

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

The Clerk **called the roll** and the following Commissioners responded: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse. Diedre Cole stated Julie Farrar would be at the meeting shortly.

City staff present: Hank Solowiej – Finance Director, Don Icsman – Law Director, Kelly Kresser – Commission Clerk, Kathy McKillips – Engineer, Paul Ricci – Acting Fire Chief, Jim Lang – Interim Police Chief, Carrie Handy – Planner, Scott Miller – General Services Director, Judy Nagy – Recreation Program Supervisor.

Upon motion of Pervis Brown and second of Diedre Cole, the Commission voted to approve the minutes of the August 23, 2010 meeting and dispensed with the oral reading. All Ayes. The President declared the motion passed.

Dan Kaman said he would like to acknowledge the success of **several events which took place in Sandusky this past weekend** including Cruisin' By the Bay, Bay Days, the Rev3 Triathlon, 9-11 ceremonies throughout the county and the Erie MetroParks "Go Take a Hike" event. Dan Kaman recognized Judy Nagy, Recreation Program Supervisor, for her efforts in helping to coordinate these events. Judy Nagy thanked all of the persons who assisted during the weekend and helped to build our economy. She said the Rev3 Triathlon was an international event and then introduced Eric Opdyke, Rev3 Race Director. Eric Opdyke said the planning for this family-friendly event began about two years ago. He said there were over 1,000 volunteers from the medical community, police and fire departments, Cedar Point and others throughout Erie County. He said the athletes are already asking when this race will return to Sandusky. He read two emails received from competitors who were highly complimentary of the area and the volunteers. There were over 1,200 participants.

Kim Nuesse introduced **Jim Lang, Interim Police Chief**, who was attending his first City Commission meeting.

A Proclamation was read on behalf of **Periodical Publishers' Service Bureau, LLC (PPSB)** recognizing their 100th anniversary in business. Two of PPSB's general managers, Doug James and Janet Ruffing, accepted the Proclamation.

PUBLIC HEARING

A Public Hearing was held regarding an Application for Expansion of the Existing Entertainment District filed by Benjamin Byington, Benny B's Barber Shop, 434 West Market Street. Carrie Handy said the border for the entertainment district is currently just east of this location (at Jackson Street) and said Benjamin Byington is proposing to open a night club or tavern establishment. She said the expansion will allow Benjamin Byington to apply for a liquor permit which is available through the State of Ohio according to the current entertainment district regulations. Pervis Brown asked if this was presented to the Board of Zoning Appeals (BZA) and Carrie Handy said the expansion request is not yet required to go through the BZA or the Planning Commission. Kim Nuesse asked if there were recommendations from staff and Carrie Handy said a formal recommendation was not prepared, although there are no objections. She said the purpose of the public hearing is to receive public comment(s) and that formal legislation will be submitted to the City Commission at their next meeting.

Jason Singer, Sandusky Register, 314 West Market Street, asked how the border for the current entertainment district was chosen and Carrie Handy said she did not work for the city when this was established, but she could check the files.

Sharon Johnson, 1139 Fifth Street, said this is a small confined area and asked if there is enough room for a night club and/or parking. Carrie Handy said if the entertainment district is approved for expansion, approvals will then be considered by the Planning Commission and the BZA regarding these types of issues.

Benjamin Byington, 434 West Market Street, said his request is for a small, local sandwich shop, not a night club.

Dennis Timple, 553 Bimini Drive, asked the City Commission to consider expanding the whole south side of the 400 block of West Market Street rather than just this one property at the corner.

Kim Nuesse asked staff from applicable departments to provide recommendations regarding the proposed expansion of the entertainment district. Dan Kaman said he supports this and said the entertainment district was established to get these kinds of businesses in the city. Carrie Handy said at the time the entertainment district was created, the uses in this particular block were not expected to change and this may be the reason why it was not included in the original district.

The President declared the **Public Hearing** closed.

Upon motion of Dave Waddington and second of Pervis Brown, the Commission voted to order in legislation to expand the existing entertainment district to Decatur Street. All Ayes. The President declared the motion passed.

