

President Dan Kaman called the meeting to order at 5 p.m. Julie Farrar asked for a **moment of silence in memory of Bill Pierce who died very recently and was retired from the Sandusky Police Department in 1998**; she then gave the **Invocation**, followed by the **Pledge of Allegiance**.

The Clerk called the roll and the following Commissioners responded: Julie Farrar, Brett Fuqua, John Hamilton, Dan Kaman, Kim Nuesse, Dave Waddington and Pervis Brown, 7.

Upon motion of Pervis Brown and second of Dave Waddington, the Commissioners approved the minutes of the December 28, 29 2009 and January 4, 2010 meetings and dispensed with the oral reading of the minutes. All Ayes. The President declared the motion passed.

A Presentation was made by Jim Cusick, Business Agent for the Ironworkers Local 17. Jim Cusick thanked the Commissioners for placing him on the Agenda and stated he represents the Cleveland area Local 17 which includes jurisdiction for Sandusky and 50 – 100 families who are city residents. He distributed information to the Commissioners about bidder requirements and criteria relating to the construction workforce and said some of the upcoming stimulus projects are of interest to him, specifically the wind turbine project. He would like to build a relationship with the City of Sandusky. He stated there are many benefits of entering in to **Project Labor Agreements (PLA)** which are a form of pre-hire and are negotiated before any contract is executed to hire workers. PLA's can include both union and non-union tradesmen and ensure the hiring of competent employees, jobs being completed on-time and without cost overruns and no chance of strikes or work stoppages. Jim Cusick said in February, 2009, President Obama executed an order authorizing all federal government agencies to require and/or negotiate a PLA with one or more labor organizations and that he does not view labor management agreements as part of the problem, but part of a solution. He said there were originally some issues with PLA's after this executive order was released but they have been resolved. Jim Cusick said time is of the essence for consideration of PLA's for future projects, most especially with the wind turbine project which is currently being studied by a private developer who is out of the area. Jim Cusick's interest is to put local workers to work and he has a number of contracts with contractors who have experience in putting up wind turbines. Dan Kaman asked if any of the City Commissioners had questions and Pervis Brown asked how many jobs the construction of one wind turbine would generate. Jim Cusick said the project construction would take approximately three weeks and 15 – 20 total workers through the different stages of the job including crews for general labor, carpentry, iron workers, operators and electricians.

Kim Nuesse read a **Proclamation declaring Monday, January 18 as Martin Luther King, Jr., Day in the City of Sandusky.**

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

Bob Warner, 1011 Third Street, asked if the city changing suppliers for the purchase of electricity at some of our larger accounts or facilities would affect those city residents in the aggregation program.

Ron Susana, West Bogart Road, thanked Julie Farrar for the moment of silence in honor of Bill Pierce who worked for the Sandusky Police Department from 1972 – 1998. He stated there were approximately five items on the Agenda which were budgetary in nature and he did not feel it would be appropriate for one of the City Commissioners to vote upon these as she has a pending lawsuit with the city. He said this should be the case until the pending litigation is over. Kim Nuesse asked to respond to Ron Susana's comments and stated while she appreciates Ron Susana's concerns, the lawsuit is specific in its scope and has no effect in her role as a City Commissioner.

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

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

Budgetary Information: The cost of the Engineering Services is not to exceed \$85,000, to be paid with Water Funds.

ORDINANCE NO. 10-001: It is requested an Ordinance be passed authorizing and directing the City Manager **to execute an Agreement for professional design services with Arcadis U.S., Inc., 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 Dave Waddington and second of Pervis Brown, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter.

Discussion: Dave Waddington asked Kathy McKillips about the scope of this project and suggested we consider the replacement of the 100,000 gallon water tank to have/use as backup with water revenue monies which we have in reserve.

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

ITEM #2 – Submitted by Kathryn K. McKillips, Engineer

Budgetary Information: The Change Order No. 4 will increase the contract with Mosser Construction by \$23,233.28. The revised contract amount is \$16,696,624.14 which remains within the original project budget. The city's share of the change order is \$14,195.53 to be paid with Sewer Funds through the project's OWDA loan. Erie County's share is \$9,037.75.

ORDINANCE NO. 10-002: It is requested an Ordinance be passed authorizing and directing the City Manager to **approve the fourth Change Order for work being performed for the Wastewater Treatment Plant Expansion Project, Phase II, in the amount of \$23,233.28 to be paid to Mosser Construction of Fremont, Ohio, and granting an extension of the completion date to January 20, 2011;** 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 Brett Fuqua, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter.

Discussion: Kim Nuesse asked if there is a Project Manager for this work being performed at the Wastewater Treatment Plant and Kathy McKillips indicated Jones & Henry are the administrators for the contract and are working on the city's behalf.

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

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

Budgetary Information: Funds for the payment of this service are routinely included in the operating budget of the Water Pollution Control Plant. The estimated amount of sludge for the first half of 2010 is 5,500,000 gallons at a price of \$.0273 per gallon. Therefore, the cost would be \$150,150.

ORDINANCE NO. 10-003: It is requested an Ordinance be passed authorizing and directing the City Manager to **enter into a six month contract extension with Maple View Farms, LLC, of Castalia, Ohio, for the land application of sewage sludge from the Water Pollution Control Plant for calendar year 2010;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Pervis Brown and second of Brett Fuqua, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter.

