

President Dan Kaman opened the meeting at 5 p.m. after the **Invocation**, given by Brett Fuqua, **and the Pledge of Allegiance**.

The Clerk **called the roll** and the following Commissioners responded: Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse, Julie Farrar and Dave Waddington.

Upon motion of Pervis Brown and second of Dave Waddington, the Commission approved the minutes of the May 24, 2010, meeting and dispensed with the oral reading. All Ayes. The President declared the motion passed.

A presentation was made by Bob England, Director of Environmental Health, for the Erie County Health Department. Bob England distributed three maps showing: 1) Program hours for the HUD Lead Program since its inception; 2) Food Service Hours by political subdivision for the period January, 2009 – June, 2010; and, 3) Public Health Nuisance and Housing Complaints for 2009. Bob England provided information for the Rabies and Parvo Drive Thru Vaccination Clinic which is scheduled to take place on Saturday, June 19 at the Erie County Dog Warden's Office to protect the public from secondary exposure(s).

Dan Kaman recognized State Representative Dennis Murray who was attending for the presentation by **Edison Solar and Wind**.

David Miller, Edison Solar and Wind, gave a presentation about a commercial solar system proposed for installation on the existing roof at the City Greenhouse. David Miller said this would be the largest solar array project in North Central Ohio. He said the city stands to receive \$66,000 from the State of Ohio which will pay for itself over the 25-year warranty period; the system and the city will be ahead (at the current rates) by approximately \$63,000. Also as a result, over 233 tons of Co₂ will no longer be released into the air each year. David Miller said this will benefit everyone in the world, not only those in Erie County. He said this makes sense economically and environmentally and is something we should do. Dave Waddington said Hank Solowiej has run the numbers for this proposal and they are correct.

Dennis Murray spoke in support of the **Sandusky Greenhouse Solar project** on behalf of the Ohio House Alternative Energy Committee. He said this project would be a step forward for Sandusky's finances as well as its reputation. He said the Erie County Sustainability Task Force was formed a few years ago to reduce consumption, promote recycling and reuse as much as we can. Dennis Murray said with the disaster that is continuing to unfold in the Gulf of Mexico, we can see the long-term need to reduce dependence on fossil fuels and the short-term need to take action. He said there was very little wind production four years ago but it has doubled in the last year and is projected to double again next year. He said the use of solar power is increasing, driving down production costs and making it more competitive. He said as the economy picks up strength, gas prices are projected to increase again and alternative energy will only become more attractive. According to the State of Ohio's Alternative Energy Law, one half of one percent of electric production is required to be solar supported by the year 2025. The city now finds itself with a very attractive package for long-term energy savings in the sale of renewable energy credits. Dennis Murray said just a few years ago, the city was faced with the possibility of the permanent closure of the city greenhouse. Thanks to progressive decisions by the Sandusky City Commission, charitable contributions from the Sandusky Erie County Community Foundation (SECCF) and others, and thousands of volunteer hours by the "Friends of the Greenhouse", the Greenhouse is again flourishing. This project holds great potential to further cement the greenhouse as a part of Sandusky's future and is more about saving money. He said this will allow the city to reduce its consumption, showcase a unique asset and provide educational opportunities for persons of all ages. Dennis Murray said he has known David Miller for a long time and has watched his company do installations and stated they have a high level of workmanship and professionalism. He is also excited about the prospect of a municipally-owned Geothermal facility and recently had one installed at his home by Hardin Geotech Technologies. If done on a broader scale, these installations would help to drive down utility costs, increase the viability of the housing stock and continue to build upon Sandusky's reputation as a city which is confident in its future.

Tom Speir, Foreman of the Greenhouse, said the Honeywell project and HB 300 has led to the Access to Recreation Grant through the SECCF. During this process, a new PVC vinyl roof was installed with grant money and would be a perfect location for the placement of solar panels in order to remove as much of the operating expenses from the General Fund as possible. Tom Speir said we may take a closer look at the support structure, but he has been assured we are in good shape. He said the foundation at the greenhouse is also being redone in about three weeks, thanks to the SECCF. Tom Speir said the city will

need to verify the results and the technical items for this project and we can utilize Honeywell as a sounding board for energy consultation during this process. Dan Kaman thanked Tom Speir and his staff for seeing their challenge, taking ideas and running with them to make the Sandusky Greenhouse successful. Dave Waddington said he, along with Commissioners Julie Farrar and John Hamilton, is in discussions with Sure Energy regarding the installation of two wind turbines at the Wastewater Treatment Plant. He said we need to make cleaner energy and create jobs for all of America.

