave Waddington, Dan Kaman and John Hamilton, 5. Abstain: Pervis Brown, 1. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dick Brady, Julie Farrar, Dave Waddington, Dan Kaman and John Hamilton, 5. Abstain: Pervis Brown, 1. The President declared the Ordinance passed.

F. [ORDINANCE NO. 11-090](#): It is requested an Ordinance be passed declaring that certain real property owned by the city as part of the land reutilization program identified as parcel #59-01039.000, located at 620 Broadway Street, Sandusky, is no longer needed for any municipal purpose and authorizing the execution of a purchase agreement with respect to that real property; 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 Dick Brady, 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: Dick Brady, Julie Farrar, Dave Waddington, Dan Kaman and John Hamilton, 5. Abstain: Pervis Brown, 1. The President declared the motion passed. Roll call on the Ordinance: Yeas:

Dick Brady, Julie Farrar, Dave Waddington, Dan Kaman and John Hamilton, 5. Abstain: Pervis Brown, 1. The President declared the Ordinance passed.

G. [ORDINANCE NO. 11-091](#): It is requested an Ordinance be passed **declaring that certain real property owned by the city as part of the land reutilization program identified as parcel #59-00907.000, located at 1819 East Madison Street, Sandusky, is no longer needed for any municipal purpose and authorizing the execution of a purchase agreement with respect to that real property;** 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: Dick Brady, Julie Farrar, Dave Waddington, Dan Kaman and John Hamilton, 5. Abstain: Pervis Brown, 1. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dick Brady, Julie Farrar, Dave Waddington, Dan Kaman and John Hamilton, 5. Abstain: Pervis Brown, 1. The President declared the Ordinance passed.

ITEM #4 – Submitted by Hank S. Solowiej, CPA, Finance Director

Budgetary Information: The city is required to accept the tax rates as determined by the Erie County Budget Commission before October 1, 2011. This approval establishes funding for 2012. The total amount for 2012 is 2.5% (or \$65,219) lower than the total amount certified for 2011. The prior year resolution was passed by the city commission on September 27, 2010 (Resolution 033-10R).

[RESOLUTION NO. 038-11R](#): It is requested a Resolution be passed **accepting the amounts and rates as determined by the Erie County Budget Commission; authorizing the necessary tax levies and certifying them to the county auditor;** and declaring that this Resolution shall take immediate effect in accordance with section 14 of the city charter.

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: Dick Brady, Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman and John Hamilton, 6. The President declared the motion passed. Roll call on the Resolution: Yeas: Dick Brady, Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman and John Hamilton, 6. The President declared the Resolution passed.

ITEM #5 – Submitted by Hank S. Solowiej, CPA, Finance Director

Budgetary Information: The total cost for the annual support fee is \$11,019.53. Of this amount, \$5,509.77 will be paid by the general fund, \$2,754.88 by the water fund, and \$2,754.88 by the sewer fund. The prior year ordinance was passed by the city commission on October 25, 2010 (Ordinance No. 10-113) that covered the period November 1, 2010 through October 31, 2011.

[ORDINANCE NO. 11-092](#): It is requested an Ordinance be passed **authorizing and directing payment to Software Solutions Incorporated of Lebanon, Ohio for the annual software support fee for the period November 1, 2011 through October 31, 2012;** 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: Dick Brady, Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman and John Hamilton, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dick Brady, Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman and John Hamilton, 6. The President declared the Ordinance passed.

ITEM #6 – Submitted by Jane E. Cullen, Engineering Technician

Budgetary Information: The cost of the project based on bids, including engineering, inspection, advertising and miscellaneous costs is \$29,609 to be paid with state highway funds.

[ORDINANCE NO. 11-093](#): It is requested an Ordinance be passed **authorizing and directing the city manager to enter into a contract with Mar-King Construction, Inc., of Norwalk, Ohio, for the 2011 state route pavement marking 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.

Discussion: Dan Kaman asked if an estimate could be provided to do these markings throughout the city for 2012.