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

Mark Gacka, 400 Broadway Street, said at the August 23, 2010, meeting the Commission was given public notice of two revisions to vote upon concerning Item #1. He said the first was a reduction in the submerged land to be leased to the Sandusky Yacht Club (SYC). He said at the June 14, 2010, meeting, the Commission voted to allow the SYC to expand to 20 - 30' docks between their marina and the Meigs Street Pier. He said this will reduce the number to 4 - 60' docks, but he is cloudy on the second revision regarding the rock pile around the Surf's Up property. He asked what is going to be voted upon and who made the request. John Hancock said the change in the erosion control area was made by the Ohio Department of Natural Resources during their review process. He said this will classify the area differently and will meet with their current rules. Mark Gacka asked if this was a public record and John Hancock said he would assume it is and that it could be obtained from the city.

A.J. Oliver, 1112 Wayne Street, Save Our Shoreline Parks, said he opposes any plan that would privatize public recreational property. He said Item #1 clearly is not an emergency and should not be passed as such; he said continuously passing legislation in this fashion shows a lack of respect for the democratic process. He said citizens have a right to public discussion and a right to challenge legislation passed as part of the city charter. A.J. Oliver said there are ongoing battles all over the country about privatizing public property and there is nothing unusual or strange about opposition. He said State Representative Dennis Murray is opposed to this (Item #1). Kim Nuesse said passage of legislation, whether emergency or not, is reviewed through Don Icsman's office to ensure it meets the charter specifications. She said training has been provided for all of the department heads regarding Section 14 to meet all criteria.

Jason Singer, Sandusky Register, 314 West Market Street, asked what the change is regarding the reduction of the number of docks. Dan Kaman said the number of docks is less and they are in a different location. Diedre Cole said she believes the number has been reduced from 20 - 30' docks to 8 - 60' docks and John Hancock concurred.

Wesley Poole, 1939 East Oldgate, said the law department determines legality of emergency legislation, not whether items are passed as an emergency; rather, this is up to the City Commissioners. He said what is being suggested is that it is not necessary to pass Item #1 as an emergency and it could wait for two readings. Dan Kaman said the Sandusky Yacht Club issue has been discussed publicly, openly and transparently for over one year and numerous changes have been made to please members of the Save our Shoreline Parks committee during this time. He said sometimes committees are more interfering than good and can slow things down.

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

Kim Nuesse said Don Icsman is the city's legal director and while the public has a right to their comments and opinions, the City Commissioners have given Don Icsman direction and issues that comes before them would not indicate otherwise.

Julie Farrar arrived at the meeting at 5:35 p.m.

Don Icsman said he received a letter from the Ohio Department of Natural Resources (ODNR) regarding

Item #1 on Friday which indicated the application is complete. He said in his experience, he has never prepared two approvals for these types of plans and he does not believe the city needed to prepare a second Resolution; however, it was suggested by the local ODNR that we prepare one even though it is not necessary. He said this is a reduction of the leased area from the original plan and kicks off the ODNR's process which is very public and open.

ITEM #1

RESOLUTION NO. 028-10R - 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 of Dave Waddington and second of Kim Nuesse, the Commission voted to approve this Resolution under Section 14 of the City Charter.

Discussion: Diedre Cole asked Don Icsman if this Resolution is necessary and Don Icsman said staff from the local ODNR office suggested this be prepared, to be on the safe side, to show approval of the modification.

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

ITEM #2

ORDINANCE NO. 10-086: It is requested an Ordinance be passed **approving and authorizing the City Manager to enter into an Agreement for professional consulting services;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Pervis Brown and second of Kim Nuesse, the Commission voted to approve this Ordinance under Section 14 of the City Charter.

Discussion: Dave Waddington said he would like to welcome Todd Roth from Hoeffel Engineering to the City of Sandusky. Dan Kaman said there are many ongoing engineering projects in the City of Sandusky and he is looking forward to having Todd Roth work on these.

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

ITEM #3 – Submitted by Kathryn K. McKillips, P.E., Engineer

Budgetary Information: The total estimated project cost based on bids including engineering, inspection, advertising and miscellaneous expenses is \$709,934.00 (estimate for the electrical work is included also). The city received an OPWC grant for 35% of construction costs only. The Water Fund will pay for the remaining balance of the project cost. The current distribution based on the estimate is OPWC \$195,976.90 and Water Fund \$513,957.10.

ORDINANCE NO. 10-087: It is requested an Ordinance be passed **authorizing and directing the City Manager to enter into a contract with Buckeye Excavating & Construction, Inc., of Norwalk, Ohio, for the Cedar Point Road Water Main Looping project;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Pervis Brown and second of Diedre Cole, the Commission voted to approve this Ordinance under Section 14 of the City Charter.