Upon motion of Dave Waddington and second of Pervis Brown, the Commission voted to expend \$1,000 to begin the grant application process with Edison Solar and Wind.

Discussion: Julie Farrar asked about the provision to sell back or broker power and if the energy generated by windmills could be sold. David Miller said when the Ohio Energy law was passed, it stipulated 12½% of the energy must be from a renewable energy source if it is to be sold; half of a percent (½%) must come from solar power. If utility companies want to continue to sell energy, they must comply with these percentages and there is a penalty they will have to pay if they do not. Currently, the penalty is \$400 per Renewable Energy Credit (REC) which equals 1,000 kilowatt hours or the utility company must offset the penalty by buying one REC. He said there are brokers who trade in these REC's for \$337.30/REC. David Miller said solar is not growing at the same rate as other renewable energy sources. There are longer term contracts available, but because of supply and demand, he would not recommend taking them. REC's can be taken outside of Ohio and there is a market for them. The penalty will drop to \$50 by the year 2024 and the projects that are started now will have the biggest return on their money. He said if Sandusky gets started now, it should be able to start selling these by September. Kim Nuesse asked if this were specialized and needed to go out for bid and Don Icsman said it would not require bidding, that this has all been checked out, independently verified and is very unique.

Roll Call on the motion: Yeas: Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse, Julie Farrar and Dave Waddington, 7. The President declared the motion passed.

Don Icsman said the \$1,000 to make grant application is non-refundable, but this is the only amount for which the city would be at risk. Further analysis will be done to ensure the roof can handle the weight load.

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

Sharon Johnson, 1139 Fifth Street, asked what the exact number of parking spaces the Sandusky Yacht Club (SYC) will be taking on the Perry Street Slip. John Hancock said the lease calls for all 19 parking spaces on the West side of the right-of-way and stated the drive access to the parking lot is not subject to lease and will remain public. Sharon Johnson said we are getting \$199/year from the SYC for this. Don Icsman said we will negotiate a Lease and a Sublease for the docks after obtaining approvals from the Ohio Department of Natural Resources and additional payment(s) will be forthcoming. Sharon Johnson asked about the provision to collect parking fees according to the Agreement and Don Icsman said this is for their own use or for an event and it is still a public right-of-way to be leased by the SYC. Sharon Johnson asked what capital improvements could be built by the SYC and Dan Kaman said the Commissioners understand this provision of the agreement is for the SYC to fill the potholes and paint the parking space lines in this area. Julie Farrar said she understood it was the Sandusky Yacht Club's intent to not build on these spaces and Dan Kaman said the SYC would have to go through the appropriate committees first, i.e. Planning Commission, Zoning Board of Appeals. Sharon Johnson asked about the number of docks which originally was 21 but has increased to 30; Dan Kaman said this was changed to allow for fewer docks for the bigger boats and more docks for smaller boats. Sharon Johnson said the lease fee is \$2,600/dock and asked why the city was not getting a percentage of this. Dan Kaman said this lease was proposed as a lifeline to help the SYC succeed, not for the city to make money. Sharon Johnson said this will cause turf wars on parking and asked if there will be signage designating the public parking area; Dan Kaman said there will be signage. Sharon Johnson asked what would stop the SYC from coming onto the city's side and Dan Kaman said it would be great if these parking spaces were all used. Sharon Johnson asked about the provision for loud music at the Sandusky Pay Pavilion (SBP) property and Dan Kaman said this is a result of the first year of operations at the SBP because of loud, late night concerts that were offensive to the neighbors. Don Icsman said the lease is not yet written and the city may still obtain a percentage of the rental fee for the docks.

Tim Schwanger, 362 Sheffield Drive, Save Our Shoreline Parks, said this is not a SYC bashing campaign and he would have the same concerns if this lease were for another entity. Tim Schwanger said the

SYC's financial situation should not be his or other citizens' concern. Tim Schwanger said the SYC has no plans to put docks in now and did not understand why it was proposed to be passed under Section 14 and this will tie the hands of future City Commissioners. He said the Sandusky Recreation Board is concerned about the loss of 19 parking spaces and said erroneous information is being received from the SYC about this. When there is a special event at the SBP, this parking area is used by the vendor and alternative ways of looking at these problems have not been addressed. Tim Schwanger said the property adjacent to Mack Iron Works should be considered first. A second alternative would be to have the SYC partner with Battery Park Marina for dockage. Tim Schwanger said it appears this Commission is here to help the SYC but the city should get some monetary value for taking this away from the public. Tim Schwanger said approval could potentially cause a hazard to boaters during inclement weather. He said Erie Wire conducted an unscientific online poll where 88% of the respondents said they did not agree with the proposal by the SYC while 93% said they would like to see a concert pavilion at the SBP site and believes a committee should be formed to look at use for this property.

