

Julie Farrar called the meeting to order at 4:02 p.m. Upon motion of Julie Farrar and second of Dan Kaman, the commission voted to hold an executive session regarding personnel, city manager. Roll call on the motion: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, Julie Farrar and Dick Brady, 7. The presiding President declared the motion passed.

At 5:10 p.m., the commission returned to open session and Julie Farrar called the regular session to order after the Invocation given by John Hamilton, and the Pledge of Allegiance.

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

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

Upon motion of Diedre Cole and second of Pervis Brown, the commission voted to approve the minutes of the August 22, 2011 meeting and dispensed with the oral reading. All Ayes. The presiding President declared the motion passed.

PRESENTATIONS

Julie Farrar asked John Hancock to provide an update regarding the **paper district project**. John Hancock said there have been questions about the northwest corner of the Chesapeake Lofts Plaza and stated a conceptual plan was previously approved for this area. He said the sidewalk was improved and changes may be planned to some degree. John Hancock said a subcommittee of the Bayfront Corridor Committee will be providing recommendations about this area to the city commission in the near future. John Hancock said the southeast area of the Chesapeake Lofts building along Shoreline Drive is an extension of the Jackson Street right-of-way and a conceptual plan was previously approved by the city commission as prepared by Behnke & Associates. He said this was slated to be a memorial to Bob Davis (developer of Chesapeake Lofts) and this effort has not really gotten off the ground. John Hancock said a plan was made to clean up this area but has not yet been completed. He said the area west of the right-of-way is within the TIF area. Diedre Cole asked about putting a ladder on the west side of the Northwest Plaza and John Hancock said this was referred to George Poulos so that the ladder could be fabricated; he will follow up with him (George).

Tim Schwanger, 362 Sheffield Way, said he is on the Bayfront Corridor Committee and a meeting will be held on September 15 about this project.

Sharon Johnson, 1139 Fifth Street, asked about the punch list for the paper district marina project. John Hancock said this is a moving document or a work in progress. John Hancock said the document is not up to date and Sharon Johnson said she would like to see it. Dick Brady said he does not believe it is appropriate for John Hancock to release a document showing work in progress as it could potentially put the contractor in an embarrassing situation. He said the city has an obligation to allow Hoty Builders to complete the items on this list and further, a significant amount of money is being held before final payment is made. Dick Brady said the city also holds a bond until the items on the list are complete. Dick Brady said he is a proponent of providing all information required and necessary - nothing is being withheld.

AUDIENCE PARTICIPATION *(agenda items only)*

None.

PRESENTATIONS

Crystal Diamond, Erie Soil & Water Conservation District, **provided an update regarding the storm water program**. She said after a rain event, storm water can either soak into the ground or run over the surface of land. When water runs over the land surface, it is ultimately deposited in our waterways along with pollutants. Crystal Diamond said a storm sewer goes directly into the waterways without being treated and problematic. She said point source water can be attributed to a specific problem while algal blooms are an example of a non-point source water source. As development increases, runoff amounts increase. Crystal Diamond said climate change and stronger storm intensity increase

drainage and flooding issues. She said vulnerabilities include grey infrastructure, drinking water and public safety. She said Ohio has a \$10 billion tourism trade and Sandusky is affected because of its location on Lake Erie. The Clean Water Act provides for the creation of a storm water program and Sandusky falls under a municipal separate storm sewer system or permit as designated by the EPA. Crystal Diamond said fines could be up to \$10,000 per day, per violation and Erie Soil & Water is focusing upon the development and implementation of a storm water management plan which was last updated in 2003 and 2004. Sediment is the number one pollutant in creeks and streams and is caused by municipal areas, construction sites and industrial areas. There are six requirements which need to be met including:

- 1) Public education and outreach;
- 2) public involvement and participation;
- 3) construction site runoff control;
- 4) post-construction storm water management;
- 5) illicit discharge detection and elimination;
- 6) pollution prevention and good housekeeping.

Crystal Diamond said storm water management is an unfunded mandate but is locally-led and administered. She said public involvement and participation is a must for success but the next program round has not yet been rolled out. Crystal Diamond said a Clean Water Coalition was formed for Erie County and meets quarterly. She said there are education programs being developed for all six of the above listed minimum control methods. The storm water management plan needs revising, ordinances need updating and the pollution prevention plans need to be completed for each facility in regulated areas. Crystal Diamond said clean water affects everyone.

Dave Waddington said the algal bloom signs are posted along the waterfront in Sandusky and he is concerned about runoffs from septic systems and lawn care products. He said the city is receiving runoff from other communities at our water plant. Dave Waddington said he is glad this initiative has been started and septic systems are also a problem. He said much of the water/runoff deposited into the bay comes from the Toledo and Fremont areas. Crystal Diamond said the regulated area will be expanded and neighboring communities will also be falling under this program. Dan Kaman said Pete Schade from the Erie County Health Department will be at the next city commission meeting to address the algal bloom signage. Julie Farrar said she dislikes unfunded mandates.

