

President Craig Stahl called the meeting to order at 4:15 p.m. and opened with the **Invocation**, given by Dan Kaman, followed by the **Pledge of Allegiance**.

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

**Upon motion of Bob Warner and second of Dave Waddington, the Commissioners voted to have an Executive Session regarding Personnel, the City Manager's Office and the Economic Development Office. Roll Call on the motion: Yeas: Dan Kaman, Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington, 7. Nays: 0.**

**The Commissioners adjourned into Executive Session at 4:17 p.m. At 4:58 p.m., the Commissioners came out of Executive Session and Craig Stahl requested a five-minute recess before the start of the regular session. At 5:07 p.m. the Commissioners returned to the regularly scheduled session.**

**A Proclamation was read by Craig Stahl proclaiming Monday, November 23 "Peerless Stove and Manufacturing Company's 90<sup>th</sup> Anniversary".** Bryan Huntley, President of Peerless, said he was glad to be able to carry on his family's tradition in the business.

Craig Stahl announced a deviation from the normal City Commission Agenda/Schedule this evening to discuss current issues surrounding the city. He then invited members of the audience to speak.

Barbara Clark, President of the Sandusky Chapter of the N.A.A.C.P., read a communication addressed to the City Commissioners regarding recent revelations that **Matt Kline made comments considered both racist and insensitive to various groups that are represented not only in Sandusky, but throughout the United States of America.** Barbara Clark said the members of the N.A.A.C.P. look forward to working with the new City Commissioners in fostering an environment that embraces diversity and one in which all who live in Sandusky can feel welcomed. Brett Fuqua said none of the Commissioners knew anything about these comments until learning of them last week after they were made public and he wasn't sure if this was the appropriate thing to say, but he was 'pissed off'. Barbara Clark said she appreciates those comments but looking back at the newspaper articles written, and things that have gone on between the black community and the SPD and Chief Nuesse's role, she believes there should be an in depth investigation from the time Chief Nuesse came to the city to date. She said the taxpayers of the city have been given a disservice by the city and referenced the check that was held for the Marina District project and how our tax monies are being spent. She then referred to the comment about 'Jews and cripples' and stated the city has not responded to getting jobs here. She said the city is going down the drain and is unhealthy; there are no jobs here and it seems the ones who do have jobs have misused them and feels an investigation is necessary for at least the past five years.

Pastor E. Bonnie Grove spoke on behalf of Paul Watson, President of the Interdenominational Ministerial Alliance (IMA), and reminded the City Commissioners that 18 months ago, the IMA supplied the Commissioners with a report including information now brought up to everyone publicly from that report. She said these issues have now been manifested and it is the desire of the IMA to have Matt Kline removed from office.

Darlene Armour, 1007 Wayne Street, said she chose to retire to Sandusky and feels this is a disgraceful moment in our government for the citizens of Sandusky because of the injurious comments made. She said this is an infraction of a grave nature. She asked for the city's Mission Statement, as outlined on the website, to be reviewed as the values are outdated and a new one should be drafted. She said an Administrative Services Code of Values should be addressed and violations should be treated as a misdemeanor. She also said she does not believe the city owes Matt Kline any severance pay.

Sharon Johnson, 1139 Fifth Street, said Matt Kline, Scott Schell and Ed Widman should be fired. She said no one came forward with correct information about the \$100,000 check and there should be checks and balances. She said whistleblowers in the city should be protected. She said this is a breach of trust and steps should be implemented so this does not happen again.

Dan Kaman thanked Sharon Johnson for continuing to ask about the matter of the \$100,000 check as the Commissioners kept being told this was taken care of. He said he believes the Commissioners were all betrayed about this. Sharon Johnson said questions have repeatedly been asked about the Marina District and she was treated poorly and as a negative person and was asked to stop asking questions which she felt the City Commissioners should have been asking about the developer. She said the

Commissioners trusted staff too much about the financial stability and credibility of the developer. She said the public was let down and the Commissioners were protecting the developer.

Dr. Richard Koonce, 1703 Pierce Street, said he was recently elected as a public official and loves Sandusky but is very disappointed at some of the things he has seen here in the last few years. He said the recent revelations surrounding Mr. Kline are a travesty. He said every decision Matt Kline has been involved with regarding personnel should be looked into – especially those involving people who were fired or reprimanded as to their justification. He said the citizens particularly need to know more about the CHIP program and a pending federal investigation which the public has a right to know about. He said a man's life was destroyed in the public and reiterated Matt Kline should be reprimanded or disciplined.

Barbara Linden, Muirwood Village, said the city needs to be cleaned up starting with wiping out the current City Commissioners and starting out new, especially those who are considered friends of Matt Kline who serve on the Commission.

