

President Craig Stahl called the meeting to order at 5 p.m. and opened with the **Invocation** given by Julie Farrar, followed by the **Pledge of Allegiance**.

The Clerk called the roll and the following Commissioners responded: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7.

Craig Stahl then asked **Jules Bahnsen, aka "Santa Claus"**, to come forward and acknowledged Mr. and Mrs. Claus joining him and other elected officials last Saturday at Care and Share. Craig Stahl said Santa and Mrs. Claus are downtown in the Cookie House on Tuesdays, Wednesdays, Fridays, Saturdays and Sundays between 5 p.m. – 8 p.m. through the holiday season. He said December 21 will be a very special day when Santa and Mrs. Claus will be at the Cookie House with their reindeer. Craig Stahl thanked members of the Sandusky Community Celebrations Council including Dick Gallagher, Tom Speir and Susie Sartor for their continuous contributions to this celebration each year.

Upon motion of Pervis Brown and second of Dave Waddington, the Commissioners approved the minutes of the November 23, 2009 meeting and dispensed with the oral reading of the minutes. All Ayes. The President declared the motion passed.

Upon motion of Julie Farrar and second of Dave Waddington, the Commissioners approved the minutes of the December 7, 2009 meeting and dispensed with the oral reading of the minutes. All Ayes. The President declared the motion passed.

A Presentation was made by Phil Enderle from The Collaborative who has been working with the committee charged with developing a Master Plan (MP) for Lions Park. Phil Enderle said it has been a pleasure and an honor to be a part of this process, and after listening to dialogue from the committee members and other citizens including nearby residents, he is prepared to present a proposed MP for the future of Lions Park tonight. He wished to thank the committee members and said they were some of the most dedicated people he has ever worked with and that over 200 volunteer hours were spent discussing goals, dreams and aspirations for the future of Lions Park. Two meetings were held during the process where public input was sought and the second meeting had higher attendance and included members of the Bayfront Corridor Committee. Phil Enderle provided some history of Lions Park which is about 13 acres and has 900 linear feet of waterfront or the equivalent of two football fields. In 1912, the park opened as a resort on land leased by Fred Bauer and an opening celebration was held on July 28, 1912 according to an article published in The Sandusky Register. In 1928, the former "Winnebago Park" was renamed Lions Park and it is believed this was the second Lions Park established by Lions International. A national convention of the Lions Club was held at Cedar Point in 1925 where Helen Keller was a keynote speaker and charged the local Lions Club members' to become Knights of the Blind.

Phil Enderle said this park property has many assets including the view of Sandusky Bay, the evening sunsets and the many beautiful trees located here. The MP has respected the root zone so that trees can remain where currently located. The public input gathered shows a strong interest in maintaining Lions Park as a passive recreational park with walking paths, swings, a boardwalk, picnicking, etc. These interests match up well with the Community Survey taken in 2007 when over 300 residents returned questionnaires with their input about the park's future. The nearby residents have expressed their concerns for safety. The proposed MP also includes beach access, picnic shelters, and a lawn area with ADA access to the water all with a passive recreational family atmosphere. Phil Enderle said there must be a balancing of quality with costs and the initial five park concepts had been narrowed down to three. The MP presented has an entrance from Monroe Street with a looped, circular vehicular drive. This will allow for persons to use bus transportation, as necessary, for drop-off during special events. There will be parallel parking on the East side and head in parking on the West side of the drive/turnaround; several locations will have a cut through for vehicles to turn around and a boulevard dividing each side. There will also be an area for kayak and/or canoe loading and unloading near the turnaround area. The park will include an enclosed pavilion which can be rented out for special events and it has been suggested a memorial or statue be erected near this, perhaps of Helen Keller. The MP calls for the ability for persons to engage with the water without getting wet as the sidewalk area will be 2' or above its current elevation. The beach restoration will include removal of the rip rap and a natural yellow sandy area.

Phil Enderle said active recreation in the park will include a new playground, perhaps a splash pad which can be converted to ice during the winter, a basketball court and a loop trail system around the entire park area. On November 18, a public meeting was held and over 50 persons attended giving favorable survey responses about the plan with none indicating they felt the plan was "Poor" or a "Failure".

Craig Stahl asked if the City Commissioners had any questions for Phil Enderle. Dave Waddington thanked the committee members and stated this will be an ongoing process which will be phased in over a number of years. He is hopeful a partnership can be developed with Erie MetroParks and stated numerous grant opportunities are being explored to obtain money to develop the park. He asked if it would be appropriate to order in legislation supporting this MP for the next meeting.

Phil Enderle said the MP, as presented, provides the framework but in the end, it could change. Dave Waddington said the committee will remain together and continue to meet quarterly. He referenced a letter received from Beatrice Norcross who is a longtime Sandusky resident expressing her desire to see the park restored with beach access she remembers as a child.

Upon motion of Dave Waddington and second of Julie Farrar, the Commissioners voted to have legislation prepared for the next meeting adopting the Master Plan as presented.

Discussion: Dave Waddington asked that the members of the MP Committee be invited to attend and said he hoped Bob Warner will continue to be a member of the committee. Bob Warner indicated his willingness to do so. Pervis Brown said he was at one of the public meetings and hopes a full basketball court will be incorporated rather than the proposed half court. He said endurance is a vital part of running the ball and kids at early ages are learning these skills in our schools.

The President asked for a voice vote on the motion with all "Ayes". The President declared the motion passed.

Under Audience Participation on Agenda Items, the following gave their comments:

John Ginty, 5055 Providence Drive, commented on Item #1 regarding the EPA which is similar to legislation passed at the last meeting for the Water Treatment Plant. He said the price for rock salt for the winter season is considerably lower this year than last. He stated the proposed transit grant amounts to 10% of the transit's budget. He said it is a travesty that the city must spend \$25,000 to have the CAFR prepared and questioned this directive coming from the state with the city's competent Finance Committee members and staff. He said Item #7 provides us with no choice but to do what Ohio Edison is asking us to do. He said he was glad to see the proposed removal of the Milan Road pedestrian bridge. He asked if the chemical bids have been analyzed from each of the companies as the price ranges are so different.