Tim Schwanger, 362 Sheffield Way, said he is concerned the city is not doing its own due diligence when performing its own construction. As an example, the runoff from the new parking lot at the paper district marina flows directly into Sandusky Bay.

Dan Brown, Partners Environmental Consulting, presented information regarding the Clean Ohio Revitalization Fund (CORF) grant application for the former Apex Manufacturing property, 1643 First Street. He said the CORF program has been used by Sandusky successfully in the past and has provided public funds of \$800 million between greenfields and brownfields. The Chesapeake Lofts project was partially funded with these program funds. The city is required to follow a Voluntary Action Program (VAP) which describes how the work should be done. This project is different from the paper district as the city will not be affiliated with developing or owning the property, it is merely an applicant for the funds. He said the development partner, Famous Realty of Cleveland, Ohio, will have financial and technical responsibility, but the city will be the recipient of money. Dan Brown said the application has been available at the Sandusky Library since July 18 for public review and will next be scored by the Ohio Public Works Commission; he believes there will be only one application in this region. The next step is for the Clean Ohio Council to score the application. Dan Brown said the site does not include any wet or submerged land. He said the property has a long history of manufacturing businesses with a 'start to finish' process. Famous Realty has owned the property since the 1970's and has been primarily used for warehousing; the contamination is from many previous/prior years. Dan Brown said the goal is to create a redevelopment-ready project by removing the structure, foundations and footings and obtaining a covenant not to sue through the EPA. He provided a summary of the financial request: \$1,094,089 from the State of Ohio, \$368,386 in the form of a match (US EPA Brownfields sub-grant) with the balance of \$40,000± committed by the owner, bringing the project total to almost \$1.5 million.

Dan Brown said if awarded, the CORF money will be utilized to remove asbestos, provide soil remediation, remove and dispose of universal wastes and to remove the underground storage tanks, ultimately receiving a covenant not to sue which will cause the EPA to be responsible for any future cleanup at the site. Dan Brown hopes this will be successful for the spring, 2012 construction season so that demolition can begin. He said there will be approximately 15± acres of potential development in

the future. The city will not have an immediate return on investment, but a foreseeable one. Dan Kaman said he would like to see this grant application submitted and wishes the building could have been torn down years ago. Dick Brady asked Dan Brown to repeat the city's involvement in the project; Dan Brown said the city's involvement is minimal and EPA assessment grant funds will be contributed toward the project for various assessment activities. There are no other matching fund or general fund dollars; the only commitment the city will have is for in-kind services (i.e. review of documents, processing of payments, etc.). There may be a small portion of the contract for the certified professional.

Tim Schwanger, 362 Sheffield Way, representing Save Our Shoreline Parks, asked several questions of Dan Brown including:

- 1) Will the comments of the independent environmental consultant be included with the documents submitted with the CORF application?
- 2) Partners Environmental lists the eastern parcel as vegetated. In 1991 and 1996, the Sandusky Port Plan and the U.S. Fish & Wildlife inventory listed this as federally-protected wetlands. Is this an inaccuracy?
- 3) From 1955 – 1957, EPA permits allowed industrial waste and sanitary waste to be discharged, but no testing was performed of Sandusky Bay. Is there a plan to perform these tests before signing off on the project?
- 4) Testing of only one well was completed and chemicals of concern were found in the well. Additional testing should be performed at the Apex site.
- 5) Under the Voluntary Action Plan, no semi volatile organic compounds or metals were detected above laboratory detection limits with exceptions. Is this a game with words?
- 6) If the property is cleared, is residential redevelopment possible?

Dan Brown said he is not aware of specific input provided by the independent consultant but the application is for the CORF grant, not the issuance of the covenant not to sue letter. There is a considerable amount of time before this will be requested. Dan Brown said he would be interested in reviewing these comments and submitting them with the application. Dan Brown said part of the analysis is whether the property itself is causing contamination; there may have been discharges 50 – 60 years ago, but this is immaterial to the present program. Dan Brown said during the assessment, contamination was not identified from the property and was not entering Sandusky Bay. He said if the site is not having impact on the Bay, testing is not required or necessary. He said conversely, the Gradel and Deep Water properties were causing substantial discharges into Sandusky Bay. Testing was performed, and continues to be performed, as contamination is known to be emanating from this particular site. Dan Brown said there may be wetlands on the vegetated part of the property but the EPA is only concerned about whether contamination is being caused from or by the property. This is not in conflict under what has been submitted by the VAC.