Diedre Cole, 807 Hancock Street, said there is a trust issue with what is being proposed by the SYC and this speaks to the value of having a Public Hearing. She asked the City Commission to reconsider passing this as an emergency as this is a breach of the City Charter. Dan Kaman said this project has been publicly discussed for over one year.

A.J. Oliver, 1112 Wayne Street, Save Our Shoreline Parks, said he requested public information on May 30 concerning the amount of money spent so far on the SYC project and has not yet received a response. Don Icsman said except for defending the lawsuit, there have not been any expenses. A.J. Oliver asked if John Hancock was working for nothing and stated that staff costs and staff time should be included. A.J. Oliver said there should be a project budget. A.J. Oliver said he is in favor of helping with job retention, but would rather redirect money to groups such as Habitat for Humanity or Care & Share. He said these organizations should not be turned down for minor assistance while 'giving away the farm' to the SYC as Care and Share was recently denied their request for a waiver of fees charged for inspection permits. A.J. Oliver said the new drawings leave 125' between the new docks and the Meigs Street Pier and there will also be boats docked on the east side of the facility which will leave about 115'; he said this would rewrite the law of physics. A.J. Oliver asked what the city paid to Hull & Associates and then suggested the city just write them (SYC) a check. A.J. Oliver thanked the Sandusky Register for their recent editorial regarding the SYC and asked the Commissioners to vote "no" on Item No. 1.

PUBLIC HEARING

Carrie Handy introduced the city's new Assistant Planner, Anna Enderle, who will start working tomorrow.

Carrie Handy introduced Terri Bihn, Operations Manager for the Sandusky Transit System (STS), and said one of the new STS vehicles is in the parking lot for viewing this evening. **Carrie Handy said the purpose of this Public Hearing is to hear comments about a proposed second route for the Sandusky-Perkins Area Ride Connection (SPARC) and would provide a fixed route service to six new locations including:**

- 1) First & Meigs Streets**
- 2) Kalahari**
- 3) City Hall**
- 4) Mills Street & Perkins Avenue**
- 5) Sandusky Plaza**
- 6) Cedar Point Drive at First Street**

This route would be operational from 6:30 a.m. - 9:30 p.m., Monday through Saturday, and the fare would be \$1/ride and include one transfer. Carrie Handy said the first SPARC route has gone very well and ridership was over 20,000 persons last year. The proposed second bus would start next Monday, barring any objections or unforeseen circumstances. The funding will come from existing transit dollars and will continue to increase efficiency.

Dan Kaman asked if there were any comments from the public.

Sharon Johnson, 1139 Fifth Street, asked about providing transit service west of the railroad tracks. Terri Bihn said this is not possible until after the overpass is built as it is a one-hour loop and trains could

cause up to a 20 minute delay. Terri Bihn said as an alternative, customers can call and schedule a ride on STS to one of the SPARC stops. Carrie Handy said drivers can deviate up to ¼ of a mile within the route and door-to-door service is available upon request for those who need assistance. Sharon Johnson asked about placing a shelter at some of the stops and Carrie Handy said she is looking into funding for this. Dan Kaman said the Ohio Department of Transportation is in the process of buying property for the west end overpass.

Sue Daugherty, Serving Our Seniors, said she wished to applaud the city for taking this on. She said her organization subsidizes transportation for elderly in the City of Sandusky and has the largest number of consumers.

Carrie Handy said the "Dump the Pump" event is this Thursday and that customers can ride SPARC for free this day only.

Upon motion of Pervis Brown and second of Kim Nuesse, the Commission voted to accept all communications. All Ayes. The President declared the motion passed.

Don Icsman said the **transfer of a portion of the Sidner Garden property** was approved by a prior City Commission and he is asking for authorization to conclude the transaction with the vacation necessary in Item #1. He said fair market value was paid to the city for this property by the SYC.