Tim Schwanger, 362 Sheffield Way, Save Our Shoreline Parks, likes the Master Plan presented and hopes the concerns about the basketball courts are addressed; he would like to see the playground equipment relocated nearer to the pavilion and mentioned consideration for the fluctuation of water levels regarding the beach property.

Upon motion of Pervis Brown and second of Julie Farrar, the Commissioners moved to accept all communications. All Ayes. The President declared the motion passed.

ITEM #1 – Submitted by Kathryn K. McKillips, Engineer

Budgetary Information: Funds for this discharge fee are routinely included in the Wastewater Treatment Plant operating budget each year.

ORDINANCE NO. 09-103: It is requested an Ordinance be passed authorizing and directing payment to the State of Ohio Environmental Protection Agency for the annual Discharge Fee for NPDES Permit Number 2PF00001 for the Wastewater Treatment Plant for the CY 2010; 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 authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

ITEM #2 – Submitted by Scott A. Miller, Director of General Services

Budgetary Information: Funds for the purchase of bulk rock salt are routinely included in the Traffic Services operating budget each year. The 2010 Street budget reflects the same that was spent in 2008

for road salt. However, with the decrease in unit price, the same budget amount will provide approximately 1,779 tons for calendar year 2010.

ORDINANCE NO. 09-104: It is requested an Ordinance be passed authorizing and directing the City Manager to purchase Bulk Highway Deicing Rock Salt for the Division of Traffic to be used in the CY 2010 from Morton International, Inc., Morton Salt Division of Chicago, Illinois; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Brett Fuqua and second of Dave Waddington, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter.

Discussion: Dave Waddington said the savings for this rock salt is \$17 less per ton than last year's contract price.

Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

ITEM #3 – Submitted by Jane E. Cullen, E.I.T.

Budgetary Information: The original contract price was \$183,873. The final contract cost including the add change order in the amount of \$5,454.08 is \$189,327.08, to be paid with Community Development Block Grant funds.

ORDINANCE NO. 09-105: It is requested an Ordinance be passed authorizing and directing the City Manager to approve the First and Final Change Order for work performed for the **Sandusky Bay Pathway – Shelby to Mills Street Project** in the amount of \$5,454.08 to be paid to Herbst Excavating, LLC, of Sandusky, Ohio; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dan Kaman and second of Dave Waddington, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter.

Discussion: Dave Waddington said there have been questions about the construction of the **Sandusky Bay Pathway** posed by Craft Marina since this project began back when Gary Packan was still here. Carrie Handy said employees from Craft Marina have expressed safety concerns with pedestrians near the area where they put in and remove boats seasonally. This section of the Pathway will need to be reconfigured or it may need to be closed to pedestrian traffic during certain times of the year. Dave Waddington said there are other areas between here and Lions Park which will be tight and we should be mindful of cutting across rather than wrapping around Monroe Street. He said we will continue to discuss this and involve the public to come up with the best solution. Carrie Handy said the Bayfront Corridor Committee will be involved in the planning as well. Dan Kaman said although this is being funded by grants, he asked if the \$5,000 change order was part of the \$18,000 contingency or if it is in addition. John Hancock said the total amount of the increase includes the \$5,000 as part of the contingency. Don Icsman said the payment schedule shows a deduct column and an additional amount from other items. He said we have the money to do the work. Bob Warner said it looks to him like the total cost of \$31,661.14 includes the deduct plus \$18,000 which equals \$26,207.06 – a difference of \$5,454.08. Dan Kaman said he had never seen one written like this. Julie Farrar said the grant period will end on 12.31.09 and the work has been done and she is sure the contractor wants to be paid.

Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

ITEM #4 – Submitted by Kathryn K. McKillips, Engineer

Budgetary Information: The original contract price was \$526,500. The final contract cost including the deduct change order in the amount of \$50,722.12 is \$475,777.88, to be paid with Community Development Block Grant Funds.

ORDINANCE NO. 09-106: It is requested an Ordinance be passed authorizing and directing the City Manager to approve the first and final Change Order for work performed by Precision Paving, Inc., of Milan, Ohio, for the 2009 City of Sandusky Resurfacing Program and to deduct the contract amount by

\$50,722.12 in relation thereto; 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 Dan Kaman, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter.

Discussion: Dan Kaman asked to note this contingency is a negative \$20,000.

Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

ITEM #5 – Submitted by Carrie R. Handy, Chief Planner/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 matching fund which allow the City to draw down its funds from the Federal Transit Administration. Without this state funding, service would have to be restructured or reduced.

RESOLUTION NO. 033-09R: It is requested a Resolution be passed authorizing and directing the City Manager to accept a grant in the amount of \$24,953 from the Ohio Department of Transportation for FY 2010 Urban Transit Program; 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 Brett Fuqua, the Commission authorized the passage of this Resolution under suspension of the rules and in full accordance with Section 14 of the City Charter.

Discussion: Dave Waddington said the funds are matching and the Federal Transit Administration (FTA) allows the city to draw funds down. Craig Stahl said if the city is able to obtain new busses next year, he believes the entire contract should be rebid as it will alter the current contract. He said it has been approved by the FTA to do this.

Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Resolution: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Resolution passed.

ITEM #6 – Submitted by Ed Widman, Finance Director

Budgetary Information: The Finance Department has been able to negotiate a cost for the 2009 report for \$25,000. This is the same cost as 2008 and estimates the experienced Finance staff will be able to assume more of the responsibility in preparing the report. LGS is requesting notification of approval by December 31, 2009.

ORDINANCE NO. 09-107: It is requested an Ordinance be passed authorizing and directing the City Manager to enter into an Agreement with the State of Ohio, Office of the Auditor, substantially in the same form attached hereto, for the preparation of the December 31, 2009, Comprehensive Annual Financial Report; 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 authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter.

Discussion: Dan Kaman said he agrees with Mr. Ginty that this item is being forced down our throat and asked why we couldn't hire an independent person for the price of \$25,000. He said according to this Agreement, the state will not look at our procedures and policies, they will not look for errors or fraud; rather, they will only look at our numbers as prepared by the Audit/Finance Committee. He is aware our Finance Department gets many awards for their work. Ed Widman said even if the report were prepared by an independent person, the state will still be conducting an audit which is more thorough than the preparation of a report. Craig Stahl said the state must come in and perform audits for more detail and it is a state requirement. Pervis Brown said he thought it is a wise move to have the state perform our audits and eliminate any potential problems as they certify their own work differently than an independent person would.

Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown and Bob Warner and Dave Waddington, 6. Nays: Dan Kaman, 1. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner and Dave Waddington, 6. Nays: Dan Kaman, 1. The President declared the Ordinance passed.

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

Budgetary Information: To be paid through the OWDA loan for the WWTP Expansion Project, Phase II. The city's share is \$20,963.64, and the County's share is \$13,346.74.

ORDINANCE NO. 09-108: It is requested an Ordinance be passed approving required work at the Wastewater Treatment Plant, ratifying the award to and execution of the contracts with Ohio Edison Company for the Wastewater Treatment Plant Expansion Project, Phase II; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion Dan Kaman of and second of Julie Farrar, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter.

Discussion: Pervis Brown said he thought this was a bigger rip-off for the city than the \$25,000 payment to the State Auditor. He said we are being forced to do this and he would be a "No" vote if we could get away with it. Dan Kaman said this is like buying a new car with used tires.

Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

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

Budgetary Information: The revised project cost based on bids including miscellaneous expenses is \$18,785 and will be paid with CDBG Funds.

ORDINANCE NO. 09-109: It is requested an Ordinance be passed authorizing and directing the City Manager to enter into a contract with A.J. Riley of Norwalk, Ohio, for the demolition of the Milan Road Pedestrian Bridge Stairs at the Norfolk Southern Railway Tracks in Sandusky, Ohio; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dan Kaman and second of Julie Farrar, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter.

Discussion: Dave Waddington noted this legislation is for removal of the stairs only and does not include the demolition of the bridge on the side of the tracks and asked Don Icsman about our liability. Don Icsman said the removal of these stairs will lessen the city's liability as it limits access. Pervis Brown asked about the price from A.J. Riley which is listed at \$13,785 yet shows as \$18,785 under budget information on the Agenda; he asked why there is a difference? Brett Fuqua said there is a difference on the Agenda sheet as opposed to the bid sheet. John Hancock said there was an inspection done and engineering reports prepared to make sure the stairs were unbuckled from the bridge properly. Bob Warner asked if the same deduct amount was given to the other contractors who bid for this work and John Hancock indicated they were.

Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

ITEM #9 – Submitted by Kathryn K. McKillips, Engineer

Budgetary Information: The current construction contract amount with Hoty Builders, LLC is \$784,744. The revised contract amount, including the Fourth and Final Change Order in the amount of \$78,757.74 is \$863,501.74. This work will be paid through the City's Capital Projects account, based upon notes to be issued by the City and retired with the proceeds from the TIF arrangement on the Chesapeake Lofts Condominiums.

ORDINANCE NO. 09-110: It is requested an Ordinance be passed approving and ratifying the Fourth and Final Change Order for work performed by Hoty Builders, LLC, of Sandusky, Ohio for The Paper District Public Waterfront Improvements Project "Chesapeake Walkway Project" in the amount of \$78,757.74; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Bob Warner and second of Brett Fuqua, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown and Bob Warner, 5. Nays: Dave Waddington and Dan Kaman, 2. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown and Bob Warner, 5. Nays: Dave Waddington and Dan Kaman, 2. The President declared the Ordinance passed.

ITEM #10 – Submitted by Michele Hall, Recreation Program Supervisor

Budgetary Information: It is the desire of these fees to continue to increase the overall usage of the course through membership, punch cards, and daily paid rounds. As stated above, we will still thrive to be the area's lowest priced golf course while still providing a quality experience to our golfers attracting both locals and visitors.

ORDINANCE NO. 09-111: It is requested an Ordinance be passed approving the new fee schedule established by the City Manager pursuant to Section 973.02 of the Codified Ordinances of the City of Sandusky; 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 Dan Kaman, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter.

Discussion: Dave Waddington stated the Golf Course operated in the black this year with many obstacles including the Mills Street reconstruction and construction of the Water Tower. He thought the city does a good job with its pricing. Craig Stahl said he attended a couple of events this year at Mills Creek including the anniversary event and the fun run and knows these are already being promoted for next year. Dave Waddington said the clubhouse offers the best lunch deal around and staff places flyers in hotels helping the course to generate new customers and to continue to operate in the black as it has during the past two years. He said he thought this year the city is \$10,000 ahead.

Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

Discussion RE #11, A - O: Dave Waddington said he had asked Don Icsman if the chemical bids could be done with two votes by separating out Sandusky's purchases from the City of Huron's. Don Icsman said he would prefer these be done separately, respecting the process.

ITEM #11 – Submitted by Kathryn K. McKillips, Engineer

Budgetary Information: Funds for the purchase of these items are routinely included in the operating budgets of the Water and Sewer Plants.

- A. **ORDINANCE NO. 09-112:** It is requested an Ordinance be passed authorizing and directing the City Manager to purchase 3.5 tons, more or less, of Potassium Permanganate from Sal Chemical of Weirton, West Virginia, for use at the Big Island Water Works Plant during the Calendar Year 2010; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Bob Warner and second of Brett Fuqua, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

- B. **ORDINANCE NO. 09-113:** It is requested an Ordinance be passed authorizing and directing the City Manager to purchase 45 tons, more or less, of Liquid Chlorine from JCI Jones Chemicals of Barberton, Ohio, for use at the Big Island Water Works Plant during the Calendar Year 2010; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Bob Warner and second of Dave Waddington, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed.

Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

- C. **ORDINANCE NO. 09-114:** It is requested an Ordinance be passed authorizing and directing the City Manager to purchase 200 tons, more or less, of Sodium Hydroxide Liquid from Bonded Chemical of Columbus, Ohio for use at the Big Island Water Works Plant during the Calendar Year 2010; 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 authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

- D. **ORDINANCE NO. 09-115:** It is requested an Ordinance be passed authorizing and directing the City Manager to purchase 23 tons, more or less, of Sodium Fluorosilicate from Bonded Chemicals of Columbus, Ohio, for use at the Big Island Water Works Plant during the Calendar Year 2010; 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 authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

- E. **ORDINANCE NO. 09-116:** It is requested an Ordinance be passed authorizing and directing the City Manager to purchase 710 tons, more or less, of Aluminum Sulfate Polymer Blend Liquid from Applied Specialties of Avon Lake, Ohio, for use at the Big Island Water Works Plant during the Calendar Year 2010; 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 authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

- F. **ORDINANCE NO. 09-117:** It is requested an Ordinance be passed authorizing and directing the City Manager to purchase 313,080 pounds, more or less, of Ferrous Chloride Solution from Kemira of Lawrence, Kansas, for use at the Water Pollution Control Plant during the Calendar Year 2010; 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 authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

- G. **ORDINANCE NO. 09-118:** It is requested an Ordinance be passed authorizing and directing the City Manager to purchase 25,000 pounds, more or less, of Ferrous Chloride Solution from Kemira of Lawrence, Kansas, for use by Erie County at the Wastewater Treatment Plant located in the City of Huron during the Calendar Year 2010; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Bob Warner and second of Dave Waddington, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter.

Discussion: Dan Kaman said the remainder of the legislation is for Erie County and the City Commissioners should remember the letter which was received this week from the Erie County Commissioners.

Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

- H. **ORDINANCE NO. 09-119:** It is requested an Ordinance be passed authorizing and directing the City Manager to purchase 175 Tons, more or less, of Aluminum Sulfate Liquid from Delta Chemical of Baltimore, Maryland, for use by Erie County at the Wastewater Treatment Plant located in the City of Huron during the calendar year 2010; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Pervis Brown and second of Dave Waddington, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

- I. **ORDINANCE NO. 09-120:** It is requested an Ordinance be passed authorizing and directing the City Manager to purchase 25,000 Gallons, more or less, of Liquid Alum from Delta Chemical of Baltimore, Maryland, for use by the City of Huron at the Water Treatment Plant located in the City of Huron during the calendar year 2010; 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 Dan Kaman, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

- J. **ORDINANCE NO. 09-121:** It is requested an Ordinance be passed authorizing and directing the City Manager to purchase 25,000 pounds, more or less, of Liquid Chlorine from JCI Jones Chemicals of Barberton, Ohio, for use by the City of Huron at the Water Treatment Plant located in the City of Huron during the Calendar Year 2010; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dan Kaman and second of Julie Farrar, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

- K. **ORDINANCE NO. 09-122:** It is requested an Ordinance be passed authorizing and directing the City Manager to purchase 2,500 pounds, more or less, of Zinc Metaphosphate from Bonded Chemical of Columbus, Ohio, for use by the City of Huron at the Water Treatment Plant located in the City of Huron during the calendar year 2010; 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 Brett Fuqua, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the

Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

- L. **ORDINANCE NO. 09-123:** It is requested an Ordinance be passed authorizing and directing the City Manager to purchase 3,000 pounds, more or less, of Powdered Activated Carbon from Bonded Chemical of Columbus, Ohio, for use by the City of Huron at the Water Treatment Plant located in the City of Huron during the calendar year 2010; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Brett Fuqua and second of Dave Waddington, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

- M. **ORDINANCE NO. 09-124:** It is requested an Ordinance be passed authorizing and directing the City Manager to purchase 12,000 gallons, more or less, of Liquid Caustic Soda from Bonded Chemical of Columbus, Ohio, for use by the City of Huron at the Water Treatment Plant located in the City of Huron during the calendar year 2010; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dan Kaman and second of Dave Waddington, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

- N. **ORDINANCE NO. 09-125:** It is requested an Ordinance be passed authorizing and directing the City Manager to purchase 2,000 gallons, more or less, of Hydrofluosilicic Acid from Bonded Chemical of Columbus, Ohio, for use by the City of Huron at the Water Treatment Plant located in the City of Huron during the calendar year 2010; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Pervis Brown and second of Dan Kaman, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

- O. **ORDINANCE NO. 09-126:** It is requested an Ordinance be passed authorizing and directing the City Manager to purchase 3,000 pounds, more or less, of Liquid Sodium Permanganate from Applied Specialties of Avon Lake, Ohio, for use by the City of Huron at the Water Treatment Plant located in the City of Huron during the calendar year 2010; 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 Bob Warner, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Ordinance passed.

CITY MANAGER'S REPORT

Don Icsman, Acting City Manager, asked for the acceptance of a donation in the amount of \$363.75 from the Commons of Providence Pancake Breakfast to benefit the Sandusky Fire Department's Trust Fund. Upon motion of Bob Warner and second of Dave Waddington, the Commissioners voted to accept these funds. All Ayes.

Don Icsman asked for the **acceptance of donations for the Friends of the Greenhouse from Virginia Eckhardt (\$10), Hohler Furnace & Sheet Metal, Inc. (\$50), A. J. Oliver – Cole for Commission Campaign (\$7.85), Lenna Baier (\$10) and Ruth Sehlmeier (\$35).**

Upon motion of Brett Fuqua and second of Dave Waddington, the Commissioners voted to accept these funds for the Friends of the Greenhouse. All Ayes.

The city has **received a donation from The Mylander Foundation in the amount of \$4,776.12 to be used for:**

\$1,000 for ash tree replacement

\$1,500 for seasonal help in the parks

\$2,276.12 to refurbish the park bench shelters near the play equipment in Shoreline Park

Don Icsman indicated Scott Miller has talked with other staff members to make these recommendations for use of this money. **Upon motion of Dan Kaman and second of Dave Waddington, the Commissioners voted to accept these funds. All Ayes.**

Don Icsman said a cooperative effort has been suggested to help **pay for and staff a booth at the upcoming Cleveland Boat Show.** He said Cedar Point and other organizations will help to fund the costs and are requesting the city consider a \$2,000 contribution toward the total cost. Don Icsman said this would be a collaborative effort with the members of the Sandusky Main Street Association and personnel representing local marinas. Dave Waddington asked if the city could use **revenue funds from the Battery Park Marina TIF** as this expenditure would be for economic development purposes. Don Icsman said this would qualify, in his opinion. Dave Waddington asked how much the TIF produces each year and Ed Widman said upwards of \$20,000.

