

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

The Clerk called the roll and the following Commissioners responded: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse.

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

City staff present: Todd Roth – Engineer, Jim Lang – Interim Police Chief, Jim Green – Sandusky Fire Department Captain, Don Icsman – Law Director & Acting City Manager, Hank Solowiej – Finance Director, Kelly Kresser – Commission Clerk.

Upon motion of Pervis Brown and second of Dave Waddington, the Commission voted to approve the minutes of the December 13 and December 15, 2010 meetings, and dispensed with the oral reading. All Ayes. The President declared the motion passed.

AUDIENCE PARTICIPATION (*Agenda Items only*)

Tim Schwanger, 362 Sheffield Way, asked why there is a jump in the Buckeye Ohio Risk Management Association (BORMA) premium, Item #7. He said in 2009, the cost was \$390,000 while this year it is \$488,000. He asked how this increase affects the other cities in BORMA.

AGENDA ITEMS

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

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

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

ORDINANCE TABLED 11.22.10 and 12.13.10

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

Upon motion of Dave Waddington and second of Pervis Brown, the Commission voted to table this item.

Discussion: Dave Waddington said the new Memorandum of Agreement (MOA) was received but the Ordinance was not edited; he said he would like to see this done before approving the Ordinance and MOA.

Roll call on the motion: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed.

ITEM #2 – Submitted by Amanda Meyers, Paralegal and Carrie Handy, Chief Planner

Budgetary Impact: The cost of this acquisition will be approximately \$1,900 in title fees, title insurance, escrow fees, deed preparation, closing costs and transfer fees, but upon sale the purchaser(s) shall be required to pay these costs and the city will recoup them. The taxing districts will not collect the delinquent taxes, assessments, penalties and interest currently due and owing in the amount of \$8,398.17, of which \$5,728.63 is owed to the city for assessments. However, by returning this abandoned non-productive land to tax producing status, the taxing districts will begin collecting approximately \$718.09 yearly in real estate taxes and assessments, which will eventually increase with development of the vacant lots.

RESOLUTION PASSED FIRST READING 12.13.10

RESOLUTION NO. 043-10R: It is requested a Resolution be passed approving and accepting certain real property for acquisition into the land reutilization program (second reading).

Upon motion of Pervis Brown and second of Kim Nuesse, the Commission voted to adopt this Resolution under second reading. Roll call on the motion: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Resolution: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Resolution passed.

ITEM #3 – Submitted by Carrie R. Handy, Chief Planner

Budgetary Impact: The cost of this contract is covered by administrative dollars allocated in the revolving loan fund program and monitoring fees collected by the enterprise zone program. A portion of the cost of the contract is also covered by administrative dollars received in conjunction with the Community Development Block Grant (CDBG). There will be no impact on the general fund.

ORDINANCE NO. 10-156: It is requested an Ordinance be passed authorizing and directing the City Manager to enter into a consulting contract with Gregory E. Sherman for CY 2011, a copy of which is attached to this Ordinance; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Pervis Brown and second of Dave Waddington, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

ITEM #4 - Submitted by Judy Nagy, Recreation Program Supervisor

Budgetary Impact: It is the desire of these fees to continue to maintain and increase the overall usage of the course through membership, punch cards and daily paid rounds. We will continue to strive to be one of the areas lowest priced golf courses while providing a quality experience for golfers, attracting both locals and visitors.

ORDINANCE NO. 10-157: 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 Diedre Cole, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter.

Discussion: Dave Waddington said the members of the Recreation Board discussed the fees for Mills Creek Golf Course at their December meeting noting one small increase in the lunch special. He believes the rates are competitive and is hopeful the golf course will finish in the black.

Roll call on the motion: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

ITEM #5 – Submitted by Jane E. Cullen, E.I.T.

Budgetary Impact: The original contract price was \$167,056.95. The final contract cost including the change order in the amount of \$33,324.71 is \$200,381.66 to be paid with community development block grant funds.