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

ITEM #7 – Submitted by Thomas Schwan, Transit Administrator

Budgetary Information: The state grants have a significant impact on the transit system's budget, as they comprise approximately 10% of the total operating budget. These funds are also used as matching funds, which allows the city to draw down its funds from the U.S. Department of Transportation for the federal transit grant. Without this state funding, service would have to be restructured or reduced.

RESOLUTION NO. 039-11R: It is requested a Resolution be passed **authorizing the filing of an application with the Ohio Department of Transportation for the FY 2012 Ohio Urban Transit Grant Program (OUTGP) for the Sandusky transit system;** and declaring that this Resolution 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 Resolution under suspension of the rules and in accordance with Section 14 of the city charter. Roll call on the motion: Yeas: Dick Brady, Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman and John Hamilton, 6. The President declared the motion passed. Roll call on the Resolution: Yeas: Dick Brady, Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman and John Hamilton, 6. The President declared the Resolution passed.

CITY MANAGER'S REPORT

Upon motion of Dave Waddington and second of Pervis Brown, the commission voted to accept a donation in the amount of \$10 from Keith Grohe for the Washington Park and Greenhouse Endowment fund. All Ayes. The President declared the motion passed.

Upon motion of Dave Waddington and second of Pervis Brown, the commission voted to accept a donation in the amount of \$750 from the Ohio Elks Association to the horticulture department. All Ayes. The President declared the motion passed.

Upon motion of Dave Waddington and second of Pervis Brown, the commission voted to accept a donation in the amount of \$25 from First Faith Community Church to the fire department trust fund for the awards banquet. All Ayes. The President declared the motion passed.

Upon motion of Dave Waddington and second of Pervis Brown, the commission voted to accept a donation in the amount of \$7,000 from Board Up for the Firefighter Combat Challenge. All Ayes. The President declared the motion passed.

Upon motion of Dave Waddington and second of Pervis Brown, the commission voted to accept a donation in the amount of \$2,000 from ER-Doc for the Firefighter Combat Challenge. All Ayes. The President declared the motion passed.

Upon motion of Dave Waddington and second of Pervis Brown, the commission voted to accept a donation in the amount of \$195 from George L. Mylander to the Sandusky Police Department for a memorial plaque for Officer Andrew Dunn. All Ayes. The President declared the motion passed.

Upon motion of Dave Waddington and second of Pervis Brown, the commission voted to accept a donation of a painted lighthouse from Hoty Commercial Builders, Ltd. to be placed near the Paper District Marina.

Discussion: Don Icsman said Sandusky Boat Storage, LLC sponsored the artist for this lighthouse which was featured for the summer at the Paper District Marina and was then purchased by Hoty Commercial Builders, Ltd.

All Ayes. The President declared the motion passed.

Don Icsman said the **Firefighter Combat Challenge** will be held on Friday, September 30 and Saturday, October 1 at Cedar Point in the Soak City parking lot.

Don Icsman said the **free yard waste drop-off** will be held for Sandusky residents on Saturday, October 29 from 8 a.m. – 4 p.m. and on Sunday, October 30 from 10 a.m. – 4 p.m. at Barnes Nursery, 1630 Camp Road, Huron. Proof of residency (driver's license) must be presented upon drop-off.

Don Icsman said **citywide trick or treating** will take place on October 31 between 5 p.m. – 7:30 p.m.

Don Icsman said Eric Opdyke, Race Director for **Revolution3 Triathlon**, expressed his thanks for the community support during the second annual Rev3 Triathlon held at Cedar Point Amusement Park on September 11. He provided some fun facts about this year's event.