Fred Farris, 1205 Wamajo Drive, said he agrees with Barbara Clark that there is corruption in the city government, the Sandusky Police Department and the DEA's office. He said there should be an investigation into these organizations because of undercover things going on. He said this was the reason people wanted Kim Nuesse out of here as she was not considered a 'good old boy' and people are not treated right by the SPD and the DEA.

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

John Ginty, 5055 Providence Drive, asked if more information could be provided for the public about where money is being spent. He asked questions about Item #3 regarding the contracting of work to be done in the Building Division by Don Waggoner and Scott Mularoni. He said he was aware Item #4 was a routine permit from the EPA. He said that Item #5 involved spending money for a company from Elyria and wanted us to keep money in the city. He asked about Item #7 and the proposed grant by Home Depot. He asked how the city would maintain the playground once it has been installed.

**Upon motion of Dan Kaman and second Dave Waddington, the commission voted to immediately terminate Matt Kline for conduct unbecoming of a public official and give him only his vacation and holiday pay as he has coming to him.**

*Discussion:* Julie Farrar stated when this transcript came out publicly last week, it was the first time she and the other Commissioners learned about it. She said that sometimes Commissioners are aware of information which others are not privy to and the seven do not always talk to each other. She said there are other things she has recently become aware of that she never knew about and she feels the Commissioners all need to communicate better. This does not mean anyone was "for" somebody or "part of this" nor a part of any jokes about race. She was offended, as were the rest of the City Commissioners, and does not feel this is appropriate conduct for anyone. Dave Waddington said he too was insulted and met with Don Icsman on Saturday after learning about it on Wednesday. He heard several comments from teachers and some of the students at school and said it is insulting. He had a lot of questions and supported Chief Nuesse and has taken a lot of heat for this. He said he believes this is what caused a separation at the Commission table and hopes to all work together after the first of the year. He said he talked with Julie Farrar over the weekend and said there are some other things that have come up. He said if he is fortunate or lucky enough to be the mayor, he wants all of the Commissioners to be made aware of things, not just one or two. He made it very clear to Don Icsman that if he knows something, everyone else at the table should also be made aware to get rid of this black eye for the community. Craig Stahl asked how much money would be paid to Matt Kline. Dan Kaman said his holiday pay and vacation pay which he is entitled to (but not his sick hours) has been confirmed by Don Icsman to be \$7,774.03. Dan Kaman said he felt Matt Kline should receive pay for what time he has coming to him but nothing extra. Pervis Brown said he had received comments over the weekend and the feelings in the community are enormous and the city is divided and searching for identity and looking to move forward. He said he hoped this would give the city an opportunity to take a deep breath and put the city back together by working together to heal the city. Craig Stahl said we need to let the healing begin.

**Don Icsman said he wished to clarify for the Commissioners they were voting to terminate Matt Kline without a separation agreement and without the offer to resign. Roll Call on the motion: Yeas: Dan**

**Kaman, Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington, 7. Nays: 0.**

Sharon Johnson, 1139 Fifth Street, asked about the \$128,000 cost overrun on Item #5 and said she understood the city workers were going to do this but changed their mind. John Hancock asked Dan Miller of Jones & Henry to respond to the question as he is the project engineer. Dan Miller, Jones & Henry Engineers, 17566 County Road F, Wauseon, OH, stated PP2 is one of the older feeders at the WWTP. The original drawings showed PP2 being fed from the main switch but this is not the case. It is actually fed from a switch that is being replaced and a new feeder must be placed for PP2. The power panel was installed in 1957 and they were asked if it could be replaced under this project. The new MCC was not in the original design and it was thought to have fed from PP2. After speaking with the city's electricians, he learned they did not have the expertise or the ability to bend the conduit as necessary for installation. Sharon Johnson asked if the city should have known about this previously and Dan Miller stated in his conversations with Jeff Meinert that if they had been aware, it would have been included in the original bid price. Dave Waddington said as the liaison to this Department, he spoke with representatives from Jones & Henry and this work could not have been anticipated as outlined in the communication on tonight's Agenda. Further, he stated \$78,327 of the cost would be paid for by the city through our OWDA loan while \$49,867 would be paid by the county.

Dennis Timple, 553 Bimini Drive, asked if the city was hiring outside people to perform work which could be done in-house in reference to Item #3 for Building Plan Review by Don Waggoner and Scott Mularoni. Julie Farrar said she asked the same question when she read this communication and stated there needs to be coverage/alternates when Plan Reviews are needed. She said George Poulos, Scott Mularoni and Don Waggoner have their own businesses. George Poulos is paid a salary of \$32,870 while a total of \$10,000 (\$5,000 each) would be available for Mr. Mularoni and Mr. Waggoner. She said if a full-time person was hired to perform this work, a full-time person would still require coverage for vacation and other time off. Dennis Timple stated Don Waggoner is the Building Official from Ottawa County and he is more familiar with their codes than he is with ours.