Upon motion of Pervis Brown and second of Kim Nuesse, the Commission voted to proceed with this vacation. All Ayes. The President declared the motion passed.

Don Icsman said he has the documents requested by A.J. Oliver and city employees do not engage in the practice of hiding anything as he would not tolerate this. He said there may be a difference of opinion about how records are kept, but he does not believe we have yet paid the consulting engineer nor have we received a bill from John Hancock. Until recently, there has not been a lot going on with the SYC. He said the role of George Poulos has been on behalf of the SYC, not for the city for this project; we lent him a key for the open house last week. Don Icsman said John Hancock is in charge of this project for the city. Julie Farrar said she wished to apologize for not following up on getting this information to A.J. Oliver sooner.

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

RESOLUTION NO. 015-10R: It is requested a Resolution be adopted pursuant to Section 1506.11 of the Ohio Revised Code **finding and determining that based upon the representations and application filed by the City of Sandusky, the use and development of the territory so described, a Submerged Lands Lease may be entered into by the State's Director of Natural Resources;** and declaring that this Resolution shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion Julie Farrar of and second of John Hamilton, the Commission authorized the passage of this Resolution in accordance with Section 13 of the City Charter.

Discussion: Julie Farrar said she spoke with Tom Whitted, IT Department, and he is going to make a trip to the Sandusky Bay Pavilion property after the meeting to show the incline, via video, for citizens to see on television. She said when she was young, Sandusky Bay was hidden because of the tree line and one actually has to look down to see the boats at the top of the incline on the north side of the property. She said the sight lines will be improved by the relocation of the smaller boats closer to the SBP property. Kim Nuesse said this project has taken time to obtain input from everyone concerned and that John Hancock and the City Commissioners have listened to every side. She said she is in agreement that the project is a win/win situation as the city is not giving property away, it is leasing property.

Roll Call on the motion: Yeas: Pervis Brown, Dan Kaman, Kim Nuesse, Julie Farrar and Dave Waddington, 5. Nays: Brett Fuqua and John Hamilton, 2. The President declared the Motion passed. Roll Call on the Resolution: Yeas: Pervis Brown, Dan Kaman, Kim Nuesse, Julie Farrar and Dave Waddington, 5. Nays: Brett Fuqua and John Hamilton, 2. The President declared the Resolution passed.

Don Icsman said the previous City Commission approved the settlement with the SYC last year and passage of this legislation is the implementation of that Ordinance. The Ordinance passed last year would have been subject to a referendum, but this present legislation is not. This legislation is to carry out the settlement as approved last year. Don Icsman said this is his legal interpretation of a legislative

act versus an administrative act and is similar to a situation years ago when the city picked an Off-Track Betting facility; we were not enacting a new legislation or law, we were *implementing* an existing law.

ORDINANCE NO. 10-051: It is requested an Ordinance be passed **authorizing the execution of a Lease Agreement with the Sandusky Yacht Club for a portion of the Perry Street right-of-way for a parking area;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion Dave Waddington and second of Kim Nuesse, the Commission authorized the passage of this Ordinance in accordance with Section 14 of the City Charter. Roll Call on the motion: Yeas: Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse, Julie Farrar and Dave Waddington, 7. The President declared the Motion passed. Roll Call on the Ordinance: Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse, Julie Farrar and Dave Waddington, 7. The President declared the Ordinance passed.

ITEM #2 – Submitted by Paul R. Ricci, Assistant Fire Chief

Budgetary Information: The total amount of this expenditure is \$50,000. The federal share covers \$45,000 (90%) of the proposed expenditures. The matching \$5,000 for this purchase will be provided by funds from the city's Equipment Replacement Fund (EMS Billing Fund), 431 1330 450 15.

RESOLUTION NO. 016-10R: It is requested a Resolution be passed **approving and ratifying the grant application submitted to the U.S. Department of Homeland Security, Federal Emergency Management Agency, Grant Programs Directorate (GPD) for the 2010 Assistance to Firefighters Grant (AFG) program 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 Pervis Brown and second of Kim Nuesse, the Commission authorized the passage of this Resolution in accordance with Section 14 of the City Charter.

Discussion: John Hamilton said there are hardware, software and startup costs. He asked if there would be other costs in the future and, if so, if they would be covered. Fire Marshall Rudy Ruiz said there are future maintenance costs for the mobile data terminals and software updates and we are fully aware and willing to take care of them. Julie Farrar said this item is requested for passage under Section 14 as the grant was submitted on May 28.