Dan Brown said during the assessment, some chemicals were found in the shallow ground water and it was recommended a deep well be installed into the bedrock below the shallow water. He said this well collected different chemicals than those found in the shallow water and were not sinking chemicals, rather chemicals that float on water. He said there was no connection between the chemicals found at the site and the chemicals found in the well. He said there is naturally occurring petroleum present at levels well below the drinking water standard and no further tests were determined to be necessary. He said the EPA will have a chance to review this information and more wells will be installed if they (the EPA) do not concur.

Dan Brown said assessments are conducted through exhaustive studies and reports are then written to show the issues. He said if all of the chemicals *not found* were written out/listed after site analysis, Partners would still be writing their report. This is not intended to be misleading, it is to show the chemicals found and the reality is that a small number of chemicals have been found out of tens of thousands of chemicals. Dan Brown said the future development of the property is not up to him and would be up to the city commission.

Tim Stookey, 1307 Fifth Street, asked if there is asbestos in the building and Dan Brown said the assessment performed showed there is asbestos and the amount has been quantified and a quotation from a licensed contractor has been obtained for its removal. Tim Stookey asked about airborne dust when the building is torn down and Dan Brown said asbestos abatement is done through the Clean Ohio program often. Procedures are followed to oversee and monitor its removal as developed over the past 40 years. If done correctly, the risk of asbestos fiber becoming airborne is extremely small.

Wesley Poole, 1939 East Oldgate, asked what a potential developer would be able to do with this land in the future. Dan Brown said the site is zoned industrial and will meet the requirements of a commercial or industrial property once cleanup is complete.

CURRENT BUSINESS

Upon motion of Deidre Cole and second of Dave Waddington, the commission voted to accept all communications. All Ayes. The presiding President declared the motion passed.

ITEM #1 – Submitted by Hank S. Solowiej, CPA, Finance Director

Budgetary Information: None.

PASSED FIRST READING: It is requested an Ordinance be passed **amending part one – administrative code, title seven – boards and commissions, chapter 181 – Audit/Finance Committee**, in the manner and way specifically set forth herein below.

Upon motion of Pervis Brown and second of Diedre Cole, the commission voted to adopt this Ordinance at first reading.

Discussion: Diedre Cole asked if there were other changes to this section of the code besides changing meetings from monthly to quarterly. Hank Solowiej said the finance reports will still be distributed on a monthly basis. Pervis Brown said he attends the meetings of the Audit/Finance Committee and believes they can be unproductive when there is no pressing business. They will meet more frequently if necessary.

Roll call on the motion: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, Julie Farrar and Dick Brady, 7. The presiding President declared the motion passed. Roll call on the Ordinance: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, Julie Farrar and Dick Brady, 7. The presiding President declared the Ordinance passed at first reading.

ITEM #2 - Submitted by Amanda Meyers, Paralegal

Budgetary Information: The cost associated with this purchase agreement is the total amount of the title examination, deed preparation, escrow fees and any other customary fees that may be due and payable in the ordinary course of the sale and purchase transaction. Pursuant to Ohio Revised Code Section 5722.08(A), the city will recoup expenses incurred on account of the acquisition, administration, management, maintenance and disposition of the property from the proceeds of the sale, and the remaining balance, if any, will be paid to the County Treasurer for reimbursement to the taxing districts. The conversion and improvements made to this residential dwelling will enhance surrounding property values and the taxing districts will once again begin collecting real property taxes.

ORDINANCE NO. 11-081: It is requested an Ordinance be passed **declaring that certain real property owned by the city as part of the land reutilization program identified as Parcel No. 58-00269.000, located at 911 Vine Street is no longer needed for any municipal purpose and authorizing the execution of a purchase agreement with respect to that real property;** and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

Upon motion of Dave Waddington and second of Pervis Brown, the commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the city charter. Roll call on the motion: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, Julie Farrar and Dick Brady, 7. The presiding President declared the motion passed. Roll call on the Ordinance: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, Julie Farrar and Dick Brady, 7. The presiding President declared the Ordinance passed.

ITEM #3 – Submitted by Paul E. Ricci, Fire Chief

Budgetary Information: The total amount of this expenditure is \$60,000. The federal share covers \$54,000 (90%) of the proposed expenditures. The matching \$6,000 (10%) funds for this purchase will be provided from the city's equipment replacement fund (EMS fund).

RESOLUTION NO. 032-11R: It is requested a Resolution be passed **approving and ratifying the grant application submitted to the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Grant Programs Directorate (GPD) for the 2011 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 of Dick Brady and second of Diedre Cole, the commission voted to adopt this Resolution under suspension of the rules and in accordance with Section 14 of the city charter. Roll call on the motion: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, Julie Farrar and Dick Brady, 7. The presiding President declared the motion passed. Roll call on the Resolution: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, Julie Farrar and Dick Brady, 7. The presiding President declared the Resolution passed.