**Upon motion of Dan Kaman and second of Julie Farrar, the Commissioners approved the minutes of the November 9 and November 18, 2009, meetings and dispensed with the oral reading of the minutes. All Ayes. The President declared the motion passed.**

**A Presentation was made by Diedre Cole, Tim Schwanger, Ruth Haag and Mike Pisarsky entitled "Lessons from Louisville".** Ruth Haag said she understood a presentation would be made at a future Commission meeting regarding Erie, Pennsylvania, but wanted to make mention of Erie's peninsula and waterfront as she grew up there. She said their peninsula is similar to Sandusky's and public parks and development are prevalent on their Bayfront. They have a small amusement park, shopping and public beaches similar to Sandusky although our amusement park is at the entrance to the peninsula, our shopping is based more in Perkins Township and our beaches are mostly private. Erie also has a strong industrial history similar to Sandusky. Diedre Cole then gave a brief statement about how the trip to Louisville began with an idea by simply Googling "waterfront development" and thanked the Commissioners for the opportunity to be here tonight. She said today is a new day and hopes the shock, pain and hurt will dissipate and what has occurred will be fixed. She said this positive information being presented is a good start and is exciting for the city. Diedre Cole said she wanted to provide some of the framework from work other communities have done with their waterfronts which have been successful. She said she is amazed what they have done in Louisville and also invited Jason Singer from The Sandusky Register to go on the trip to help tell their story. They used approximately \$350 of their own resources and spent about twelve hours on their adventure. Ruth Haag then referenced a power point presentation with a model of the development. Tim Schwanger said an aerial photo showed the downtown area of Louisville and there were no condominiums or commercial property on their waterfront with the exception of two restaurants, Joe's Crabshack and Tumbleweeds. There were numerous recreational amenities within the park and three percent of their gross profits are given back to their waterfront corporation for future park development. There was a vendor area which included 30 – 40 vendors. The water and sewer infrastructure was all underground and the electricity was all contained within decorative light poles. There is an amphitheatre and it is estimated 1.5 million persons visit this area each year. With Sandusky welcoming over 3 million persons each year, many of them do not ever see our downtown. Representatives from Louisville estimate over 200 festivals, concerts, weddings, etc. take place each year on their waterfront. There is a sculpture of Abraham Lincoln and many shady areas. Mike Pisarsky said on their journey, he noted the view of the waterfront was not blocked other than near an industrial area closed off by trees which also served as a buffer for the adjacent highway noise. He said there were many native and non-native plantings and an off-ramp was

removed over a weekend so as not to disturb normal traffic flows during the work week. The open, greenspace areas are used by college students and were made readily available to draw people. The statue of Abraham Lincoln was erected in his memory as he was moved by observing the slave boats being loaded at this location and hated how the slaves were treated. There is a swing park on the waterfront for kids and many areas of shade to find relief from the sun.

Ruth Haag said a total of 85 acres of industrial land was converted into park/greenspace and prior to the redevelopment, this area held approximately 500 jobs while afterwards, approximately 5,000 jobs now exist. She said it is now a place where developers want to be. She stated a diverse feature of the Southeast corner of the Chesapeake Loft property could be a splash pad, water access, some natural plantings and transient dockage. She said the restaurants in Louisville were built on steel pilings to protect them from flood control and we have a plume to consider in Sandusky. She said our parks could use some blending and the creation of more activities to join one park to the next. She said Sandusky is unique in our concepts and what we are doing and everyone from the community should be included to learn what will work and what successes other communities have had. She said the waterfronts in the South Bronx, Louisville and Boston are all success stories and others which were unsuccessful were developed by out-of-town persons. Ruth Haag said our waterfront parks could be made to be a destination but there are some roadblocks for developers and the community must be involved from the beginning. Diedre Cole said we can do anything by working together and although our demographics are different, we can do something different to come up with new plans for our parks. She said the gentleman they met with in Louisville did not like the concept of privatizing parks or using waterfront parks for condo development at all. She said it would be a huge mistake to give up space for private development as once public lands are given up, they are gone forever.

Julie Farrar asked how long it took to complete the development in Louisville and Diedre Cole said they began with the creation of a Master Plan in 1986. She learned that their biggest hurdle was the control of the property which previously was more privatized than public. She said we are about ten years ahead of the game as the bulk of our waterfront is already public. Diedre Cole stated they plan to make this presentation again on December 5 at 1 p.m. at the Central Fire Station and will schedule others to disseminate information for the public and start the process for Sandusky.