ORDINANCE NO. 10-158: 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 2010 City of Sandusky resurfacing program in the amount of \$33,324.71 to be paid to Erie Blacktop, Inc., of Sandusky, Ohio; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

Discussion: Diedre Cole asked about the additional \$950 cost for the centerline striping as there is only 25'. Dan Kaman said he believed this change order was for the additional streets. Todd Roth said he could find out exactly what the additional cost included. Dan Kaman said he would like to see enforcement of the four cross walk areas in the city as drivers do not stop their vehicles when they see a

person in the crosswalks and some education is necessary. Diedre Cole asked about pavement markings for crosswalks and Todd Roth said typically this is done through signage. Todd Roth said if drivers are ignoring the painted crosswalk areas, signage would be more effective.

Roll call on the motion: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

ITEM #6 – Submitted by Todd J. Roth, Director of Planning, Engineering and Development

Budgetary Impact: There is no impact on the general budget.

ORDINANCE NO. 10-159: It is requested an Ordinance be passed authorizing and directing the City Manager to enter into a three (3) year lease agreement with Buoy Bros. Trucking, LLC, of Sandusky, Ohio, for the property located at 3807 and 3811 West Bogart Road for agricultural and related purposes; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

Discussion: Dan Kaman asked if this property could be sold after 2011. He said the structures were burned down this summer and believes it may be the right time to sell it. Don Icsman said it may a good time to buy property, but it is not a good time to sell property because of the current state of the economy. He said so long as the city can get fair value, he would be for this (selling).

Roll call on the motion: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

Don Icsman complimented Todd Roth for getting this lease completed so the city can get its fair return for the property.

ITEM #7 – Submitted by Hank S. Solowiej, CPA, Finance Director

Budgetary Impact: The City of Sandusky has participated in this insurance program since 1987. The annual cost has become part of the annual operating budget. Based on the formula to calculate pool membership, Sandusky's total cost for 2010 – 2011 will be \$488,244.00. The insurance year is December 1, 2010 through November 30, 2011. Based on exposures, the cost is distributed to the general fund (\$285,623), street fund (\$42,477), water fund (\$75,678) and sewer fund (\$84,466).

ORDINANCE NO. 10-160: It is requested an Ordinance be passed authorizing and directing the City Manager and/or Finance Director to make payment for the 2010 – 2011 renewal costs for property, casualty and liability insurance pool membership with Buckeye Ohio Risk Management Association (BORMA) and Public Entity Risk Consortium (PERC); and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

Discussion: Dave Waddington asked Hank Solowiej about the twenty percent increase and Hank said the main reason for the increase is because for the past two years, the BORMA board members made a decision to fund increases rather than dipping into its reserves. Dave Waddington asked if this responsibility was shared with all BORMA cities and Hank Solowiej said it was shared at the same percentage markup.

Roll call on the motion: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

ITEM #8 – Submitted by Hank S. Solowiej, CPA, Finance Director

Budgetary Impact: This action will establish a budget for operations until the annual appropriations can be approved after the second Monday in January, 2011. The City Charter prohibits the city from enacting the 2011 budget before January 10, 2011.

ORDINANCE NO. 10-161: It is requested an Ordinance be passed to make temporary appropriations for the months of January, February and March, 2011, and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dave Waddington and second of Kim Nuesse, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

ITEM #9 – Submitted by Hank S. Solowiej, CPA, Finance Director

Budgetary Impact: The Agenda deadline occurs before the amount can be determined. The Resolution will be available at the meeting.

RESOLUTION NO. 044-10R: It is requested a Resolution be passed authorizing the transfer of funds from the general fund to the payroll stabilization fund; and declaring that this Resolution shall take immediate effect in accordance with Section 14 of the City Charter.

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

Discussion: Kim Nuesse thanked Hank Solowiej for doing the research on this item and bringing it back to the table. She said this will provide stability for the future of the city's budget.

Roll call on the motion: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Resolution: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Resolution passed.