Roll Call on the motion: Yeas: Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse, Julie Farrar and Dave Waddington, 7. The President declared the Motion passed. Roll Call on the Resolution: Yeas: Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse, Julie Farrar and Dave Waddington, 7. The President declared the Resolution passed.

ITEM #3 – Submitted by Carrie Handy, Chief Planner

Budgetary Information: This action will not impact the city operating budget as it is a Resolution of Support. However, city staff does anticipate that Page Development will apply for CDBG Economic Development Revolving Loan Fund assistance in the future should its JRS application and historic tax credit applications are successful. Such an application would be reviewed by the city's RLF Committee and then presented to the City Commission for action.

RESOLUTION NO. 017-10R: It is requested a Resolution be passed **in support of Page Development, LLC, filing an application to the State of Ohio, Department of Development, for assistance under the Ohio Job Ready Sites program for the Feick Building Rehabilitation project located at 158 East Market Street, Sandusky, Ohio;** and declaring that this Resolution shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion Brett Fuqua and second of Dave Waddington, the Commission authorized the passage of this Resolution in accordance with Section 14 of the City Charter.

Discussion: Julie Farrar said this item is requested for passage under Section 14 because the State has already funded the grant for Page Development. Dan Kaman said this is a Resolution of Support only and will not impact the city's budget.

Roll Call on the motion: Yeas: Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse, Julie Farrar and Dave Waddington, 7. The President declared the Motion passed. Roll Call on the

Resolution: Yeas: Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse, Julie Farrar and Dave Waddington, 7. The President declared the Resolution passed.

ITEM #4 – Submitted by Judy Nagy, Recreation Supervisor

Budgetary Information: The agreement will not result in any additional budgetary expenses. The city has and will benefit from the permanent improvements made by the Sandusky AMVETS Baseball League, which are now part of the park property.

ORDINANCE NO. 10-052: It is requested an Ordinance be passed **approving and ratifying a three (3) year License Agreement with Sandusky Amvets Baseball League for priority use of Field #1 and the concession stand located at Amvets Junior Park and Fields #1, #2, #3, #4 and the concession stand and storage shed located at Sprau Park for the Sandusky Amvets Baseball League and Sandusky Eagles Baseball League programs (June 11 through August 31) beginning June 11, 2010;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion Pervis Brown and second of Julie Farrar, the Commission authorized the passage of this Ordinance in accordance with Section 14 of the City Charter.

Discussion: Julie Farrar said this item is requested for passage under Section 14 because the leagues began playing on June 11.

Roll Call on the motion: Yeas: Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse, Julie Farrar and Dave Waddington, 7. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse, Julie Farrar and Dave Waddington, 7. The President declared the Ordinance passed.

ITEM #5 – Submitted by Charlie Sams, Acting Chief of Police

Budgetary Information: The funds that are available through the Edward Byrne Memorial Justice Assistance Grant Program total \$31,823 for an eligible joint allocation and these funds, if awarded, will only be utilized for the Erie County/Sandusky City Regionalized Communications project. This grant requires no matching funds.

ORDINANCE: It is requested an Ordinance be passed authorizing and directing the City Manager to enter into a Memorandum of Understanding with the Board of Erie County Commissioners for the reallocation of Justice Assistance Grant (JAG) Funds and, if awarded, authorizing the City Manager to execute any required agreements; approving the submission of a Grant Application by the Erie County Sheriff on behalf of Erie County and the City of Sandusky to the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) for funding through the Edward Byrne Memorial JAG Program FY 2010 local solicitation for the Erie County/Sandusky City regionalized communications project; 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 Dave Waddington, the Commission voted to table this Item in order to obtain additional information. Roll Call on the motion: Yeas: Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse and Dave Waddington, 6. Nays: Julie Farrar, 1. The President declared the Motion passed.

Dave Waddington asked if anyone heard back or received any follow-up information after the last meeting about Item #5. Kim Nuesse said she has heard nothing.

CITY MANAGER'S REPORT

Upon motion Julie Farrar and second of Brett Fuqua, the Commission voted to accept two donations:

- 1) in the amount of \$50 from Mrs. Richard Gordon Wendt to the Friends of the Greenhouse (Endowment) Fund;**
- 2) in the amount of \$13 from Dave Waddington for a new American flag to replace one damaged at the Canoe Launch facility.**

All Ayes. The President declared the motion passed.