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

**A Public Hearing was held regarding Providence Care Center's request for a vacation of a portion of Central Avenue (formerly Lawrence Street) right-of-way lying South of Buchanan Street in the vicinity of 2025 Hayes Avenue.** Carrie Handy said this vacation request by Providence Care Center was approved by the Sandusky Planning Commission. She said there are no utilities on this property and the research showed the property had not been previously vacated, although the Center currently utilizes it as a portion of their parking lot. The area is 82.64' x 99.97' and does not connect to anything. There were no questions and/or comments regarding the proposed vacation and the Public Hearing was declared closed.

**ITEM #1 – Submitted by Edward A. Widman, Finance Director**

**Budgetary Information:** Amendments are required to adjust the budget for previous actions of the city. The City Commission has approved several contracts that are being added to the budget at this time. These items include Sandusky Transit System, Sandusky Municipal Court Special Accounts, specified capital projects. In addition, the amendment covers the budget adjustments required for the recent Various Purpose Improvement Notes which were retired on October 21, 2009.

**ORDINANCE NO. 09-095:** It is requested an Ordinance be passed adopting Amendment No. 2 to Ordinance 09-012 passed by this City Commission on March 9, 2009, **making General Appropriations for the Fiscal Year 2009;** 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: Dan Kaman, Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Dan Kaman, Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington, 7. Nays: 0. The President declared the Ordinance passed.**

**ITEM #2 – Ordered in on October 26, 2009**

**ORDINANCE NO. 09-096:** It is requested an Ordinance be passed **Amending Part Five (General Offenses) Chapter 505 (Animals and Fowl)**, 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 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:* Brett Fuqua said he was not here when this legislation was ordered in, but asked about consideration for humanely euthanizing cats rather than the Trap, Neuter and Release program. He said if cats are feral, would it not be better to euthanize them. He said he is not anti-animal, but wants to understand the purpose of this. John Hamilton said he believed the thinking of the Director of the Humane Society is if you euthanize cats, more will replace them, and sterilizing ensures less of an influx of feral cats.

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

**ITEM #3 – Submitted by Kathryn K. McKillips**

**Budgetary Information:** The cost of this contract has been included in the Building Division 2010 Draft Budget. A portion of the cost of the contract will be paid by the collection of plan review fees by the Department of Planning, Engineering and Development.

**ORDINANCE NO. 09-097:** It is requested an Ordinance be passed authorizing and directing the City Manager of the City of Sandusky, Ohio, to enter into a **consulting contract with Don C. Waggoner for CY 2010**, a copy of which is attached hereto; 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 Pervis Brown, 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:* John Hancock stated these positions were necessary for Plan Review purposes by certified individuals and they are paid by the hour when and if needed. Sometimes they are not used at all. Bob Warner said he understood the city does not pay benefits for these Plan Reviewers and in the long run, this is a savings for the city. Julie Farrar asked if there was ever a problem with availability and John Hancock said no. He said the reason for having two alternates is in case there are timing conflicts. John Hancock said the fees to those performing Plan Review are paid by the applicant's Building Permit Fees and thus far this year, Scott Mularoni has only billed the city \$715 while Don Waggoner has not billed us at all. He said this is a reciprocal arrangement and both Sandusky and Ottawa County utilize the Ohio Building Code so there is no difference in the enforcement or regulations. Dan Kaman asked if more collaboration could be developed between the reviewers and the city inspectors so they have more of an understanding and projects are done per plans.

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

**ORDINANCE NO. 09-098:** It is requested an Ordinance be passed authorizing and directing the City Manager of the City of Sandusky, Ohio, to enter **into a consulting contract with Scott J. Mularoni for CY 2010**, a copy of which is attached hereto; 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. Roll Call on the motion: Yeas: Dan Kaman, Julie Farrar, Brett Fuqua, Pervis Brown, Bob Warner and Dave Waddington, 6. Nays: 0. Abstain: Craig Stahl, 1. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Dan Kaman, Julie Farrar, Brett Fuqua, Pervis Brown, Bob Warner and Dave Waddington, 6. Nays: 0. Abstain: 1. The President declared the Ordinance passed.**

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

**Budgetary Information:** Funds for this licensing fee are routinely included in the Big Island Water Works operating budget each year.

**ORDINANCE NO. : 09-099:** It is requested an Ordinance be passed authorizing and **directing payment to the State of Ohio Environmental Protection Agency for the renewal of the license to operate a public water system 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 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: Dan Kaman, Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner and Dave Waddington, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Dan Kaman, Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner and Dave Waddington, 7. Nays: 0. The President declared the Ordinance passed.

**ITEM #5 – Submitted by Kathryn K. McKillips, Engineer**

**Budgetary Information:** The Change Order No. 3 will increase the contract with Mosser Construction by \$128,195.26. The revised contract amount is \$16,673,390.86 which remains within the original project budget. The city's share of the change order is \$78,327.30 to be paid with Sewer Funds through the project's OWDA loan. Erie County's share is \$49,867.96.