ITEM #10 – Submitted by Hank S. Solowiej, CPA, Finance Director

Budgetary Impact: This action will cover anticipated expenditures through December 31, 2010. The last payroll occurs on December 31, 2010, with the final City Commission meeting on December 27, 2010. The agenda deadline occurs before the final payroll costs can be determined. The amendment needs to cover final payroll and other projected costs through December 31, 2010. The Ordinance will be available at the meeting.

ORDINANCE NO. 10-162: It is requested an Ordinance be passed adopting amendment No. 3 to Ordinance 10-027 passed by this City Commission on March 22, 2010, making general appropriations for the fiscal year 2010; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Pervis Brown and second of Dave Waddington, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

CITY MANAGER'S REPORT

Upon motion of Dave Waddington and second of Pervis Brown, the Commission voted to accept a donation in the amount of \$1,543.00 from James and Donna Meister for the park trust fund (Account #863 4860 485 00). All Ayes. The President declared the motion passed.

Upon motion of Dave Waddington and second of Pervis Brown, the Commission voted to accept a donation in the amount of \$150.00 from Mary Ann and Gene Kidwell for the green fund (Account #863 3430 485 00). All Ayes. The President declared the motion passed.

Upon motion of Diedre Cole and second of Dave Waddington, the Commission voted to accept a donation in the amount of \$750.00 from the Sandusky Elks Lodge No. 285 to be used for the replacement of the pump for the Boy with the Boot fountain for the Washington Park and Greenhouse general trust fund. Dan Kaman said he attended a meeting at the Sandusky Elks lodge last week and thanked the members of the Elks for this generous donation. He said these types of donations help to keep the city's parks going. **All Ayes. The President declared the motion passed.**

Hank Solowiej said he is a non-voting member of the Sandusky State Theatre board and **one item on the city's unfinished business list is for consideration to donate \$5,000 toward Christmas window displays in the downtown area.** He recommended the city fund this request by paying \$2,500 from the Battery Park TIF in 2010 and then pay the balance of \$2,500 by March, 2011. He said over 8,000 people attended shows at the State Theatre during the month of November and he believes they are on the right track and doing the right things. Kim Nuesse said she has asked staff to look into the creation of an art district because of the potential economic development impact they can have upon a community. She said she supports this. **Upon motion of Kim Nuesse and second of Pervis Brown, the Commission voted to provide \$5,000 in funding to the Sandusky State Theatre by paying \$2,500 from the Battery Park TIF in 2010 and then paying the remaining balance by March, 2011. All Ayes. The President declared the motion passed.**

OLD BUSINESS

Dave Waddington said the future use of the Sandusky **Bay Pavilion (SBP) property is on the city's unfinished business list.** He said the city manager recently met with Neil Allen from the Sandusky Maritime Museum and ideas were shared about the future use of the SBP property. He said there may be some interest in having civil war reenactments and other similar things to liven this park up. He said small electrical and maintenance issues are being worked on along with some of the local foundations. He will be running these ideas by members of the Recreation Board and the Friends of the Sandusky Bay Pavilion.

Dave Waddington said he, Pervis Brown and Dan Kaman will meet with personnel from **the Avon Lake water plant next month (January 11) to discuss their water plant operations.** He said this plant has the capacity for 40/MGD and serves 180,000 persons covering a five-county area. He said he would like to see how their distribution plant works and learn if Sandusky can do anything differently - although he feels Sandusky is in line with its rate of \$1.26/Ccf.

NEW BUSINESS

John Hamilton said he has enjoyed driving around town and seeing **the many houses decorated for the holiday season** and said one house in particular stuck out to him. He said the Mike Young residence, 718 Sycamore Line, has a Christmas tree and snowflakes, is simulcast to music on 107.7 and is also on www.youtube.com. He said Mr. Young also has a display at Halloween.

Upon motion of John Hamilton and second of Dave Waddington, the Commission voted to have an Executive Session regarding personnel, annual charter officer evaluations. Roll call on the motion: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed.