Don Icsman said he wished to inform the City Commissioners about a grant received in the amount of \$3,000 from the Wightman Wieber Foundation for expenses associated with the annual Summer Playground Program for the Sandusky Recreation Department.

Don Icsman distributed a draft copy of a **new policy entitled: Residential On-Street Disabled Parking Space Request Program Policy**. He said the City Manager has the authority to enact this policy but he wanted the City Commissioners to see it and know about it prior to its issuance. Don Icsman said this would provide a way to objectively look at these types of requests and have a standard to follow. Brett Fuqua asked if this policy is designed for persons with disabilities who do **not** have a driveway and Don Icsman said it is.

Don Icsman said **the Recreation Board previously adopted a policy statement concerning the Sandusky Bay Pavilion (SBP), formerly Surf's Up, property. He said the City Commission will need to formally discuss what to do with this property for this season and for the future.** Dan Kaman said he likes the idea of keeping this as an event complex and gated for events; he also likes the idea of having one gate open for the public during the week and the option of creating a park. He said if there is a lot of vandalism, we have the option to close it. Dave Waddington said there is someone living at the property that has been told she cannot do this. Judy Nagy, Recreation Program Supervisor, said there is someone leaving items at the property every day. Dave Waddington said the Recreation Board wants the front gate open for access only rather than opening the large gate which can accommodate vehicles. He asked if signage could be added indicating the park closes at dark.

Upon motion of Dave Waddington and second of Pervis Brown, the Commission voted to open only the front gate at the SBP facility for foot traffic and post signage indicating it closes at dark.

Kim Nuesse asked Don Icsman if **the SBP property could be added to the downtown market study for the development of a new Master Plan.** Carrie Handy said after finishing the Huron Park Master Plan, a Master Plan can be looked at for this property. Don Icsman asked if the intent was to roll the SBP Master Plan into the downtown market study and Kim Nuesse said the city does have a Parks Master Plan and is requesting to include the SBP property. She said she liked the idea of using the property as a park for the short-term.

All Ayes. The President declared the motion passed.

Don Icsman said **the Sandusky Main Street Association (SMA) is requesting the city contribute \$3,000 toward the purchase of new trash cans for the downtown area.** He said other individuals have donated money for trash cans. He said the SMA is also purchasing a sidewalk sweeper and is requesting the city to guarantee manpower for its operation, maintenance and housing. Dan Kaman asked if the trash cans currently in the downtown are in bad shape and Scott Miller, Director of General Services, said they are in bad shape, the doors are falling off and they do need to be replaced. He said the proposed replacement trash cans have a long life expectancy and match the wrought iron park benches and trash cans currently in Shoreline Park.

Upon motion of Pervis Brown and second of Julie Farrar, the Commission voted to invest \$3,000 toward the purchase of trash cans for the downtown area.

Discussion: Dave Waddington asked about the cigarette butt containers on the Jackson Street Pier and said the tops were missing and are unsightly. Scott Miller said they have some replacements for these.

Vote on the motion: Yeas: Brett Fuqua, Pervis Brown, John Hamilton, Kim Nuesse, Julie Farrar and Dave Waddington, 6. Nays: Dan Kaman, 1. The President declared the motion passed.

Don Icsman said Gene Hawk, Chesapeake Lofts, is in the audience tonight and had inquired about the possibility of creating a **memorial for Bob Davis at the Chesapeake Plaza**. Gene Hawk said he has not yet made contact with the Davis family about this, but several potential benefactors have approached him about it.

Dan Kaman asked for clarification about the sidewalk sweeper and Don Icsman said the SMA is proposing to purchase the sweeper, through funding from the Sandusky Erie County Community Foundation. Don Icsman said the SMA is requesting the city contribute to the future maintenance of the equipment. Dan Kaman asked if this sidewalk sweeper would be used city-wide and Scott Miller said the proposal is for its use in the downtown area. Kim Nuesse said her understanding is that the SMA will pay for the sidewalk sweeper to be used downtown and there would be no special treatment on the city's behalf; she asked for clarification about this before moving forward. Dan Kaman said he believed the city still shovels sidewalks in the downtown area and Scott Miller said we do, although it is not a priority.

Upon motion of Kim Nuesse and second of John Hamilton, the Commission voted to table this issue until more information is made available. All Ayes. The President declared the motion passed.