ITEM #4 – Submitted by Paul E. Ricci, Fire Chief

Budgetary Information: The cost associated with this request for legislation is the total amount of time utilized for any necessary enforcement by the fire department.

PASSED FIRST READING: It is requested an Ordinance be passed **amending part fifteen (fire prevention code), by the addition of chapter 1503 (outdoor wood furnaces), of the codified ordinances, in the manner and way specifically set forth herein below;** and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

Upon motion of Dick Brady and second of Dave Waddington, the commission voted to adopt this Ordinance at first reading.

Discussion: John Hamilton asked if a person utilizing a wood burning fireplace would be putting the same materials into the air. John Hamilton asked if there is a ruling about the distance these appliances would need to be from a residence or an adjacent residence. Paul Ricci said this legislation is specifically for outdoor wood heating appliances used for purposes of heating water for indoor heating systems. He said there is no specific legislation anywhere in Ohio to address this type of an appliance. The EPA has issued recommended practices and they are identified in the ordinance as well as the distance they must be from a residential structure. Paul Ricci said these are only for outdoor hydronic heating units used to circulate heat within a home. He said there will be areas where these can be installed and he would like to get ahead of the issue before it becomes prevalent. Sandusky has densely populated areas where smoke could be a detriment to persons with breathing ailments if these heating appliances were installed without properly vented proper chimneys. Paul Ricci would like to see the units installed with the proper ventilation according to the city's code and the manufacturer's recommendations. Dan Kaman said he has concerns that may have already been installed and the consequences to the owners, especially those with bigger lots. He said these residents would have added cost to keep the units and would be subject to more regulations than already adhered to. Dan Kaman said he would like to see other cities get involved rather than being the first. Diedre Cole said she is opposed to passing this legislation under Section 14 of the city charter. She would prefer to table the ordinance or pass it at first reading so that the comments could be considered. Julie Farrar said she trusts Paul Ricci's professional opinion and Paul Ricci said he can do further research for the city commission. The west end would be one of the concentrated areas in the city where these types of units would be permissible and the ultimate goal is to protect public health.

Roll call on the motion: Yeas: Dave Waddington, Pervis Brown, Julie Farrar and Dick Brady, 4. Nays: John Hamilton, Diedre Cole and Dan Kaman, 3. The presiding President declared the motion passed. Roll call on the Ordinance: Yeas: Dave Waddington, Pervis Brown, Julie Farrar and Dick Brady, 4. Nays: John Hamilton, Diedre Cole and Dan Kaman, 3. The presiding President declared the Ordinance passed at first reading.

ITEM #5 – Submitted by Tom Whitted, Communications Systems/IT Manager

Budgetary Information: There is no budgetary impact. These items will be donated to the Goodwill Industries of Erie, Huron, Ottawa and Sandusky Counties, Inc.

RESOLUTION NO. 033-11R: It is requested a Resolution be passed **authorizing the disposal of used computers and related equipment as being unnecessary and unfit for city use, approving their donation to the Goodwill Industries of Erie, Huron, Ottawa and Sandusky Counties, Inc.;** and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

Upon motion of Dave Waddington and second of Dan Kaman, the commission voted to adopt this Resolution under suspension of the rules and in accordance with Section 14 of the city charter. Roll call on the motion: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, Julie Farrar and Dick Brady, 7. The presiding President declared the motion passed. Roll call on the Resolution: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, Julie Farrar and Dick Brady, 7. The presiding President declared the Resolution passed.

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

Budgetary Information: Funding is available to cover only the cost of the base bid using 2.5 inches of asphalt. The cost of the project based on bids, including engineering, inspection, advertising and miscellaneous costs is \$195,663.03, to be paid with \$150,000 from community development block grant funds and \$45,663.03 from street funds.

ORDINANCE NO. 11-082: It is requested an Ordinance be passed **authorizing and directing the city manager to enter into a contract with Erie Blacktop, Inc., of Sandusky, Ohio, for the Columbus Avenue resurfacing project;** 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 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 \$150,000 in CDBG funds will be utilized for this project and Carrie Handy said this project qualifies as it is in a low and moderate income neighborhood. Dick Brady said his position is this is not appropriate use of CDBG monies. He said economic development and infrastructure are related and you cannot do one without the other but believes the city needs to leverage its dollars and buying blacktop is not the way to do this. Julie Farrar said she is happy that a Sandusky company is the lowest bidder for the job.

Roll call on the motion: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman and Julie Farrar, 6. Nays: Dick Brady, 1. The presiding President declared the motion passed.

Roll call on the Ordinance: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman and Julie Farrar, 6. Nays: Dick Brady, 1. The presiding President declared the Ordinance passed.

ITEM #7 – Submitted by Todd J. Roth, P.E., P.S.