Discussion: Dave Waddington asked if the city was still in discussion with Cedar Point about building a new water tower and Kathy McKillips said a meeting is scheduled on September 23 to discuss this.

Roll Call on the motion: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse and Julie Farrar, 7. Roll call on the Ordinance: Yeas: Dave Waddington, Diedre

Cole, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse and Julie Farrar, 7. The President declared the Ordinance passed.

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

Budgetary Information: The total cost for the purchase of an additional four tons of Potassium Permanganate from SAL Chemical is \$16,960.00 and will be paid with funds from the Big Island Water Works plant operating budget.

ORDINANCE NO. 10-088: It is requested an Ordinance be passed **authorizing and directing the City Manager to purchase an additional 4.0 tons, more or less, of Potassium Permanganate from Sal Chemical of Weirton, West Virginia, for use at the Big Island Water Works plant during the calendar year 2010;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dave Waddington and second of Julie Farrar, the Commission voted to approve this Ordinance under Section 14 of the City Charter.

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

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

Budgetary Information: The estimated project cost based on bids including engineering, inspection, advertising and miscellaneous costs is \$142,648.00, to be paid with the USEPA Cleanup grant.

ORDINANCE NO. 10-089: It is requested an Ordinance be passed **authorizing and directing the City Manager to enter into a contract to Valor Contracting, LLC, of Northwood, Ohio, for the Sandusky Cabinets underground storage tank removal project;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Pervis Brown and second of Dave Waddington, the Commission voted to approve this Ordinance under Section 14 of the City Charter.

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

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

Budgetary Information: The estimated cost of the project, including engineering, inspection, advertising and miscellaneous costs is \$250,000.00 to be paid with Community Development Block Grant funds.

RESOLUTION NO. 029-10R: It is requested a Resolution be passed **declaring the necessity for the city to proceed with the proposed 2010 City of Sandusky resurfacing program; 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 Kim Nuesse and second of Pervis Brown, the Commission voted to approve this Resolution under Section 14 of the City Charter.

Discussion: Diedre Cole asked Kathy McKillips where the city is in terms of the 2010 street resurfacing program. Kathy McKillips said this legislation is for the 2010 program. She said the city did not have a program two years ago but last year, several streets were resurfaced. Dave Waddington said CDBG funds are paying for these resurfacing projects.

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

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

Budgetary Information: The total project cost based on bids including engineering, inspection, advertising and miscellaneous costs is \$6,807,622.00. The city will apply for an Ohio Water Development Authority loan, to be paid back with Water Funds.

- A. ORDINANCE NO. 10-090:** It is requested an Ordinance be passed **authorizing and directing the City Manager to enter into a contract with Kirk Brothers Company, Inc., of Alvada, Ohio, for the Big Island Water Works Chemical Improvement project;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dave Waddington and second of Dan Kaman, the Commission voted to approve this Ordinance under Section 14 of the City Charter. Roll Call on the motion: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse and Julie Farrar, 7. Roll call on the Ordinance: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse and Julie Farrar, 7. The President declared the Ordinance passed.

- B. ORDINANCE NO. 10-091:** It is requested an Ordinance be passed **authorizing and directing the City Manager to enter into a contract with Wilkes and Company of Huron, Ohio, for the Big Island Water Works Chemical Improvement 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 approve this Ordinance under Section 14 of the City Charter. Roll Call on the motion: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse and Julie Farrar, 7. Roll call on the Ordinance: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse and Julie Farrar, 7. The President declared the Ordinance passed.

Don Icsman said the Ordinances under Item #7 are for separate contracts related to the BIWW Chemical Improvement project. These Ordinances are for general trades, plumbing, HVAC, electrical, and fire protection and have all been competitively bid.

- C. ORDINANCE NO. 10-092:** It is requested an Ordinance be passed **authorizing and directing the City Manager to enter into a contract with Wilkes and Company of Huron, Ohio, for the Big Island Water Works Chemical Improvement project;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Julie Farrar and second of Dave Waddington, the Commission voted to approve this Ordinance under Section 14 of the City Charter. Roll Call on the motion: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse and Julie Farrar, 7. Roll call on the Ordinance: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse and Julie Farrar, 7. The President declared the Ordinance passed.