**ORDINANCE NO. 09-100:** It is requested an Ordinance be passed authorizing and directing the City Manager to **approve the third change order for work being performed for the Wastewater Treatment Plant Expansion Project Phase II in the amount of \$128,195.26 to be paid to Mosser Construction of Fremont, 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. Roll Call on the motion: Yeas: Dan Kaman, Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner and Dave Waddington, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Dan Kaman, Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner and Dave Waddington, 7. Nays: 0. The President declared the Ordinance passed.

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

**Budgetary Information:** There is no budgetary impact with this item.

**ORDINANCE NO. 09-101:** It is requested an Ordinance be passed authorizing the City Manager to **enter into a License Agreement to provide for the use of a certain portion of the city's park property (commonly referred to as Wilbert Park) as described in the grant of a license for encroachment;** and declaring that this Ordinance shall take effect under suspension of the rules as contained in and in accordance with Section 13 of the City Charter.

Upon motion of Bob Warner and second of Julie Farrar, the Commission authorized the passage of this Ordinance in and in accordance with Section 13 of the City Charter. Roll Call on the motion: Yeas: Dan Kaman, Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner and Dave Waddington, 7. Nays: 0. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Dan Kaman, Julie Farrar, Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner and Dave Waddington, 7. Nays: 0. The President declared the Ordinance passed.

**ITEM #8 – Submitted by Carrie R. Handy, Chief Planner**

**Budgetary Information:** The administrative action will not impact the city's operating budget.

**ORDINANCE NO. 09-102:** It is requested an Ordinance be approved **vacating a portion of Central Avenue (formerly Lawrence Street) lying South of Buchanan Street and adjacent to 2025 Hayes Avenue by Providence Care Center, within the City, as set forth on the vacation plat,** a copy of which is marked Exhibit "A", attached to this Ordinance and incorporated herein; and declaring that this Ordinance shall take effect under suspension of the rules as contained in and in accordance with Section 13 of the City Charter.

Upon motion of Dan Kaman and second of Julie Farrar, the Commission authorized the passage of this Ordinance under suspension of the rules as contained in and in accordance with Section 13 of the City Charter.

*Discussion:* Dave Waddington stated this item has been recommended for passage by the Sandusky Planning Commission.

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

**ITEM #7 – Submitted by John Hancock, Director of Engineering, Planning & Development and Sharon Evanich, Grants Administrator**

**Budgetary Information:** If the grant application is awarded, the City of Sandusky will receive \$2,470.38 to purchase tools and materials from Home Depot for volunteers to use in order to build an accessible playground at Huron Park. The Home Depot grant would support funding initiatives from the U.S. Department of Housing and Urban Development: Community Development Block Grant to improve Huron Park features in 2009 and 2010. No matching funds are required.

**RESOLUTION NO. 032-09R:** It is requested a Resolution be passed **approving the submission of a Grant Application to the Home Depot Foundation for the 2009 Building Healthy Communities grant program for funding for a playground at Huron Park and, if awarded, authorizing the City Manager to execute any required agreements;** and declaring that this Resolution shall take immediate effect in accordance with Section 14 of the City Charter.

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

*Discussion:* Dave Waddington said he certainly appreciates all of the people who volunteer for the city and hopes these tools can be stored at the greenhouse for future use by city employees. John Hamilton said he also had this concern and wondered about the city's legal liability with volunteers using city equipment and also about making these tools available for other future projects.

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

#### **CITY MANAGER'S REPORT**

**Upon motion of Dan Kaman and second of Pervis Brown, a donation in the amount of \$1,000 was accepted from Karen Painter, in memory of her father, Howard Painter, who served on the Police force from 1949 – 1955, for use by the Sandusky Police Department's K-9 unit. All Ayes. The President declared the Motion passed.**

**Upon motion of Dan Kaman and second of Bob Warner, numerous individual donations were accepted for the Friends of the Greenhouse in the amount of \$335. All Ayes. The President declared the Motion passed.**

#### **OLD BUSINESS**

Dave Waddington asked if Don Icsman would get the **energy audit for the City Building moving forward with Honeywell** as it seems we are spinning our wheels.