Budgetary Information: The estimated cost of the project is \$18,000, including miscellaneous expenses. This cost will be paid with USEPA Cleanup Grant funds made available through the ARRA.

RESOLUTION NO. 034-11R: It is requested a Resolution be passed **declaring the necessity for the City of Sandusky, Ohio, to proceed with the demolition of the Sandusky Cabinets gas station building in Sandusky, Ohio; approving the specifications and engineer's estimate of cost thereof; and directing the city manager to advertise for and receive bids in relation thereto;** and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

Upon motion of Dave Waddington and second of Diedre Cole, the commission voted to adopt this Resolution under suspension of the rules and in accordance with Section 14 of the city charter.

Discussion: Dan Kaman said this is the garage building on the property, not the larger building/structure.

Roll call on the motion: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, Julie Farrar and Dick Brady, 7. The presiding President declared the motion passed. Roll call on the Resolution: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, Julie Farrar and Dick Brady, 7. The presiding President declared the Resolution passed.

ITEM #8 – Submitted by Todd J. Roth, P.E., P.S.

Budgetary Information: The city is applying for \$175,000 in credit enhancement funding to offset the interest costs for the OWDA loan currently in place for the Big Island Water Works chemical improvement project.

RESOLUTION NO. 035-11R: It is requested a Resolution be **passed authorizing and ratifying the submission of an application by the city manager for financial assistance and to enter into a project agreement with the Ohio Public Works Commission in order to participate in the Ohio Public Works Commission's state capital improvement and/or local transportation improvement programs authorized by chapter 164 (aid to local government improvements) of the Ohio Revised Code;** and declaring that this resolution 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 Resolution under suspension of the rules and in accordance with Section 14 of the city charter.

Discussion: Todd Roth said the city has an OWDA loan for the Big Island Water Works plant improvements and this legislation would allow the city to apply for money to offset the interest costs associated with this loan.

Roll call on the motion: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, Julie Farrar and Dick Brady, 7. The presiding President declared the motion passed. Roll call on the Resolution: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, Julie Farrar and Dick Brady, 7. The President declared the Resolution passed.

ITEM #9 – Submitted by Todd J. Roth, P.E., P.S.

Budgetary Information: The estimated construction cost of the First Street waterline project is \$526,578. The city is applying for \$175,000 in funding from the Ohio Public Works Commission. The city's cost of the project would be paid out of the water fund, \$351,578.

RESOLUTION NO. 036-11R: It is requested a Resolution be passed **authorizing and ratifying the submission of an application by the city manager for financial assistance and to enter into a project agreement with the Ohio Public Works Commission in order to participate in the Ohio Public Works Commission's state capital improvement and/or local transportation improvement programs authorized by chapter 164 (aid to local government improvements) of the Ohio Revised Code;** and declaring that this resolution take immediate effect in accordance with Section 14 of the city charter.

Upon motion of Dan Kaman and second of Diedre Cole, the commission voted to adopt this Resolution under suspension of the rules and in accordance with Section 14 of the city charter.

Discussion: Todd Roth said the city is applying for assistance with the water main replacement and is trying to offset some of the known costs. Todd Roth said in scoring for the application, fewer points are awarded for a score above 175.

Roll call on the motion: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, Julie Farrar and Dick Brady, 7. The presiding President declared the motion passed. Roll call on the Resolution: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, Julie Farrar and Dick Brady, 7. The President declared the Resolution passed.

ITEM #10 – Submitted by Todd J. Roth, P.E., P.S.

Budgetary Information: The estimated construction cost to remove the existing pavement and replace it is \$220,000. The city is applying for 50% funding assistance in the amount of \$110,000 from the Ohio Public Works Commission. The city's share of \$110,000 will be paid out of the capital funds.

RESOLUTION NO. 037-11R: It is requested a Resolution be passed **authorizing and ratifying the submission of an application by the city manager for financial assistance and to enter into a project agreement with the Ohio Public Works Commission in order to participate in the Ohio Public Works Commission's state capital improvement and/or local transportation improvement programs authorized by chapter 164 (aid to local government improvements) of the Ohio Revised Code;** and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

Upon motion of Dave Waddington and second of Diedre Cole, the commission voted to adopt this Resolution under suspension of the rules and in accordance with Section 14 of the city charter.

Discussion: Diedre Cole asked Todd Roth about use of porous asphalt for this project on Caldwell Street. Todd Roth said he would prefer to use this on or in a parking lot rather than on a street. He suggested testing the Lions Park parking lot rather than any street because of the volumes of traffic. Diedre Cole said many communities have utilized this technology across the country and it is an effective tool for storm water management control. She believes this is a technology Sandusky needs to pursue and invest in as it will cut salt usage and will eliminate black ice. Diedre Cole asked Todd Roth to identify a test project going forward. Julie Farrar said she is happy to see Caldwell Street slated for reconstruction.