- D. ORDINANCE NO. 10-093:** It is requested an Ordinance be passed **authorizing and directing the City Manager to enter into a contract with South Shore Electric, Inc., of Elyria, Ohio, for the Big Island Water Works Chemical Improvement 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 approve this Ordinance under Section 14 of the City Charter. Roll Call on the motion: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse and Julie Farrar, 7. Roll call on the Ordinance: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse and Julie Farrar, 7. The President declared the Ordinance passed.

- E. ORDINANCE NO. 10-094:** It is requested an Ordinance be passed **authorizing and directing the City Manager to enter into a contract with S.A. Communale Company, Inc., of Fremont, Ohio, for the Big Island Water Works Chemical Improvement project;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Julie Farrar and second of Kim Nuesse, the Commission voted to approve this Ordinance under Section 14 of the City Charter. Roll Call on the motion: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse and Julie Farrar, 7. Roll call on the

Ordinance: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse and Julie Farrar, 7. The President declared the Ordinance passed.

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

Budgetary Information: The estimated construction cost of the Thorpe Drive, Dorn Drive and Ferndale Drive waterline project is \$516,200.00. The city is applying for \$258,100.00 in funding from the Ohio Public Works Commission. The city's cost of the project would be paid out of the Water Fund, \$258,100.00.

RESOLUTION NO. 030-10R: 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 Dave Waddington and second of Pervis Brown, the Commission voted to approve this Resolution under Section 14 of the City Charter.

Discussion: Dan Kaman said this work has been necessary for a long time and the west end is subject to many water main breaks. He looks forward to having this work performed.

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

ITEM #9 - Submitted by Amanda Meyers, Paralegal & Carrie Handy, Chief Planner

Budgetary Information: The cost of this acquisition will be approximately the administrative staff time necessary for acquisition and transfer fees, if any. The city will recoup these costs upon sale. The taxing districts will not collect the delinquent taxes, assessments, penalties and interest currently due and owing in the amount of \$176,595.13 whether the city accepts the property or not. However, it is presumed that the city will be maintaining the property in the event of forfeiture to the State of Ohio, in which case the property will be exempt from taxation and the city will not be able to assess the property for the costs of mowing and maintenance. By returning this abandoned nonproductive land to tax producing status, the taxing districts will begin collecting approximately \$13,200.62 yearly in real estate taxes, which eventually increase with rehabilitation and development of the property.

RESOLUTION NO. 031-10R: It is requested a Resolution be passed **approving and accepting certain real property for acquisition into the Land Reutilization program;** and declaring that this Resolution shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Julie Farrar and second of Kim Nuesse, the Commission voted to approve this Resolution under Section 14 of the City Charter. Roll Call on the motion: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse and Julie Farrar, 7. Roll call on the Resolution: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse and Julie Farrar, 7. The President declared the Resolution passed.

ITEM #10 – Submitted by Scott A. Miller, Director of General Services

Budgetary Information: The city will supply water for use by the Humane Society for sanitization and maintenance of the animal impound facility. There will be a very minimal impact on the use of utilities because the animal impound facility is currently maintained at a minimum temperature year round and the lighting is activated by a motion sensor with automatic turn-on/turn-off. Although the Humane Society will utilize the city's dumpster for disposal of solid waste, there shall be no additional cost to the city for this service. The Humane Society shall be solely responsible for all other costs associated with the implementation and operation of the TNR program and all duties and staffing associated with the housing of feral cats at the animal impound facility.

ORDINANCE NO. 10-095: It is requested an Ordinance be passed **authorizing and directing the City Manager to enter into an agreement with the Humane Society of Erie County to utilize the animal impound facility located at the city's service center.**

Upon motion of Pervis Brown and second of Kim Nuesse, the Commission voted to approve this Ordinance under Section 14 of the City Charter.

Discussion: Dave Waddington said it is a good idea to have this partnership with the Erie County Humane Society as feral cats are a growing problem, not just in the City of Sandusky. Diedre Cole asked about passage of this Ordinance under Section 14 of the City Charter and Don Icsman said although it is not being requested for passage under Section 14, it is up to the City Commission to determine how it is passed. He said he can make a presentation concerning passage of legislation if the Commission would like him to do so at a future meeting.