Don Icsman provided an update regarding the **Sandusky Bay Pavilion (SBP)**. Don Icsman said he met with Dave Waddington, Faith Denslow (Wightman Wieber Celebration group) and Neil Allen (Sandusky Area Maritime Museum) regarding the license agreement with the museum for the Sandusky Bay Pavilion which will expire at the end of this year. Don Icsman said from all accounts, this first year partnership was successful and the Maritime Museum is interested in entering into an agreement for a longer period of time (five years). Don Icsman said the agreement provides that the Maritime Museum assist the city in the preparation, care and maintenance of the SBP property by picking up litter, maintaining the grass and plantings and setting up and tearing down for special events. This partnership enhances the city's ability to access grant funding from civic foundations such as the Wightman Wieber Foundation which, through their support, made the electrical upgrades possible and the Wightman Wieber Safety Celebration Committee which recently submitted a check for over \$7,000 to pay for the wrought iron fencing and donates all of the proceeds from the annual KidsFest event to the city. Don Icsman said the SBP property is host to public events including the KidsFest, Oktoberfest, Wine Festival and, hopefully in 2012, The Big Splash event will return to the city's waterfront. Coordination of public events is facilitated through the city's recreation department and the museum. Part of the discussion at the meeting centered around potential upgrades to the SBP property (for which the city would seek grant funding) including opening the front entrance on Water Street through some type of gating system and the possible conversion of the old pool into an amphitheatre. Don Icsman said he is seeking approval at the next commission meeting for a five-year license agreement with the Sandusky Area Maritime Museum.

Upon motion of Dave Waddington and second of Pervis Brown, the commission voted to have the law director prepare a five-year license agreement with the Sandusky Area Maritime Museum for approval at the next regular meeting.

Discussion: Dave Waddington said this area is a cornerstone for the downtown and this park can be made a significant entertainment venue. He said it would be better to commit for more than a one year period of time. Julie Farrar said she believes this is a wonderful idea and would like to see a family movie night added to the SBP. John Hancock said he has been working, on behalf of the Boys Scouts, with Neil from the Maritime Museum and members of the Sandusky Fire Department for a scouting event this upcoming weekend.

All Ayes. The President declared the motion passed.

Jim Lang provided an update regarding the **ICMA's Comprehensive Analysis for the Sandusky Police Department**. He said the city police department recently worked in collaboration with the FBI's Violent Crimes Unit, Bureau of Alcohol, Tobacco & Firearms, the Drug Enforcement Administration, the Ohio Parole Board, the Ohio State Highway Patrol, the Erie County Sheriff's Office, Perkins Police Department, the Ohio Division of Liquor Control and the Border Patrol, in conjunction with the U.S. Attorney's Office from Toledo, to provide extra police officers and retrieve illegal weapons and drugs from our streets. He said during an eight-hour shift, 45 arrests were made, one vehicle was seized, and over \$5,000 in cash along with $\frac{3}{4}$ pounds of marijuana was confiscated. Jim Lang said this is the first of more to come.

OLD BUSINESS

Dick Brady said the city will host an **open house for the candidates for city manager** on Wednesday, October 5 from 5:30 p.m. – 7 p.m. at the State Theatre. He said this will be an informal meeting for the candidates and he encouraged interested citizens to attend. Dick Brady said he would like to have a special meeting scheduled to interview the candidates.

Upon motion of Dick Brady and second of Julie Farrar, the commission voted to hold an executive session on Thursday, October 6 beginning at 8:30 a.m. to perform interviews with the city manager candidates. Roll call on the motion: Yeas: Dick Brady, Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman and John Hamilton, 6.

Dick Brady said he would not anticipate an announcement being made at the end of the executive session on October 6, but asked Don Icsman to **address the appropriateness of note taking at this meeting**. Don Icsman said his understanding of the law is that in order to be a **public record**, it must be received or created by the public office and serve to document the functions, policies, decisions, procedures or activities of the public office. Don Icsman said notes or any standardized form presented for use which would then be used only by the individual commissioner - and not shared - would not be a public record. He said this would not meet the third prong of what is a public record. If these notes are given back to Novak Consulting or are shared amongst the commission, they **would** become public record. He recalled the infamous notes used by Brian Crandall, previous city commissioner, which were not shared or distributed and not considered a public record. He said if these notes are used to document a decision, they would be a public record.

Dave Waddington asked about the **groundbreaking ceremony for the U.S. 6 grade separation project**. Todd Roth said there is a partner meeting on Thursday for contractors. Kelly Kresser said she spoke with the public information officer from the Ashland District 3 office who indicated the groundbreaking would be held on October 5, but has not yet received written notification.