Roll call on the motion: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, Julie Farrar and Dick Brady, 7. The presiding President declared the motion passed. Roll call on the Resolution: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, Julie Farrar and Dick Brady, 7. The presiding President declared the Resolution passed.

CITY MANAGER'S REPORT

Upon motion of Dan Kaman and second of Diedre Cole, the commission voted to accept a donation in the amount of \$150 from Michael and Marilyn Marshall for the Green Fund (#863 3430 485 00). All Ayes. The presiding President declared the motion passed.

Upon motion of Dave Waddington and second of Diedre Cole, the commission voted to accept a donation in the amount of \$50 from Holly Hardecker for the Green Fund (#863 3430 485 00). All Ayes. The presiding President declared the motion passed.

Upon motion of Dave Waddington and second of Diedre Cole, the commission voted to accept a donation in the amount of \$250 from Lakeside Heart and Lung Center to the Sandusky Fire Department for the Firefighter Combat Challenge. All Ayes. The presiding President declared the motion passed.

Upon motion of Dan Kaman and second of Diedre Cole, the commission voted to accept four donations, as outlined below, in memory of Dave Schweinfurth to be utilized for the purchase of a new American flag for the Jackson Street Pier:

Tim Schwanger	\$60.00
Dave Waddington	\$40.00
Don Icsman	\$40.00
Dick Brady	\$40.00

All Ayes. The presiding President declared the motion passed.

Scott Miller said the **Wightman Wieber Foundation would like to make a donation to the city, in the approximate amount of \$7,400, to replace the fence between the Meigs Street Pier and the Sandusky Bay Pavilion.** Scott Miller said this fence runs along the wall and was removed a couple of years ago. He said a 3½' decorative fence, of low maintenance and commercial grade, will be installed by the city. Dave Waddington said the city will be meeting with Neil Allen of the Sandusky Area Maritime Museum & Karlene Weiber and Darlene Lowery of the Wightman Wieber Foundation, about enhancing the property for next year. Dave Waddington said there has been some discussion about the addition of art shows and small concerts and will continue to help at this facility in the future. He said it is great there are people who are giving back through monetary donations and action. Diedre Cole asked if access to the Meigs Street Pier will be eliminated and if there will be gate access directly to the pier once the fence is installed. Scott Miller said this can be looked at and incorporated into the plan. Dave Waddington said he is working hard to bring The Big Splash Raffle back to the Sandusky Bay Pavilion facility. **Upon motion of Dan Kaman and second of Dave Waddington, the commission voted to accept this donation. All Ayes. The presiding President declared the motion passed.**

Don Icsman said the Fifth **Third eBus II will be coming to Sandusky on September 13 and 14, 2011.** It will be located at Ebenezer Baptist Church (9.13.11) and at the YMCA (9.14.11) to meet the financial needs of underserved populations by bringing banking services directly to them.

Don Icsman said **the Church World Service - Sandusky Area CROP walk against hunger - will be held on October 2, 2011 starting at 2 p.m.** The purpose of the walk is to raise funds for hunger relief agencies locally and around the world and that 25% of all money raised stays in Sandusky, Ohio.

Don Icsman said **the city received correspondence from Patrick Deville, President and General Manager of Buckeye CableSystem, announcing the addition of five (5) channels to their HD lineup at no additional cost.**

Don Icsman said **the Ahmadiyya Muslim Community sent information to the city about a nationwide blood drive taking place during the month of September, 2011,** encouraging citizens in our area to participate in giving blood to commemorate the tenth anniversary of the 9/11 tragedy. Julie Farrar suggested the city send a letter of support for this nationwide blood drive.

Don Icsman said **the city received correspondence from the Northwest Ohio Mayors and Managers Association and the Regional Income Tax Agency regarding the proposed centralized collection of municipal income tax through the Ohio Department of Taxation.** He said these agencies are encouraging municipalities to contact their state representatives and state senators to let them know control of municipal income tax collection should remain with each respective municipality. Julie Farrar suggested the city send a letter to legislators stating control of municipal income tax collection should remain with the municipalities.

Don Icsman said **the city received correspondence from Dale Hartle, President of the Ohio Regional Development Corporation (ORDC) informing the city the 2004, 2005 and 2006 CHIP programs have been successfully brought into compliance.** He said ORDC has extended an offer to apply for the 2012

round of CHIP funding at no cost to the city. Julie Farrar said she has a problem with ORDC taking over the housing problem because of mistakes made. She said there are different employees at the city who could take care of these things in the future. Dave Waddington asked if the city's insurance will cover the claim(s) made. Hank Solowiej said a claim was submitted in July and he is meeting with them later in the month. Don Icsman said the city does not know details about the investigation. Don Icsman said the city has not exceeded the last allocation made by the city commission. Don Icsman said there was an individual previously working for the city's insurance company who wanted to wait until completion of the investigation to determine coverage. This person no longer works for the insurance company and he (Don) is awaiting word from the new employee about this. **Upon motion of Pervis Brown and second of Dan Kaman, the commission voted to allow ORDC to apply for 2012 CHIP funding on the city's behalf and to help administer all issues and warranty work for these homes. Yeas: John Hamilton, Dick Brady, Dave Waddington, Pervis Brown and Dan Kaman, 5. Nays: Diedre Cole and Julie Farrar, 2. The presiding President declared the motion passed.**