Don Icsman said the city has been approached by the Sandusky Lions Club to organize and run the North Coast Animal Expo on August 28 at the SBP which was previously organized by the Sandusky Recreation Department. The Lions Club proposes to partner and co-sponsor this event and is requesting a waiver for the fee for use of the SBP. Pervis Brown asked if waiving the fee would cause the city any trouble and Don Icsman said this is a different situation than waiving other fees (i.e. for building permits) and is more discretionary. He said his feeling, however, is that fees should never be waived, but that other things could be done to help. Julie Farrar asked what the fee is for a non-profit agency and Judy Nagy, Recreation Program Supervisor, said it is \$250. Judy Nagy said the Lions Club approached the city with the idea to continue this event as a fundraiser for the blind and to help the Erie-Huron and Ottawa County Humane Societies find homes for homeless pets in the area. She said this event was created by the Sandusky Recreation Department and if the Lions Club is unable to continue it, the city would want to host it. She plans to help with a smooth transition and help make it a community event.

Upon motion of Dave Waddington and second of Brett Fuqua, the Commission voted to waive the \$250 fee for the Sandusky Lions Club toward this event. All Ayes. The President declared the motion passed.

Discussion: Dave Waddington said he would help by passing the hat, if necessary, to offset the \$250 fee/waiver.

Don Icsman said he is looking into a request received from the Humane Society of Erie County to use a portion of the City Service Center for their Trap Neuter Release (TNR) program for feral cats in the City of Sandusky. He said the Humane Society is in need of a building with working electric and water to temporarily house trapped cats for a few days before surgery. He said the City Commission previously approved the amendment of Chapter 505 (Animals & Fowl) by Ordinance No. 09-096, passed on November 23, 2009, to include feral cats as a result of the TNR program being expanded to Sandusky in 2010. Dan Kaman suggested an end date so animals are not at this location for three more years.

Don Icsman said Chris Wimer has asked, on behalf of the Old House Guild of Sandusky, to obtain the shovel given to the city for the Chesapeake Lofts groundbreaking ceremony in December, 2004. Chris Wimer has told Don Icsman the Old House Guild would like to preserve as many of these commemorative shovels as possible to preserve the legacy of the project. Dave Waddington said he has already given Chris Wimer the shovel that he (Dave) was given at the groundbreaking. Don Icsman said if one was already given to the Old House Guild by Dave Waddington, the city could keep the one in its possession.

Kim Nuesse asked for verification that the staff received training regarding Section 14, emergency legislation, and Don Icsman confirmed this training has already taken place. He stated the members of the Charter Review Committee will be given the benefit of the presentation at their meeting on June 15.

OLD BUSINESS

Upon motion of Brett Fuqua and second of Pervis Brown, the Commission voted to appoint Terri Johnson to serve on the Charter Review Committee in the place of Stuart Abrams as he is no longer able to meet because of his work schedule. All Ayes. The President declared the motion passed.

NEW BUSINESS

Upon motion of Kim Nuesse and second of Dave Waddington, the Commission voted to have the position of Finance Director posted internally through the city's Human Resources Department.

Discussion: Dave Waddington said his preference is Hank Solowiej, Senior Accountant/Auditor, for the position and he (Dave) has no problem with posting the job so that it can be brought back to the table at the next meeting.

All Ayes. The President declared the motion passed.

Upon motion of John Hamilton and second of Brett Fuqua, the Commission voted to have an Executive Session regarding Land Acquisition. Roll Call on the motion: Yeas: Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse, Julie Farrar and Dave Waddington, 7. The President declared the motion passed.

Upon motion of John Hamilton and second of Julie Farrar, the Commission voted to have an Executive Session regarding Personnel, City Manager. Roll Call on the motion: Yeas: Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse, Julie Farrar and Dave Waddington, 7. The President declared the motion passed.

Upon motion of John Hamilton and second of Julie Farrar, the Commission voted to have an Executive Session regarding Collective Bargaining. Roll Call on the motion: Yeas: Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse, Julie Farrar and Dave Waddington, 7. The President declared the motion passed.

Upon motion of John Hamilton and second of Julie Farrar, the Commission voted to have an Executive Session regarding Pending Litigation, the Housing Department. Roll Call on the motion: Yeas: Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse, Julie Farrar and Dave Waddington, 7. The President declared the motion passed.