Upon motion of Dave Waddington and second of Pervis Brown, the Commissioners voted to pay \$2,000 toward the cost of a booth at the Cleveland Boat Show. All Ayes.

Craig Stahl asked how the staffing of the booth would be done and Carrie Handy said it would be staffed primarily with volunteers from the Sandusky Main Street Association and Sandusky Proud, along with some of the city's staff. Dan Kaman said he is supportive of this and worked our booth the first year the city had one. He said many people come to our local marinas but a lot of them do not know about our downtown.

Don Icsman said he was asked about the city paying for a **Market Study for the downtown area** and John Lippus and/or Lance Warner are in attendance tonight to speak about this. Lance Warner, 1421 Columbus Avenue, said this idea is the result of meetings and workshops attended in 2005 and 2006. He said he had met with the Interim City Manager, Don Miers, in 2007 along with Carol Petersen from the Federal Home Loan Bank of Cincinnati about the possibility of providing creative financing for property owners to rehab upper floors. He said this proposal was then outlined to principal property owners in the downtown in 2008. He said if this market study is performed, it could be profitable for our redevelopment efforts and the property owners will agree to renovate 290,000 S.F. of the upper level space in a targeted area. Ed Widman said he believed there was funding available from the monies set aside for economic development purposes and asked if the property owners were agreeable to help fund this. Lance Warner said the property owners are not currently in a position to pay for this Market Study as they are all suffering losses, but they are willing to commit to make the renovations once it is done. Julie Farrar asked if this group of property owners sought our assistance and Lance Warner indicated the Sandusky Main Street Association approached them about it. He said three meetings were held to get their input and if the commercial area is blighted, so too will be the residential area(s) in downtown. Lance Warner said businesses located on the first floor can thrive if the residential housing is turned around. Dave Waddington asked if this would perhaps help speed up the Keller and Rieger development projects. Lance Warner said "yes" and the city must offer entertainment and hospitality to bring people downtown. He said the Zinc Brasserie has been successful in making itself a destination and the Market Study, if performed, can help others to do this too.

Lance Warner said after completion of the Market Study, a residential parking plan will need to be performed and that the local Foundations are considering some predevelopment funding for the property owners. Kim Nuesse asked if the Federal Home Loan Bank would offer low interest loans for redevelopment if the Market Study was completed and Lance Warner indicated they would. Kim Nuesse asked if they have already made improvements in other cities based upon the performance of Market Studies and Lance Warner said they had. Kim Nuesse asked about the timeline for this study and Lance Warner indicated it would take approximately six months after the commitment is made and

improvements should be completed in three years. Ed Widman said the balance in the Battery Park TIF fund is currently a little over \$115,000 but he does not believe the State Theatre Christmas displays have been paid for yet.

Gene Hawk, 401 West Shoreline Drive, said he supports this Market Study being performed and said it will be useful and helpful in making decisions about the future of the downtown. Kim Nuesse said she thought it is an excellent opportunity for the city, the Sandusky Main Street Association and the downtown property/business owners to partner with developers for a win/win situation.

Upon motion of Pervis Brown and second of Brett Fuqua, the Commissioners voted to order in legislation to move forward with this proposal to have a Market Study performed.

Discussion: Dan Kaman said he is for this but wanted to be sure the landlords were willing to make investments. He did not want to see a study performed and then have it sit on a shelf. He said buy-in from the landlords is important. Bob Warner said the redevelopment of 294,000 S.F. of space is a commitment from the landlords, in his opinion. Lance Warner said of the original nine property owners who signed on, eight remain. Because so much time has elapsed, he would need to be certain the commitment is still there. Don Icsman said it may be appropriate to ask for another commitment as this may presume to raise expectations as he is hearing other studies may have to follow this one and there are economic considerations for prudent spending and obtaining results. Lance Warner asked the Commissioners if they would like him to come back with commitments. Craig Stahl said he believed the commitments should be reaffirmed with the property owners. Pervis Brown said our downtown properties are something we should commit to and the city should help in performing this survey. He said in the past things have not always been followed through with and we need to take the first step, with the investment from the property owners, to help bring people downtown. Julie Farrar said she understood what Pervis Brown was saying and hopes legislation will be presented at the next meeting along with a reaffirmation of the commitment of the downtown property owners involved. John Lippus said we have operated without a Market Plan for too long and currently there is not a cohesive plan. He said he has had conversations with Dan Moncher from Firelands Regional Medical Center and they also believe this will help in their recruiting efforts and believes expanded residential housing market options in the downtown area will be beneficial.

Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner and Dave Waddington, 6. Nays: Dan Kaman, 1. The President declared the Motion passed.

Don Icsman asked the City Commissioners to consider the **renewal of the city's membership in the Erie County Chamber of Commerce. Upon motion of Pervis Brown and second of Bob Warner, the Commissioners voted to pay for membership renewal for the Erie County Chamber of Commerce. All Ayes. The President declared the Motion passed.**

Don Icsman said **the city received an invoice from the Erie County Economic Development Corporation (ECEDC) for a pledge of \$10,000 for the year 2009.** Dan Kaman said he attended the last meeting of ECEDC and knows we did not pay them anything yet this year. He said the organization has been in a state of flux but now has a new Director who will be able to help the city next year with economic development matters. He suggested we place benchmarks in any Agreement with them if we are to be a partner and not treat this as a paid service. He felt a three-year plan would be in order and indicated their need for money for 2009 but it is up to the City Commissioners whether or not to help them this year. Bob Warner said if we made a commitment for 2009 we should stick to it. Brett Fuqua said he agreed but he wanted to know what ECEDC did for Sandusky. Dan Kaman said he attended his first meeting only last week and did not do anything more with ECEDC this year. Bob Warner said he was aware of work being done by ECEDC for job creation in the Milan and Huron areas and work being done to bring national companies to Erie County. Dave Waddington said one component is the NASA airstrip which will help all municipalities in the county and perhaps we should consider a \$5,000 commitment as a good faith effort. Brett Fuqua said he is hearing all ECEDC is working to bring business here but wonders what they have brought to Sandusky. Dave Waddington said thousands of hours have been spent on the airstrip project and Senator Wagoner, State Representative Dennis Murray and County Commissioner Pat Shenigo have all been part of this process. Brett Fuqua said he does not have a problem with considering future commitments.