NEW BUSINESS

John Hamilton said he would like to propose the city consider supporting **Ohio Bike Week through a five-year event production contract** (with three five-year rights of renewal) to produce a world class event in Sandusky. John Hamilton said Ohio Bike Week would like to pay the city \$10,000 per year, for each of the five years, toward expenses incurred by the city. He said this event produces millions of dollars in economic development. Pervis Brown said there is a cost factor with this proposal and asked this to be looked at by the interim city manager or his designee. Dan Kaman said he has met with Steve Ernst, organizer of the event, and other city administrative staff, and the city's costs in 2011 were \$19,000, plus soft costs such as for providing barricades. Dan Kaman said he has advised Steve Ernst he (Dan) is against anything less than \$19,000 per year. He said if the event grows, these costs will only increase. Dan Kaman said this should not be drug out on payments. Hank Solowiej said the 2011 invoice has not yet been paid and should be addressed before going forward. He said the average for police services over a five year period of time is approximately \$20,000 while the fire department average is \$2,176 plus soft costs for other city services that are not invoiced. He said this would average \$25,000 - \$26,000 per year in total costs and recommends the city's 2011 invoice be paid first.

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

Steve Ernst, Ohio Bike Week & Advantage Entertainment, said payment arrangements have been made with the Finance Office for the 2011 expenses and the next payment is due this Friday. He said he has always paid his invoices and believes Ohio Bike Week is in excess of the Rev3 event in terms of economic impact to the area. He said over one quarter of a million dollars have been donated to over 30 local charities over the years and thousands of volunteers have helped. He said consideration is being asked toward management of expenses and that costs should be controlled by the department heads and good faith efforts made to make things as inexpensive as possible from the city's end. He said costs may exceed the averages but the event being produced has an economic impact which far exceeds the contribution. He would like the city to absorb the soft costs. Steve Ernst does not want to relocate this event to another location and is willing to pay for the necessary services.

Tim Schwanger, 362 Sheffield Way, said the St. Clair properties (Items #3B and 3C) seem like nice parcels and asked about keeping them for future housing development purposes. Tim Schwanger said the algal bloom signage was placed prematurely and should not have been placed until the test results reached 6 ppb. He believes these signs are overkill and the EPA website shows different numbers as compared to the ECHD.

Gary Toll, 333 Cedar Point Roadway, asked about the proposed development at the former Tracey farm property on Cleveland Road (for the sportsplex project). He said in previous years there was much scrutiny regarding the marsh and involving the neighbors and the EPA about this property. He said this development may help by using the words "green" and "mitigation" and "jobs", but he is more interested in zoning for the property. Gary Toll asked the commissioners where they stand with the proposed development for this site and Dan Kaman said the commission recently voted to agree with allowing the developer move forward with his plans and permits. Julie Farrar said LaMont Robinson has met with individuals from private entities and included Kathie Mueller in a presentation with Lake Erie Shores and Islands as she also had concerns about the wetlands. Julie Farrar said there may be a bridge

and a trail included to use the wetlands as a learning environment. Don Icsman said the commission may have an individual opinion, but passes legislation through their vote(s).

Sharon Johnson, 1139 Fifth Street, asked for clarification about the public records documents as discussed this evening pertaining to executive sessions. She asked if documents which are distributed by an agency in executive session are or are not considered public records. Don Icsman said an executive session may or may not produce records which are subject to the public records law, depending upon the circumstances. Don Icsman said if there is a form used by the company performing the city manager search and that form is distributed to the city commissioners, it would be a public record. He said personal notes about the candidates, if they are not shared or distributed, are not public records.

Tim Schwanger, 362 Sheffield Way, asked what would happen to the Markley's revolving loan if the property was sold. Dan Kaman said the city has already called the loan according to the amount drawn to date by the owners.

Dan Kaman said the next city commission meeting will be held on Tuesday, October 11 due to the Columbus Day holiday.

At 6:30 p.m., Dan Kaman announced adjournment of the open session.

Kelly L. Kresser
Clerk of the City Commission

Daniel J. Kaman
President of the City Commission