Jim Lang provided an update on the **recommendations made by the ICMA comprehensive analysis for the Sandusky Police Department.** Jim Lang said Items 20, 21 and 22 of this report focus on training for officers in the department. He said the training officer position will be reinstated to maintain all training records as mandated by the State of Ohio and this officer/position must be certified by the Ohio Peace Officer Training Academy. Jim Lang said this person will be responsible for internal training with no or little cost to the city. Jim Lang said this officer will also be available for road patrol as necessary. Jim Lang said he would like to transfer Sgt. Ron Snyder into this position which will not result in any additional costs to the city. The ICMA report will continue to be addressed and the SPD will work toward its recommendations.

OLD BUSINESS

Diedre Cole said **applications are being accepted for the first Sandusky Youth Commission.** She said this was posted in the local newspaper and is on the city's website.

Diedre Cole said **the Safe Routes to School program** will begin at the end of September and the Sandusky City School Board has approved a Resolution of support. The school board has appointed Officer Jody Showalter, Cheryl Bush and Dennis Muratori to the steering committee. Diedre Cole said four persons should be appointed to represent the city including a citizen, a city commissioner, and one representative each from the engineering and police departments. **Upon motion of Diedre Cole and second of Pervis Brown, the commission voted to appoint Todd Roth, Wes Poole, Diedre Cole and John Hamilton (alternate commissioner) to the steering committee. All Ayes. The presiding President declared the motion passed.**

Diedre Cole asked if an update could be provided about **the transient rentals which are on the Zoning Code Board of Appeals agenda** for this week and Don Icsman said this involves pending litigation and there is nothing to be said.

Dan Kaman said he would like **staff to investigate the idea of moving the recycle bins to one location: Marquette Street, with set hours and monitoring.** Don Icsman said the city is looking into **the use of video cameras to monitor this type of area.** He said a demonstration may be scheduled in the future to allow the city commission to learn more about them. Video cameras are used in Lorain County for illegal dumping of environmental materials. Dave Waddington said two sites help the city to meet its quota of 5,000 residents each and he would actually like to see three sites. Dave Waddington asked about the **recycle units from Greener Corners** and Don Icsman said they are currently being fabricated and will eventually be placed to help increase Sandusky's tonnage. Pervis Brown said it would be unfair for a person on the east side of town to be forced to drive to the west side of town and Dan Kaman said there should be a solution to help with persons who are dumping plastic pools, couches, etc. at these sites. Don Icsman said he recently learned that environmental crimes such as these are felonies.

NEW BUSINESS

Upon motion of Dave Waddington and second of Diedre Cole, the commission voted to appoint Gary Guendelsberger to the Americans with Disabilities Act Advisory Board for the remainder of a two-year term which will expire December 31, 2011. All Ayes. The presiding President declared the motion passed.

Upon motion of Diedre Cole and second of Pervis Brown, the commission voted to appoint Larry Wren and Tom McKenna to the Recreation Board for the remainder of two (2) two-year terms which will expire December 31, 2012. All Ayes. The presiding President declared the motion passed.

Upon motion of Diedre Cole and second of Pervis Brown, the commission voted to reappoint Naomi Twine to the Human Relations Commission for a five-year term which will expire October 10, 2016. All Ayes. The presiding President declared the motion passed.

Dan Kaman mentioned there are still two vacancies on the **Solid Waste Collection Review Board** and encouraged interested citizens to contact the city clerk's office for more information.

Upon motion of Diedre Cole and second of Pervis Brown, the commission voted to hold an executive session regarding the sale of personal property. Roll call on the motion: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, Dick Brady and Julie Farrar, 7. The presiding President declared the motion passed.

Upon motion of Diedre Cole and second of Dave Waddington, the commission voted to hold an executive session regarding personnel, police department. Roll call on the motion: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, Dick Brady and Julie Farrar, 7. The presiding President declared the motion passed.

Upon motion of Diedre Cole and second of Dave Waddington, the commission voted to hold an executive session regarding personnel, police department. Roll call on the motion: Yeas: John Hamilton, Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, Dick Brady and Julie Farrar, 7. The presiding President declared the motion passed.

Julie Farrar asked Scott Miller to look at **the high weeds at 2208 and 2212 Milan Road**. She said the city is mowing the grass at these vacant lots, but if there is time, the weeds are also very high.