Upon motion of Dave Waddington and second of Dan Kaman, the Commissioners voted to make payment of \$5,000 to the Erie County Economic Development Corporation for the calendar year 2009.

Discussion: Craig Stahl said he sees a lot of enthusiasm and future possibilities coming from this organization and the idea of a regional airport has become infectious. Brett Fuqua asked for clarification if the motion made was for 2009 or for 2010. Dave Waddington said he intended this to be for a commitment for 2009. Craig Stahl said he does not believe ECEDC has done anything for the city this year and cannot recall exactly when this was discussed, but recalls research has been done and he does not believe the city made a commitment for 2009. Dave Waddington said he and Dan Kaman have met with the new ECEDC Director, Brian Coughlin, and believes the work being done will impact all of us. Julie Farrar said she would support paying half of the proposed \$10,000 pledge in the spirit of cooperation. Don Icsman said the Commissioners should also be considering what other municipalities contribute to this organization and that would be good information for them to have before voting.

Dave Waddington then withdrew his motion and Dan Kaman withdrew his second until the next meeting when this will be discussed again after obtaining information about what other municipalities contribute to ECEDC.

Don Icsman said in October, 2007, **the city signed agreements to acquire a triangular parcel from Sandusky International for \$2,883.** Together with the Purchase Agreement, we signed an Escrow Agreement which said the city was to pursue and try to procure a "No Further Action" letter and a "Covenant Not to Sue". If these things did not occur before December 31, 2009, the deed was to be returned to Sandusky International and the money, less the costs of the escrow, would be returned to the city. Don Icsman said he received a call from Ed Ryan of Sandusky International recently who followed up with some documents and stated that in spite of the fact we have been unable to procure these two items, he wanted to go forward with the transaction and confirm the sale. Before Matt Kline left, Don Icsman and John Hancock had discussed this and thought about modifying the instructions to the closing agent to give ourselves one or two more years to try and secure these letters. He said it is up to the Commissioners what they want to do but he (Don) does worry about liability in this situation. He said this is not an involuntary acquisition, but is a voluntary action. Don Icsman said in order to be a bona fied purchaser, you must do a lot of environmental interrogation and he is not sure we have done this yet. He is not even sure why the city is interested in this, but his recommendation would be for the city to get an extension from the closing agent.

Upon Motion of Dave Waddington and second of Julie Farrar, the Commissioners voted to agree with Don Icsman's recommendation to obtain an extension for perhaps 24 months. Roll Call: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. The President declared the motion passed.

Don Icsman said he has done some research with the letters of intent between the City and **NexGen Energy.** He said letters were signed by the City Manager for \$9,500 for each location and the next step will be for a contract to be drafted for construction of the wind turbines. He said there have been questions about the installation of these turbines and signing the letters of intent does not mean we will proceed with construction. He said the two site studies performed have shown the city will recoup its money after construction. Dave Waddington asked if the contract must fulfill the obligation and Don Icsman said it would. Don Icsman said he understood from the representatives of Engineered Process Systems (EPS) that the construction cost was based upon a total of six turbines being constructed in this area which decreased the total overall cost. Dave Rengel, EPS, said the company is working to finalize the economy of scale. Dave Waddington said his understanding was the cost of erecting two turbines vs. six turbines would lessen the cost and the city would save money through the purchase of power, not in the cost of the actual wind turbines. Dan Kaman asked if the city still owed \$9,500 each for the two studies and Dave Rengel indicated this was correct and asked to provide clarification where they are currently with the project. He said a site plan has been prepared to locate the wind turbines, an environmental study has been performed as well as the historical impact and they are working with the Federal Aviation Administration to ensure these will not be constructed in restricted areas. He said soil borings and testings have been performed and the grant applications are all ready to be submitted. He said construction of these turbines will give the city a choice for its power source and will provide a renewable source of power for many years. Dave Rengel said a contract will be presented in the future for the next steps. Pervis Brown asked if the city had made commitments for these two payments. Don Icsman said the Commissioners should order in legislation for their next meeting in order to pay NexGen Energy. Dave Waddington said there were questions about the rates currently being paid for electricity but these have been clarified.

Upon motion of Pervis Brown and second of Bob Warner, the City Commissioners voted to order in legislation to pay NexGen Energy for two studies: \$9,500 for the Water Treatment Plant and \$9,500 for the Wastewater Treatment Plant.

Discussion: Dan Kaman said he is in favor of paying for the studies only.

A vote was then taken on the motion: All Ayes. The President declared the Motion passed.

Don Icsman said he had talked with **Randy Roys from Honeywell** and Randy indicated he had trouble getting responses from the City Manager's Office previously. Randy Roys told Don Icsman it does not appear the City Hall project would offer enough savings all by itself to have a study performed although there may be audits which could help at other buildings, facilities, and equipment such as an audit for our current meter reading processes. Ed Widman said he has worked with Honeywell with our list of other accounts and feels the ongoing fees related to our meter reading system should be looked at.

Don Icsman asked the City Commissioners what their thoughts were about the continuation of **City Chat**, an e-newsletter developed recently by the City Manager's Office and prepared currently by the Interim City Clerk. He believes the cost is approximately \$38/month. Julie Farrar asked what the costs are for The Meigs Street Messenger and Kelly Kresser stated the costs for this publication are approximately \$1,900/issue for postage and approximately \$640/issue for printing and that it was prepared bi-monthly.

Upon motion of Dave Waddington and second of Bob Warner the Commissioners voted to continue with City Chat, the city's e-newsletter. A vote was then taken on the motion: All Ayes. The President declared the Motion passed.

Don Icsman said he has followed up with representatives from **GeoTech** at the Commissioner's direction and has emailed some legal and financial questions which he is awaiting answers to from their attorney. Dave Waddington stated he believed this was a work in progress but has talked with State Representative Dennis Murray and does not believe we were following up with this at the city.

OLD BUSINESS

Dave Waddington asked about the timeline **for the coal tar plume from Malcolm Pirnie**. He understood this work was proceeding. John Hancock indicated samples are currently being prepared.