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

ITEM #11 - Submitted by Kelly L. Kresser, Clerk of the City Commission

A notice has been submitted to the City of Sandusky from the Ohio Department of Liquor Control, requesting a **transfer request for a D5 Liquor Permit from Chet Y, LLC to Big Johns Bar and Grill, LLC, 3129 West Monroe Street, Sandusky.** Comments have been received from the Departments of Development, Fire and Police and are attached to the transfer request. It is requested the Clerk notify the Ohio Department of Liquor Control that the city has no objections to this request.

Upon motion of Dave Waddington and second of Kim Nuesse, the Commission voted to have the City Commission Clerk notify the Ohio Department of Liquor Control that the city has no objections to this request. All Ayes. The President declared the motion passed.

CITY MANAGER'S REPORT

Upon motion of Dave Waddington and second of Pervis Brown, the Commission voted to accept a donation in the amount of \$10 from Helena Aldrige for the Sandusky Police Department to be used in relation to the police dog. All Ayes. The President declared the motion passed.

Upon motion of Dave Waddington and second of Pervis Brown, the Commission voted to accept a donation in the amount of \$160 from Jim Wichman to purchase a Knox box for the Sandusky Fire Department's Knox box program. All Ayes. The President declared the motion passed.

Upon motion of Kim Nuesse and second of Pervis Brown, the Commission voted to accept a donation in the amount of \$20 from Dave Waddington to be used in relation to refurbishing the Cookie House. All Ayes. The President declared the motion passed.

Don Icsman said **permission was granted to Erie County, through a Working Area Agreement, to perform work on property owned by the City of Sandusky and located at 3807 Bogart Road in Margaretta Township for the purpose of removing embankment and grading to facilitate the Bogart Road widening project and to reduce snow drifting.**

Don Icsman said the city received a **Cost Sharing Agreement from Erie County for a Stormwater Coordinator for the city's Phase II Stormwater Permit.** He said a number of jurisdictions may potentially join in although it has not yet been determined how the cost for this position will be funded. Dan Kaman said he believes the city is and should be interested in helping to fund the position, but would not support signing anything until a plan is in place. Don Icsman said having a Stormwater Coordinator is necessary and could not be done in-house, but agrees to talk more before signing any documents.

Don Icsman said **a meeting will be scheduled in November for all registered trash haulers in the City of Sandusky to provide information regarding changes made to the Erie County Solid Waste Management District Plan and the city's Code of Ordinances.** He said a letter will be mailed to all registered haulers four weeks in advance of the meeting. Dave Waddington asked if notice could also be published in the newspaper regarding this meeting as the changes will become effective January 1, 2011 and will have a large impact upon those in the waste hauling industry.

Don Icsman said **the city is proceeding with the plan recommended by John Hancock and George Poulos for extra work being performed at the Paper District marina project.** He said this work was originally contemplated by Bob Davis of Mid-States Development and the work is necessary to be performed to complete the project and to facilitate better public access. He said the cost is reasonable; Hoty's were mobilized and on-site in order to perform the work. Dan Kaman said this additional work

will complete the walkway and allow it to connect from the Northwest corner of the Chesapeake building to Shoreline Drive. He said if this is not done now, it will never be possible to get a cement truck in this area again.

Don Icsman said **the city considered entering into a MOU with Erie County earlier this year for dispensing gasoline**. He said since that time, this has been researched further and he recommends the city not enter into this agreement as it will not save the city any money and it will cause maintenance complications and issues with regard to inspection. He said the city can do other things with this money including reallocation toward the purchase of five new transit vehicles. Dan Kaman said he does not see the use of entering into this MOU if it does not save the city money.

Don Icsman distributed information about **upcoming events for the weekend of September 17 – 19, 2010 with the city's Recreation Division**.

Don Icsman said the City Commission previously ordered in legislation to approve an agreement to have **a feasibility study performed by SUREnergy (not to exceed \$24,000)**. He said while this has been in the drafting stage, he has had discussions with members of the Sandusky City Schools (SCS). He said SCS has been slowing down with their windmill project and have asked if the city would be interested in partnering to draft an RFP or an RFQ for energy issues. He said this would help both entities to objectively look at companies bringing these types of projects forward who are not trying to sell something.

Upon motion of Dave Waddington and second of Pervis Brown, the Commission voted to contact SCS so that a joint RFP can be drafted to look at energy issues.

Discussion: Dave Waddington said it would be good to continue going down this path and work with members of the SCS district to form a good working partnership.