Dave Waddington asked if it is possible to hear an update about the **housing investigation** and where we are with this currently. Don Icsman responded by saying he does not disagree this seems to be taking a very long time, but he has been assured this issue has not been kicked to the curb. He understands the resources of the federal agency involved are limited and they are progressing as time permits. He said the investigation into other contractors for homes which were not completed or done improperly (besides the one involved in a civil case) are currently held up by an appeal due to a legal issue. As soon as this has been resolved, we may be able to proceed to do discovery and take depositions which may lead to other evidence. Dave Waddington asked if the city would have to put up general fund money to make this right or if the insurance would take care of it. He said we should get a handle on the costs for the redo's and the insurance company should be chasing down contractors for bad work. Ed Widman said he does not have a response about the insurance coverage, but feels there are legal remedies which must be exhausted first. Don Icsman said if we were to get a bill for this, we

would be able to spread the payments for any judgment over time and finance it similar to what we did in the Harris case. He hopes we will not have to do this and that our insurance company will pay for litigation and/or any judgment made. **Dave Waddington asked if Don Icsman could prepare a monthly status report about this, and other cases, in litigation.** Don Icsman said similar to the Cuyahoga County indictments, a deal is usually made prior to the arrests being made. Dan Kaman asked Don Icsman to convey the Commissioner's frustrations regarding this matter. Don Icsman said he would and also wanted to remind the Commissioners that the employee who was relieved of his duties was given the benefit of a scheduled hearing which he did not show up for at the time of his dismissal.

Dave Waddington asked if Dan Kaman could be appointed as the **city's representative for meetings with the county about the sale of our water.** He said there is some confusion about the amount of money paid for water by city residents vs. county residents/customers. He said the wholesale rate paid by the county (to the city) is doubled for residents in Perkins Township and city customers actually pay more for their water per cubic foot than the county pays the city for water since we sell it to the county at a wholesale rate. Craig Stahl said he will contact Pat Shenigo to schedule a meeting to discuss this with himself and Dan Kaman. Dan Kaman said if the public has questions regarding the rates they are paying, their anger should not be directed at the city; rather, they should contact the County Commissioners about why the county doubles its rates for their customers. He said the city does not do this and he will convey this message to Pat Shenigo when he meets with him.

Kim Nuesse asked about the proposed **wind turbine project for Sandusky** and the suggestion from the company doing the installation that the city will only pay for the power. She inquired whether a price study or comparison was done to show what we currently pay vs. what we will pay. She understood the company quoted the city \$.099/kWh and an annual escalator for approximately 20 years. She asked if there were any comparison base for this and if there were a price study. Kim Nuesse also asked if the ownership of a supply source for the electricity would mean lower rates overall. Dave Waddington said he understood the rate was lower, or \$.07 in 2009, and would increase to just over \$.09 in 2009.

Dave Waddington stated the Wightman Wieber and Sandusky Erie County Community Foundations have both paid for a **\$15,000 report regarding wind study for the Water Treatment Plant and the Wastewater Treatment Plant** and we should be following up on this, and other questions relating to it.

Dan Kaman said the **pergola was recently installed in Shoreline Park**, courtesy of Mrs. Ruth Parker, and looks good and will help to allow for a shady area for people to sit.

John Feick was then invited to address the City Commission about the **West End overpass project.** He stated his thoughts were that the city could build two alternate routes and be done with it rather than the grandiose plan currently proposed. He said he has received letters from District Petroleum about their concerns in decreasing drive-by traffic and John Feick asked anyone present from the West end to indulge him. John Feick said he is in favor of building an overpass, but the manner in which the engineering firm was hired has been flawed from the beginning. He stated there were numerous public hearings held by the city with standing room only and believed the location was already selected prior to these meetings. There is opposition from thriving businesses which may be closed, from a number of residents, many of whom cannot relocate and they have real concerns. He said his calls and letters have been ignored and the plan has not been supported and questioned why it was chosen. He felt the chosen plan generates the largest fee for the engineering firm and is the most expensive to build. He said with the budget cuts, there will be cost overruns which the city will be solely responsible for. John Feick said if an emergency really exists, this process started seven years ago and we are still waiting. Dan Kaman stated he lives on the west end and this is now a State project. For the city to keep changing its mind and battling about the current plan, we will never see this happen. He said it seems to him to be a 'take it or leave it' situation and there is no perfect plan but we have to go with what we've got. He said the City of Bellevue recently went through the process and it was difficult and frustrating. He said the railroad business is only getting bigger and J.B. Hunt is expanding and we should stick with what we have. Julie Farrar said she is familiar with some coal trains blocking crossings and people being late because of this. She said the city is waiting for the State of Ohio but does not support sending any business owners to the poor house similar to the conversations about keeping the city's 19 haulers in business. Dan Kaman said this is not now a decision for the seven City Commissioners, rather it is for the State of Ohio and Norfolk Southern. He said the biggest decision the city had to make was what two crossings to close in order to build the overpass.