Dave Waddington asked about the status **of the repairs to the Keller Building** as another window has blown out since the last meeting. Scott Miller said he has been trying to get this work scheduled but has had difficulty because of the workload in his Department including current leaf collection efforts. John Hancock said if the Commissioners wished for him to proceed to hire a contractor to do the roof repairs before the winter season, he would do this. Dave Waddington said by the next City Commission meeting it will be the end of December and he has asked repeatedly to have this work done before winter. He said originally he and other Commissioners voted to tear the building down but then an MOU was issued and the city agreed to maintain it yet boards are flying out and the barricades around the building have been gone for three to four days. Don Icsman said if there is money in the account for this facility, we should do what we need to do with what is left.

Upon motion of Dave Waddington and second of Dan Kaman, the Commissioners voted to have Don Icsman look into obtaining bids with John Hancock to get this done and secure the building. Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, 7. Nays: 0. The President declared the Motion passed.

Dave Waddington asked about the status of the **Rieger property downtown**. Don Icsman said he has talked with Mary Jane Hill about this and Carrie Handy has spoken with Mr. Spatz about his ability to do this project. Mr. Spatz has indicated he is working to secure Low Income Housing Tax Credits for Seniors and put a financing package together which would not require a commitment from the city. Dave Waddington asked if there were 15 months left in this contract and Don Icsman stated he thought it was up. Dan Kaman said the City Commission voted on this and his understanding was the property would revert back to the other owner and the city does not own or control this property. Dave Waddington asked if anyone from the Fire Department had been in the building. Mike Meinzer said the building was secured and they do know when people enter the building as it has a Knox Box and a sign posted saying "No Entry, No Occupancy". Personnel from the Sandusky Fire Department are permitted to enter the building and allow others to enter with them, but they would not enter the building during a fire or other type of emergency.

Ed Widman said he had the **Travel Request submitted by Scott Schell** and asked if the City Commissioners would like him to pay the requested amount of reimbursement or amend it. Dan Kaman asked what the city was legally obligated to do. Dave Waddington said he recalled a directive from the City Commissioners that out of state travel was not permitted. Craig Stahl said the only out of state travel he was made aware of was for a Firefighter. Mike Meinzer said Glen Szatala did travel out of state, but the Firefighters' union paid for this trip. Dave Waddington asked if there was grant money to pay for this reimbursement and said Matt Kline did not make the City Commissioners aware of this particular trip. Bob Warner said he knew about it and understood it was to be paid with grant monies and did not have a problem with it. Don Icsman said at the request of the City Commissioners, the City Manager informed the Department Heads that prior approval was necessary for out of state travel but in this particular instance, it did not happen that way. Dan Kaman said as the liaison to the Brownfields Committee, he was not aware of this trip to New Orleans and believes similar training is offered all over the State of Ohio. Don Icsman said Scott Schell's reimbursement would be separate from his termination pay and they are not related at all. Don Icsman said Scott Schell was given authority to travel to New Orleans for this Brownfields conference by his boss and the complicating factor is that the Travel Request form was filled out after the trip. Craig Stahl said he was frustrated with this travel situation but he received an email over the weekend from a citizen which made a profound impact on his thinking. He said the expenses paid would be due to any city employee while conducting city business and the trip was authorized by the proper authority and that we should stand behind the process. He said he did not believe we should prolong this but that we should pay Scott Schell for his expenses and move on.

Upon motion of Dave Waddington and second of Bob Warner, the Commissioners voted to pay Scott Schell for his requested reimbursement.

Discussion: Don Icsman said not to let the grant reimbursement justify the payment. Dan Kaman said Julie Farrar recently went on a trip which was controversial, but it turned out to be a good trip and the City Commissioners had the opportunity to say yes or no to this beforehand. He said we are not getting anything out of the trip made by Scott Schell and people should be culpable and this is like government corruption. He said he was disappointed that Ed Widman signed off on the Travel Request. Don Icsman said a similar situation would have been a trip to Chicago made by Rosanne Bodner, the former Transit Administrator, which was required by federal law and that this came before the City Commission for approval. Don Icsman said as an attorney, he is required to take continuing education and it is offered in Ohio and he normally travels to Columbus for it. Ed Widman said when the Finance Office received this request, his staff is trained to look for the City Manager's approval and that his review of Travel Requests (as the Finance Director) is to certify the availability of funds. When he has questioned these types of requests in the past, he has been told by City Commissioners he has no right to stop them.

Roll Call on the motion: Yeas: Craig Stahl, Pervis Brown, Bob Warner and Dave Waddington, 4. Nays: Julie Farrar, Brett Fuqua and Dan Kaman, 3. The President declared the Motion passed.

Dave Waddington said he gets questions everywhere he goes and knows that other Commissioners do as well about the **\$100,000 check from John Eymann**. He asked Ed Widman if there is anything he can say about this. Ed Widman said he was not asked to sit on the check or hold up the check. He received it, although he does not know the exact date, and believes this was in January. He then placed the check in the safe. He does realize the check did not satisfy the contractual agreement timeline and believed the funds were to be placed in an escrow account. He said there were many ongoing budget issues at that time and he lost track of the check being in the safe during this time. At a certain point in time, he realized the check would soon expire and called, and then emailed, Scott Schell to ask about depositing it. Scott Schell said he had just talked with John Eymann and he (John) was going to be in Sandusky in the next day or two and asked that we hold the check until that time. When John Eymann came to Sandusky, he said to cash the check. Dave Waddington asked if Ed Widman knew why Matt Kline told the City Commissioners the check had been placed in an escrow account at Citizens Bank in January when it was actually placed in a safe and forgotten about. Ed Widman said there was a note attached to the check indicating it was not a Certified Check or a Money Order and this is not a good story, but it is his story and it is what happened. Dave Waddington asked if Ed Widman knew if the check was good in January or February and Ed Widman stated he would have to ask for a bank statement in order to know that. He said the check did clear when it was cashed and it is still on deposit and is being held until December 31, 2009.