Kim Nuesse asked for a **quick update from Bob Haag, Haag Environmental, regarding the drilling at the former Tri Corp property. Bob Haag said the coal tar drilling program** was designed to address one issue which is whether coal tar might be moving beneath the soil or clay. One concept is that it was moving above the clay; the other is that it may be below the bedrock. One hole has been completed to date and in this hole, brown heavy liquid is present at about 25' depth and absent at about 28' depth. He said this brown heavy liquid smells bad, but we do not yet know if it is coal tar. Bob Haag said laboratory analysis will be used to see if it is coal tar or something else. He said what was expected or hypothesized to be found has been confirmed in one of the holes only. He said this is not conclusive but it does confirm the hypothesis and findings will be presented to the Brownfields Committee.

Julie Farrar introduced Fire Marshall Rudy Ruiz who is in attendance in place of Assistant Fire Chief Paul Ricci this evening.

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

Sharon Johnson, 1139 Fifth Street, asked for an update on the downtown market study and Dan Kaman said we helped to fund this, but he has not received any updates recently from John Lippus. Carrie Handy said she recently received a detailed list of what has been completed to date and will be forwarding this to the City Commissioners. She said the study should be complete in the next couple of months. She said we recently paid the first invoice which provided a detailed listing of the tasks completed to date. Sharon Johnson said having four Executive Sessions is a lot and is abuse. Dan Kaman said this is how information is shared and no decisions are made behind closed doors. Don Icsman said he understands Sharon Johnson's right to say this, but it is discouraging and questions his integrity as he gives the City Commissioners legal advice. He said the law provides exceptions to the Open Meetings Act for things such as collective bargaining and pending litigation. He said this should not be categorized or labeled as abusive when the city is following the law. Don Icsman said if someone is looking for something that is wrong, they will find it and success can be found as a certified cynic. Dan Kaman said things are being discussed and then will be voted upon *publicly*.

Tim Schwanger, 362 Sheffield Way, Save Our Shoreline Parks (SOSP), said he knows the city has been talking about the SYC's proposal for over a year but a lot of the information has probably gotten lost. He said the concern about the view from the Surf's Up property is from the area where events take place. Tim Schwanger said the new SYC proposal addresses view concerns but the view issue is not as it relates to the Meigs Street Pier. Tim Schwanger said he is the liaison for the Bayfront Corridor Committee on the Recreation Board and the Recreation Board recommended the SBP (formerly Surf's Up) property be maintained under city control and that a committee be put together to address a plan for future use and making the area more accessible. He said the SYC agreement is being struck, but the details will be worked out at a later time and all issues should have been resolved first. He said this is a quality of life issue and that our public shoreline property is dwindling - at least 90% of shoreline property is currently privately owned. Tim Schwanger said perhaps the public needs to get some type of moratorium so that these types of things do not happen in the future. Dan Kaman said he was on the committee when it was decided to make Surf's Up an event center and the larger boats near the rocks were relocated for

the sake of the site lines as requested by SOS. Dan Kaman said the SYC has 70 full-time employees and an additional 30 – 50 in the summer which compares to Thakar Aluminum. He said Thakar recently closed and was a business in the community; he said the Commission is only trying to help a local business to survive. Dan Kaman said the City Commission has bent over backwards several times to accommodate SOS and this is a lease, not a sale of property. Tim Schwanger said the final agreement has not been talked about for one year, but other aspects of the project have been.

Diedre Cole, 807 Hancock Street, said she is upset, angry and hurt about the incidents which transpired in her neighborhood this weekend. She said it is not her job to inform the City Commissioners about shootings and there is no excuse or explanation for the mishaps and typos made by the Police Department. Diedre Cole said the citizens of this community deserve professionalism, dedication, truth, honesty and respect and asked for a sense of security and to hold people responsible and reply with a positive response for moving forward. She said as the parent of a 6-year old, there is nothing anyone could say to her if her child had been injured. Julie Farrar asked Charlie Sams if he would like to respond to the accusations and Charlie Sams said the claims being made are outrageous and that he has a responsibility to all citizens, including those who live at the house where the incident allegedly took place. He said without evidence, the police cannot do anything other than investigate.

At 7:07 p.m., Dan Kaman announced adjournment of the regular session for a five minute recess. Four Executive Sessions were held beginning at 7:15 p.m. At 8:50 p.m., the City Commission returned to the table and Dan Kaman declared adjournment.

Kelly L. Kresser
Clerk of the City Commission

Daniel J. Kaman
President of the City Commission