All Ayes. The President declared the motion passed.

Don Icsman said **the Ohio Department of Natural Resources recently published a Public Access Guidebook** which is available in the City Clerk's office. He said these guidebooks indicate 36 designations in the State of Ohio for waterfront public access and 13 of the designations are within the Erie County.

Don Icsman said he has already made a presentation **regarding Sections 13 and 14 of the City Charter** to members of the Charter Review Committee and staff members. He said he would be happy to make this presentation at an upcoming City Commission meeting. Dan Kaman said this could be scheduled at his (Don's) discretion during a lighter agenda date.

OLD BUSINESS

Upon motion of Dave Waddington and second of Julie Farrar, the Commission voted to approve the draft of a letter (which was revised 9.13.10) to all registered voters in the City of Sandusky regarding the proposed Charter amendment. All Ayes. The President declared the motion passed.

Dave Waddington said he has heard **concerns from residents living on Marlboro Street about taxi cab businesses operating from homes on this street**. Don Icsman said he was made aware of this today and it is not permissible. He said staff members from both his office and the police department are working on this issue.

Dave Waddington said he has also heard concerns about **the condition of certain streets in the City of Sandusky**. He asked Hank Solowiej about the \$20 license plate fees and the amount of money which they generate. Hank Solowiej said the city receives revenue from four separate \$5 license plate fees which were enacted in 1977, 1987, 1989 and 1992 respectively. He said only one has spending restrictions: only 60% can be used contractually, 40% can only be used for supplies and materials. He said by law, all of these monies must go to the street department fund for maintenance and repair, personnel and upkeep of streets. He said the personnel costs are higher than what is brought in (\$350,000 – 400,000 is received annually). He said in the past, there has been greater need than funds available and the city tries to do the best it can with what it has. Dave Waddington asked if this information could be placed on the city's website and Kelly Kresser stated it could be added.

Kim Nuesse said the **Anderson Economic Group recently made a presentation concerning the results of the downtown market study which they performed.** She asked if there is a Master Plan for the City of Sandusky and if it has been updated. Carrie Handy said there is a Master Plan for the entire city which was last updated in 2005. She said the Erie Regional Planning Commission is working on an update. She said there is not a specific section regarding downtown (in the Master Plan).

Upon motion of Kim Nuesse and second of Julie Farrar, the Commission voted to have the results of the downtown market study incorporated into the city's Master Plan. All Ayes. The President declared the motion passed.

Dave Waddington said this **Wednesday at 4 p.m., the Recreation Board will have their monthly meeting at city hall. At 6 p.m. on Wednesday, the members will meet at the Sandusky Bay Pavilion to discuss future use of this property.** He said a possible use for this area is a senior playground park and all ideas will be considered.

Upon motion of Julie Farrar and second of Dave Waddington, the Commission voted to enter into an Employment Agreement with Hank Solowiej, Finance Director. All Ayes. The President declared the motion passed.

Pervis Brown said an **agreement has been reached with Erie County for the water rates.**

NEW BUSINESS

Upon motion of Diedre Cole and second of Julie Farrar, the Commission voted to appoint Peter McGory to the Planning Commission for the remainder of a six-year term.

Discussion: Diedre Cole said Dr. Paul Ernst recently resigned from the Planning Commission and the members expressed an interest in having an attorney appointed to serve as his replacement.

All Ayes. The President declared the motion passed.

Diedre Cole thanked members of all city boards and commissions for their volunteerism. She said she would like to look at all of these as a whole to streamline some of them.

Upon motion of Diedre Cole and second of Kim Nueese, the Commission voted to have two or three Commissioners meet to streamline some of the boards and commissions.

Discussion: Dave Waddington asked if this could actually be done and Don Icsman said there are about 40 different boards and commissions which have different sources of power (some are through enabling legislation). He said each has its own legislation, requirement(s) and purpose, but some are created by state law.

All Ayes. The President declared the motion passed.

Dan Kaman asked Diedre Cole to keep the City Commissioners updated on the progress.