Ed Widman said the **final pay for Matt Kline and Scott Schell is being calculated** and the City Commission had taken action at a previous meeting for Administrative employees to receive a five percent (5%) pay reduction which equated to 24 hours of pay reduction. He said the paperwork was

never consummated by either Scott Schell or Matt Kline and asked if the City Commissioners would like these 24 hours of pay to be reduced from their vacation pay when calculating their final paychecks. Don Icsman said all city employees affected did the paperwork for this voluntary reduction except for these two employees. He said there was a discrepancy about classified vs. unclassified employees and that non-classified employees did not have an option for this and no rights to not accept this. Brett Fuqua said we should back out the five percent (5%) since the other employees had to do this and he was disappointed about this since he was always one of Matt Kline's biggest supporters and this is like a kick in the stomach.

Upon motion of Brett Fuqua and second of Dave Waddington, the Commissioners voted to deduct this five percent (5%) from the final paychecks of Matt Kline and Scott Schell. Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed.

NEW BUSINESS

Bob Warner asked about **Board and Commission appointments and/or reappointments**. He understands that perhaps all but two people may not wish to renew their terms and it appears all others do. Brett Fuqua said some of these terms will expire at the end of the year. Dan Kaman said he recalled these are normally voted on after the first of the year. Brett Fuqua said he understood the issue to be whether or not to open all vacancies to the general public rather than just automatically reappointing those whose terms will be expiring. Brett Fuqua said what he believes should happen is for the seats to be offered to the public by Kelly Kresser and even if we do not get much response, at least we have made the offering.

Upon motion of Brett Fuqua and second of Pervis Brown, the Commissioners voted to have an Executive Session regarding Collective Bargaining. Roll Call on the motion: Yeas: Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Dan Kaman, 7. Nays: 0. The President declared the Motion passed.

Brett Fuqua said he wished to make the Commissioners aware of a situation which occurred over the weekend. **He said he received a call from a friend of his whose home was burglarized and he was told by a Police Officer he would have to wait until Monday to have his home fingerprinted.** Brett Fuqua said he contacted Acting Chief Sams and learned there was a directive issued stating overtime was prohibited in the Police Department. He took it upon himself to direct Acting Chief Sams to send someone out to do this so that this man did not have to find other accommodations for the weekend and be forced to not touch anything in his home. He wanted to make sure everyone understood this and that he would have done this for any citizen, not just someone who was his friend. He did not believe this was right and thought it was stupid on the city's part to not provide assistance in these types of situations and the safety and well being of our citizens are of utmost importance. Mike Meinzer said he received the same directive from the City Manager about overtime in the Fire Department and in order to be granted, it needed to first be authorized. Brett Fuqua said he was satisfied that Acting Chief Sams did make the decision to send an Officer out after his conversation. Kim Nuesse said she felt this situation should never have occurred. She said Patrol Officers are available to dust for fingerprints and the Detective Bureau could be structured so that services were available to the public during all hours. She said this is bad service and there are other ways to handle services for the public which do not create overtime situations. Don Icsman said the City Manager should have the common sense to allow overtime in these types of situations. Mike Meinzer said an example of use of overtime in his department happened with mandatory Officer development training which had been scheduled when the "no overtime" directive was issued. He said the officers in his department who were scheduled to go ended up doing so on their own time and without the benefit of pay.

Under **Audience Participation**, the following offered their comments on Agenda items:

Todd Stephens, Cool Home Improvements, 1649 North Larchmont Drive, said he wished to file a complaint with the City regarding its CHIP program and Beth, Jim, Dale, George, John and Matt who he has dealt with regarding his concerns. He read a letter in which he stated that he felt discriminated against and not given jobs although he was the contractor in several situations with the lowest and best bid. He said he has talked to two of the City Commissioners and he stands behind his bids and methods of work. Craig Stahl asked Todd Stephens to give his written complaint to Acting City Manager Don Icsman so that he could follow up on his complaint. Bob Warner told Todd Stephens he had talked with George Poulos and Matt Kline and he understood Matt Kline was to have followed up with him but Todd

Stephens said this never happened. Don Icsman said ORDC has a contract to administer these programs and he will follow up on this complaint.

John Ginty, 5055 Providence Drive, said after the Commissioners voted on the item regarding the EPA this was water over the dam and then asked if the city could be reimbursed by the EPA if a bill was submitted. Don Icsman said yes and that would comply with our policy.

Glen Ginesi from Engineered Process Systems and also representing NexGen Energy, said he still felt there were problems with their Agreement. He said in October, the City Commissioners had a non-binding letter of agreement with NexGen Energy and a contract will be negotiated in the future. In the meantime, NexGen has incurred numerous expenses for the studies performed for the Water and Wastewater Plant which are \$9,500 each. He said if the Commissioners wait until their next meeting to pass legislation to make this payment, it will be at least another two weeks before a check is cut. He said paperwork is ready to go to the state for potential grant monies in the first quarter of 2010 and it is not fair to the company to have to wait any longer for their money with the expenses they have incurred. Dave Waddington asked if a motion would be in order to cut a check for this now. Don Icsman said he could have legislation prepared for the next meeting so that the company can be paid for their services and further, he was not comfortable to make a payment prior to legislation being passed as it goes against the Charter.

Sharon Johnson, 1139 Fifth Street, asked Ed Widman when he received the \$100,000 check and Ed Widman responded by saying he did not have a record of the exact date he received it. Sharon Johnson asked why the check was placed in the safe rather than deposited. Ed Widman said if the check had been certified or in the form of a money order, it would still be in the safe. He said this was not money given to the city to spend, rather it was earnest money to be held pending performance of the Development Agreement. Sharon Johnson said there was a deficiency in the Finance Department and the City Commissioners and members of the Audit Finance Committee should be doing something about it. Kim Nuesse said this may not be a popular stance but she said in respect to both accountability and transparency, these questions have already been asked and answered by Ed Widman. She said it would be appropriate and fair to Ed Widman as a human being to let the City Commissioners, who are aware of the situation, to deal with it as they are his bosses. Kim Nuesse said this is the wrong forum for Sharon Johnson to be saying these things.

At 8:09 p.m., the Commissioners adjourned the regular session for a five-minute recess. At 8:15 p.m., the Commissioners went into Executive Session; at 9:25 p.m. the Commissioners adjourned the Executive Session.

Kelly L. Kresser
Interim Clerk of the City Commission

Craig H. Stahl
President of the City Commission