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

Donald Francis, 3203 Venice Road, said he is concerned about the halfway house, **Oriana House**, which is slated to open in his neighborhood on November 1. He asked for opinions from the city commission and city manager as he is concerned about safety and lowering of property values. He said the neighborhood has experienced many problems with the homeless since the VOA shelter opened. Donald Francis asked if the police department would be able to provide the necessary security with the problems expected on the west side of town. Julie Farrar said she encourages more patrols by the police department. The Oriana House is slated to open and did not need the city's permission to do so. Julie Farrar said this is an allowable zoning use for this parcel and Don Icsman said this is reverse of the transient rental issue; this area is zoned general manufacturing and the Oriana House is a permissible use of the property according to the zoning. Don Icsman said the city's attorney who looks at zoning and planning matters agreed with this as being a permissible use and the city could be sued if it tried to do something. He said those involved with transient rentals started doing things that were not permissible in a residential area. Don Icsman said the next step would be for the Oriana House to obtain site plan approval and parking.

Sharon Johnson, 1139 Fifth Street, asked why there is no agreement with the Erie County Economic Development Council (ECEDC). She said the city has not received any reports and has not received word about hiring a Job Specialist. Dick Brady said there is a meeting tomorrow of the ECEDC board and the hiring of the BEAR Specialist will be discussed. He said the ECEDC Director will come before the city commission and provide a report although it is not a requirement. Sharon Johnson said ECEDC should refund a portion of the city's money for non-performance. Don Icsman said there is an ordinance for payment to ECEDC and the reporting portion that is being discussed will be done once the BEAR Specialist has been hired. He said the commission authorized \$30,000 as a commitment to the city for the economic development services provided. Sharon Johnson asked what permanent roads will be closed when the S.R. 6 grade separation project is built. Todd Roth said he has plans in his office which are available for the public. He said if traveling west on Venice Road, there will be an intersection where the grade separation begins and traffic will also be able to continue traveling on Venice Road. Todd Roth said Tiffin Avenue will become the bypass for vehicles traveling into town. Todd Roth said two cul-de-sacs will be created on Superior Street and Ferndale Drive will be improved. Todd Roth said Huron Street will no longer be a through street and a cul-de-sac will be created. The railroad tracks on Tiffin Avenue will be closed. Julie Farrar said if there is need for a traffic light after construction, it will be addressed. Todd Roth said the state would consider it, but at this time, he assumes the state determined this was not necessary.

Wesley Poole, 1939 East Oldgate, said the city may be legally within its bounds regarding the Oriana House, but feels the city was inadequate in service and response to the citizens. He said the city could

have taken the extra effort to notify the residents in the area how they may be affected. Wesley Poole asked how the police department will fund training with the new training officer. Dan Kaman said the budget process is forthcoming and the training officer will be updating files and records regarding the mandated training through the State of Ohio. Dan Kaman said the staff from Oriana House came to a public meeting and provided information about their project and is how the city commission was informed about the business.

Mary Wetzel, 3119 Venice Road, asked the city commission to schedule a meeting about the zoning (near Oriana House) so there are no more unexpected surprises for west end residents. Carrie Handy said she has contacted staff at the Oriana House about scheduling a meeting with nearby residents as their concerns are legitimate and need to be addressed. Carrie Handy said the overpass project may affect the zoning in the area and will be different than thought when initially created.

Earl Wetzel, 3119 Venice Road, said there is now inmate housing at Crossroads facility and mentally ill persons living near where children live. He asked how Perkins Township kicked them (Crossroads) out of their community.

Tim Stookey, 1307 Fifth Street, said Sandusky cannot lose its recycle center on the east end of town. He asked if the city had security cameras at the water plant which could also be utilized at the recycle center and Dan Kaman said the city cannot answer this question.

Tim Schwanger, 362 Sheffield Way, said he hears there are now four crossings to be closed with the creation of four cul-de-sacs and Dan Kaman said three are being closed. Tim Schwanger said there was misinformation given previously and Dan Kaman said the model was put together according to the bid specifications, but there were some inaccuracies and are being corrected. Tim Schwanger thanked those involved with putting the grills back in place at the Sandusky Bay Pavilion. He said there are now two or three benches along the north edge and reminded the commission about the Friends of the Sandusky Bay Pavilion for volunteerism. Tim Schwanger asked if the 3½' fence along the wall will be from the top of the concrete and Scott Miller said the fence will go along the top of the wall and the size does vary from end to end.

At 7:53 p.m., Julie Farrar announced adjournment of the open session. Three executive sessions were held beginning at 8 p.m. At 8:59 p.m., Julie Farrar announced adjournment.

Kelly L. Kresser
Clerk of the City Commission

Daniel J. Kaman
President of the City Commission