Dave Waddington asked if the **"Jackie Mayer – Miss America" signage could be relocated (on Milan Road by Rainbow Muffler) as its view is currently blocked.** Don Icsman said this will be taken care of.

Diedre Cole thanked her colleagues, the staff and residents for their understanding and support during her recent absences due to a family illness.

AUDIENCE PARTICIPATION

Tim Schwanger, 362 Sheffield Way, said there has been some damage to the roof at the Sandusky Bay Pavilion and asked if the city made an insurance claim as it was most likely caused by hail or storm damage. Don Icsman said the adjuster was in town a couple of weeks ago to look at a number of properties and he will make sure he looked at this site. Tim Schwanger asked if there was a dollar amount transferred to the payroll stabilization fund (Item #9) and Don Icsman said the amount is \$100,000.

Jason Singer, 314 West Market Street, Sandusky Register, asked what the city received previously for the farmland on Bogart Road and Todd Roth said the amount was approximately \$7,000/year. Jason Singer asked how long the land had been farmed and Don Icsman said for over ten years. Jason Singer asked how the city acquired this property and there was some discussion about the former landfill on the site, but an exact year was not determined. Jason Singer asked what the reduction is for the cost of asphalt with the new contract and Todd Roth said the cost for 2009 was \$62/ton while this year the cost is \$56/ton. Jason Singer asked if the additional roads were paved and Todd Roth said this was the additional work done this year.

Kim Nuesse said it is with great regret she is officially notifying the Commission and city staff of her resignation as a Sandusky City Commissioner effective Tuesday, December 28. Kim Nuesse said she and her family are moving out of town this week and will no longer be residents of the City of Sandusky. She said they are moving to pursue employment opportunities elsewhere and, as a result and per the City Charter, she will be unable to continue in her term of office. Kim Nuesse said she has truly enjoyed the opportunity to work with each and every person at the table and believes much has been accomplished this year to better serve the residents and businesses in the City of Sandusky. She said she wishes everyone continued success in 2011. Dan Kaman thanked Kim Nuesse for her service and said it is regretful it has come to this. Dan Kaman said on behalf of a lot of citizens in Sandusky, he thanked Kim Nuesse for what she has done for the city. He said in the last election, Kim Nuesse was the highest vote-getter and this speaks volumes for how the public feels and accepted the resignation with regret. Dan Kaman said he would like to schedule a special meeting for Monday, January 3, 2011 at 5 p.m. He said any persons who are interested in this vacant seat should put a resume together, put it in an envelope and deliver it to the City Commission Clerk. He said the clerk will place these in his (Dan's) mailbox and all City Commissioners will open and evaluate them at the special meeting. He said the Commission will then appoint someone at this special public meeting. Kim Nuesse thanked the voters of the City of Sandusky for the opportunity to serve them. She said she enjoyed working on their behalf and could not have done it without the other Commissioners. She said she was able to fulfill every campaign promise she had made and is grateful. Dan Kaman said there are a lot of things being worked on by Kim Nuesse including the educational campus for downtown which is much further along than even the Erie County Economic Development Corporation feels it is and he will be meeting with her about continuing them. Dave Waddington thanked Kim Nuesse for the time, effort and compassion which she brought to the city. He said he appreciates the work effort brought to the table. Don Icsman said he is saddened and said Kim Nuesse has always been professional in her role as a Commissioner. He said Kim Nuesse utilized her experience professionally as an appointed administrator to help with the relationship between the administration and staff. Don Icsman said Kim Nuesse has always treated him with dignity, integrity and respect and the city's loss is definitely someone else's gain. Pervis Brown said he and Kim Nuesse won their seats together and he learned a lot from her about how to conduct himself.

At 5:37 p.m., Dan Kaman announced adjournment of the regular session.

One Executive Session was held beginning at 5:50. Dan Kaman declared adjournment at 6:40 p.m.

Kelly L. Kresser
Clerk of the City Commission

Daniel J. Kaman
President of the City Commission