Diedre Cole asked about the status of the creation of a **severance payout reserve fund** which was discussed earlier in the year. She said there is an EMS fund for the fire fighters but was not sure if this has been explored beyond that department. Hank Solowiej said there will be legislation prepared for the next City Commission meeting to establish this fund. He said if this is approved, a task force will be formed to determine how it will be funded. He said the City of Bowling Green established a similar fund several years ago but has not been able to keep theirs going due to the economy; this will be a challenge. Don Icsman said there is not a fund for the fire department. He said the recent collective bargaining agreement with members of the International Association of Fire Fighters allowed for a one time only, limited payout fund; there is not one overall for the department. He said if created, this fund would be for all employees.

Julie Farrar thanked **Judy Nagy for jumping into her job** and doing great with all of the events going on.

Julie Farrar said Diedre Cole will be joining her at the **Ohio Municipal League conference** in Columbus at the end of September.

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

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

Upon motion of John Hamilton and second of Kim Nuesse, the Commission voted to have an Executive Session regarding Personnel: Planning, Engineering & Development. Roll Call on the motion: Yeas: Dave Waddington, Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton, Kim Nuesse and Julie Farrar, 7. The President declared the motion passed.

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

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

Dan Kaman said the Fire Chief Selection Committee will be started up in the near future and Kim Nuesse will be on the committee as his designee, per the City Charter. In addition, Dan Kaman asked for a motion to appoint Janice Warner as the Civil Service Commission representative along with city resident, Tim Mahoney, Safety Manager for the Ohio Veterans Home and city residents Gary Guendelsberger and Betsy Wilber.

Upon motion of Julie Farrar and second of Dave Waddington, the commission voted to appoint Janice Warner, Tim Mahoney, Gary Guendelsberger and Betsy Wilber to the Fire Chief Selection Committee. All Ayes. The President declared the motion passed.

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

Barbara Clark, 407 Boston Road, asked for clarification on permits and guidelines regarding taxi cab businesses operating at a residence. Dave Waddington says this is a zoning issue and there are parking issues, zoning issues and permits to be considered. She asked what would happen to someone who had already started a business and Dan Kaman said this will have to be looked into.

Jason Singer, Sandusky Register, 314 West Market Street, said he believes the public deserves an explanation regarding why certain items are passed as an emergency as it strips the residents of their right to petition an item. He does not doubt the right to do this, only feels explanation should be given when passed in this fashion.

A.J. Oliver, 1112 Wayne Street, Save Our Shoreline Parks, said he is confused about what changes were contained in Item #1. He asked about the height variance and said the Board of Zoning Appeals turned this down. Dan Kaman said he believes that was three years ago when building condominiums was discussed and tonight's legislation has been discussed for over one year and includes adding docks. Dan Kaman said he will give A.J. Oliver a copy of the map after the meeting. A.J. Oliver asked if the Perry Street right-of-way agreement is complete and Don Icsman said the lease agreement with the SYC for the parking spaces was previously authorized and should not be confused with the submerged lands lease. A.J. Oliver said the original agreement passed last summer, and revised, gave the SYC veto rights for future docks. Dan Kaman said he did not know what he (A.J. Oliver) was talking about and Don Icsman said while that may have been discussed, it was not agreed upon. A.J. Oliver said previous City Commissioner Craig Stahl stated if the SYC would ever experience financial catastrophe, the property would revert back to the city. Dan Kaman said the city has a lease agreement with the SYC, the city did not sell any property and under such an agreement, this property would automatically be turned back over to the city upon financial failure as it has not been deeded to anyone. A.J. Oliver asked what the Master Plan is for the Surf's Up property and Carrie Handy said it is designated as a public facility. A.J.

Oliver said he would like to see the document that makes this reference and Carrie Handy said it is contained in our Comprehensive Plan and is on the city's website. Kim Nuesse said a motion was made several meetings ago to look at the city's park plan, more specifically for the Surf's Up property. She said this is expected to take some time and will not be before the City Commission for several months. Dave Waddington said he had a copy of the Strategic Master Plan from May, 2007, and provided a copy to A.J. Oliver. A.J. Oliver said four of the commissioners voted to rescind the emergency legislation previously passed and show a lack of respect for the democratic process (by passing Item #1 as an emergency).

Sharon Johnson, 1139 Fifth Street, said the city should not have a severance fund during this time of economic crisis.

At 6:37 p.m., Dan Kaman announced adjournment of the regular session for a three minute recess. Five Executive Sessions were held beginning at 6:45 p.m.

At 8:25 p.m., Dan Kaman declared adjournment.

Kelly L. Kresser
Clerk of the City Commission

Daniel J. Kaman
President of the City Commission