Dave Waddington asked about the report which was distributed about the **status of the Keller Building** and asked if the city was going to spend some money for repairs. Dave Waddington said he knows some of the windows are still blown out. John Hancock said the city did receive a bid for boarding up windows

and this will be done by city forces after the fall schedule is complete and winter sets in. He said he has received a quote to secure the roof and was in the process of working with the City Manager to obtain his concurrence to do this work. He will now be meeting with Don Icsman to share this information and make some decisions. John Hancock said the photos and narrative distributed fully explain the status of the building. Dan Kaman said some history needs to be put in order as the Keller Building is tied to the Chesapeake Marina project. At one time, a decision was made to tear it down, and then the Commissioners were told they had to wait to tear it down because of historical reasons and then the decision was made to mothball the building or the city would have had to pay back the \$3 million. There should be grant monies left to secure or mothball the building and this is what we should be doing until we find a developer. Dave Waddington said the city ended up with the Keller Building through a \$100,000 fine relating to the Chesapeake development and there is an MOA addressing issues with the Keller Building. These issues have a five-year window with about two years left. Don Icsman stated if there is a MOA and there was \$100,000 available; he does not know how much of this is left and if it will be sufficient to make the necessary repairs. The parties are supposed to get together to find other funding to secure the building if it is unsafe. In the alternative, George Poulos has the ability to condemn the building if it is deemed unsafe. He seemed to think if the \$100,000 was not gone prior to the current and proposed work being done, it will be gone. Pervis Brown asked what it would take to remove the water tower from the building. John Hancock said he did not know yet but he will get those figures as well as there were some estimates prepared previously. Dan Kaman questioned the historical significance of the tower and chimney and asked if strain gauges could be placed on the chimney (cracks) which would not change the overall look. Dave Waddington asked Don Icsman to contact the Ohio Army Corps of Engineers and the Old House Guild to see if collaboration could be reached and if there are insurance monies left to cover some of the repair expenses. Dan Kaman said we did the same thing last year and waited until winter to board things up. Don Icsman said it would be a good idea to get involved and try to help now. Ed Widman said he believed there was \$10,000 available but does not know how much of this is left.

**Upon motion of Dave Waddington and second of Pervis Brown, the Commissioners voted to table this and give John Hancock and Don Icsman the opportunity get together and get moving on this Keller Building project.**

John Hamilton asked about the status of the proposed redevelopment of this building and if the city was permitted to perform work upon it with a bid/developer out there. Dan Kaman said there was a potential developer who has since said he no longer wants to develop it.

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

Pervis Brown asked about a **survey for the reconstruction of C Street** that has been around for a long time. John Hancock said he knows this is on the city's list, but will look into the current status.

Dan Kaman said he was asked by the Clerk to bring up a discussion to schedule a date for the **swearing in ceremony for the two Commissioners-Elect**. Dan Kaman proposed holding this at 5 p.m. on Tuesday, December 29 and with the concurrence of those present, this was scheduled.

Craig Stahl said he wished to have Dan Kaman appointed to fill **the Erie County Economic Development Corporation's seat on the city's behalf** for the next two months, or until such time as a new City Manager is appointed. He said there is a regular monthly meeting tomorrow at 8:30 a.m. **Upon motion of Pervis Brown and second of Julie Farrar, Dan Kaman was appointed to serve on this Board. All Ayes.**

Craig Stahl said he also wished to make **reappointments to a very important city committee, that being the Audit/Finance Committee**. He said there are three reappointments he wished to propose for Don Miears, David Hoffman and Alan Nickles. He said there will also be one opening for a vacant seat which should be filled after the first of the year. **Upon motion of Dan Kaman and second of Dave Waddington, Don Miears, David Hoffman and Alan Nickles were reappointed to serve another 2-year term (terms ending December 31, 2011) on the Audit/Finance Committee meeting. All Ayes.**

Craig Stahl asked the City Commissioners to also consider the **reappointment of Ed Feick as the city's representative on the Erie Metropolitan Housing Authority Board** as his term will be expiring on December 8, 2009, and the Executive Director has expressed a desire to have a full board and quorum after this date. **Upon motion of Dan Kaman and second of Dave Waddington, Ed Feick was**

reappointed to serve another five-year term, for a term ending December 8, 2014, on the Erie Metropolitan Housing Authority Board. All Ayes.

#### NEW BUSINESS

Julie Farrar said as the liaison to the Bayfront Corridor Committee, she asked if **all Commissioners could be provided copies of minutes from board and commission meetings so that they can keep abreast of what is going on with them.** Dave Waddington indicated this was done verbally during City Commission meetings while in his first three or four years with the city. Craig Stahl said he thought this was a great idea. Julie Farrar asked how difficult it would be to place these on the website similar to the City Commission Minutes are placed on the website. Kelly Kresser said not all of the Committees have a person who takes minutes but for the ones that do, it would be an easy task to perform (putting them on the city's website). Jim Arthur, who is the recording secretary for the Tree Commission and present in the audience, asked for clarification of providing complete minutes or an executive summary to the City Commission liaison to share with the other Commissioners. Dan Kaman said when he was on the Brownfield Committee, they were too detailed. An executive summary for the respective Commission liaison will be prepared so that he or she can report back to the full Commission body.

John Hancock said he wanted to make the City Commissioners aware that at the next meeting, there will be an **additional cost to be approved for the WWTP project which is the result of Ohio Edison requiring the city to revise the primary service to the plant.** This will result in an additional project cost of approximately \$34,000. He stated this was their (Ohio Edison's) call to revise the primary service and the cost is to be borne by the city. There will be a sense of urgency to approve this. Dan Miller of Jones & Henry Engineers stated Ohio Edison asked for the increase in the primary voltage (4,170 now, increasing to 12,470) to protect the lines although we are currently using only 30% of our rated capacity. Ohio Edison has stated this will protect their downstream or upstream fusing and give a more reliable service. This will protect them if the plant happens to use more service in the future. He said \$10,000 of the cost is for the drop and \$24,000 will be to change primary lines, insulators and meter. Craig Stahl suggested we say no and not do this. John Hancock said the city is not really being given a choice; rather, we have to do this as required by Ohio Edison. Dennis Timple, audience member, asked why we would have to do this if we are talking about putting in a turbine generator which would reduce the amount of power needed anyway. Dan Miller said he really cannot answer that question but they are replacing one transformer from 1,000 KB to a 1,500 KB feeder which is an increase; Ohio Edison has said this will protect their downstream, which will be ahead of the new wind turbine. He said he is not an electrical engineer; this is what he understands from Ohio Edison.

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

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

Norm Stierhoff, 5415 West Bogart Road, Castalia, stated he has a business on Superior Street which was constructed in 1966 and helped to pay for Superior Street. He stated the railroad has done nothing for us and what we are doing for the railroad by closing Superior Street is killing us (meaning his business). He said the closure of Superior Street would only force traffic to utilize Ferndale and we are still two years away from the start of construction if we change the plan now. He believes we would be better off without the overpass and asked the Commissioners to reconsider for the people in Sandusky and we can live with the traffic the way it is and not cave to the railroad.

Julie Farrar asked how long before persons on Ferndale would be calling to complain about the trucks and traffic in their neighborhood once completed. Craig Stahl said Ferndale is about as big as the alley the Commissioners voted to vacate tonight by Providence. Dan Kaman said Ferndale would be rebuilt according to the plan. Brett Fuqua said he sympathizes with Mr. Stierhoff's concerns, but supports the life saving measures which the overpass would bring. He said he has talked with the city's EMTs and a few minutes can be critical for life vs. death. He said if we do not build this overpass, he cannot put a price on a life in spite of also not wanting to lose a business.

Sharon Johnson, 1139 Fifth Street, said she would like to see minutes of the different Committees made available to the public to be better informed. She asked Don Icsman if it were a violation of the

Sunshine law for these **not** to be made available. Don Icsman said the elected officials as a body are required to keep minutes of meetings and action taken, not individual committees. Sharon Johnson also asked if the boards which have upcoming expiring terms could be opened up for others to have an opportunity to serve prior to just reappointing current members.

John Ginty, 5055 Providence Drive, stated the permit voted upon tonight for the Water Plant is a result of the EPA running amok. He said pollution continues to be a problem while executives are getting large bonuses. He said things like disposal of medications at the landfill and other things are great objectives and need to be looked at.

Darlene Armour, 1007 Wayne Street, said the Neighborhood Advisory Committee has been researching a tool shed and the tools donated by Home Depot will be turned over to the city after the playground installation. She said at the opening of the meeting, there was palpable tension in the room and words can hurt and divide. She said the city should revisit its mission statement and draft values of decency for all city employees and to make those culpable for listening to a conversation and not responding. She said this is needed now and that there is resolution upon the dismissal of an employee but we should not just sweep this under the rug, rather take steps to ensure it does not happen again.

Kathie Mueller, 7707 Patten Tract Road, said during this Thanksgiving season, to keep mindful of those who are homeless including veterans, children and families living on the streets, in cars and local homeless shelters. She hopes we can all come together to solve these social justice issues for a stronger, more caring community.

Craig Stahl stated his desire to let the healing begin and wished everyone the happiest of Thanksgivings.

**At 7:42 p.m., the Commissioners adjourned the regular session. At 8 p.m., the Commissioners went into Executive Session; at 8:47 p.m., the Commissioners adjourned the Executive Session.**

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*Kelly L. Kresser*  
*Interim Clerk of the City Commission*

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*Craig H. Stahl*  
*President of the City Commission*