Discussion: Dave Waddington asked if this contract could be extended by an additional six months (for one year) and if that could possibly lower the price we pay per gallon. He asked if the plant expansion and the installation of a centrifuge would allow for a reduction in the weight, and therefore the cost, of the materials to be removed/taken by Maple View Farms. Kathy McKillips said it is possible to get an extension to one year and that the consistency of the sludge will be thicker and more difficult to handle after the install and that it may be more cost effective to wait and see how the new installation changes the weight of the sludge. She said we will put out another bid once this contract expires which will take into consideration the new consistency of the sludge. Pervis Brown said he is happy we are continuing to use a local contractor as he does consider Castalia "local" as they are part of Erie County.

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

ITEM #4 – Submitted by Edward A. Widman, Finance Director

Budgetary Information: There would be a savings of 9.8% for these electric accounts. The savings over 15 months is estimated to be greater than \$49,000. This savings is larger than the city residential and small commercial accounts aggregation program administered by AMP Ohio which provides a savings of 3%. Programs like these are available to larger users with usage greater than 700,000 KWH per year.

ORDINANCE NO. 10-004: It is requested an Ordinance be passed authorizing the City Manager to enter into an Agreement with First Energy Solutions, substantially in the same form attached, for electric service for the city's largest accounts located in the City of Sandusky, and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Brett Fuqua and second of Pervis Brown, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter.

Discussion: Julie Farrar asked Ed Widman to respond to Bob Warner's question regarding the aggregate program for our residents. Ed Widman said the city did contact our Program Manager, AMPO, regarding the change of these major accounts for the city and they were fine with us doing this. He said this change will have no impact on any residential electric accounts.

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

ITEM #5 – Submitted by Michele Hall, Recreation Program Supervisor

Budgetary Information: There is no budgetary impact. The grant requires no matching funds from the city and will be used as full funding for the cost of the purchase.

RESOLUTION NO. 01-10R: It is requested a Resolution be passed approving the submission of a Grant Application to the Sandusky Erie County Community Foundation for the purchase of fishing equipment for the 2010 "Take the Kids Fishing Derby" for the Recreation Department 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 Dave Waddington and second of Julie Farrar, the Commission authorized the passage of this Resolution under suspension of the rules and in full accordance with Section 14 of the City Charter.

Discussion: Dan Kaman stated matching funds will not be required for this grant, if awarded.

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

ITEM #6 – Submitted by Carrie R. Handy, Chief Planner/Transit Administrator

Budgetary Information: The MOU will not have a budgetary impact on the city's General Fund as the cost of providing transportation service for Board clients is covered by the fees charged per passenger through the MOU and public transit funds. The local revenues generated from this MOU assist the city in matching its federal transit dollars from the Federal Transit Administration. Without this revenue from the Board, the city would not be able to use its full appropriation from the FTA as the city would not have sufficient local match to do so.

ORDINANCE NO. 10-005: It is requested an Ordinance be passed authorizing and directing the City Manager to execute the Memorandum of Understanding between the City of Sandusky and the Erie County Board of Developmental Disabilities, substantially in the same form attached hereto; 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 authorized the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter. Roll Call on the motion: Yeas: Julie Farrar, Brett Fuqua, John Hamilton, Dan Kaman, Kim Nuesse, Dave Waddington and Pervis Brown, 7. The President declared the Motion passed. Roll Call on the Ordinance: Julie Farrar, Brett Fuqua, John Hamilton, Dan Kaman, Kim Nuesse, Dave Waddington and Pervis Brown, 7. The President declared the Ordinance passed.

ITEM #7 – Submitted by Amanda Meyers, Paralegal & Carrie Handy, Chief Planner

Budgetary Information: The cost of this acquisition will be approximately \$141,100 to purchase the parcels, \$85,000 to demolish the structures and \$7,986.50 in title fees, escrow fees, deed preparation, and closing costs which will be funded by proceeds from the Neighborhood Stabilization Grant. An additional cost of \$1,797 in title fees, escrow fees, deed preparation and closing costs for two (2) properties not eligible for grant funding will be recouped by the city upon the sale of the property. The taxing districts will not collect the delinquent taxes, assessments, penalties and interest currently due and owing which amount to a total of \$63,491.98. However, by returning this abandoned nonproductive land to tax producing status, the taxing districts will begin collecting approximately \$8,577.90 yearly in real estate taxes and assessments.

RESOLUTION NO. 02-10R: 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 authorized the passage of this Resolution under suspension of the rules and in full accordance with Section 14 of the City Charter.

Discussion: Julie Farrar said after this item was distributed to the City Commissioners, she requested a complete listing of the properties which were then made available to the Commissioners. She said the first three properties, 321 E. Jefferson Street, 2123 – 2125 E. Forest Drive and 1432 Harrison Street were all vacant lots. The other eight properties, including 2026 Shelby Street, 1019 Hancock Street, 727 Hancock Street, 2101 – 2107 West Forest Drive, 1722 Pierce Street, 410 Lawrence Street, 603 Decatur Street and 416 E. Adams Street, were structures scheduled for demolition. She stated these structures are an eyesore and/or problematic for the city and after their demolition, crime, risky behavior and safety service responses to these addresses should be reduced. She said all of the structures requested for acquisition are vacant pursuant to NSP grand fund guidelines and this is the beginning of some great things for the future. She also stated adjacent property owners will have the opportunity to purchase and split the lots afterwards or purchase entire parcels. Julie Farrar said Carrie Handy and Amanda Meyers from the city are spearheading these efforts and this will help all of us to get the structures down and out of the way. John Hamilton asked if it would be possible for an entity such as Habitat for Humanity to strip these houses of usable items first and Julie Farrar said she was aware Habitat had already put in a bid for one of them. Carrie Handy said we will work with Habitat and that they have already stripped one of the homes. Julie Farrar said we also need to look into holding auctions for some of these items in the future.

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

CITY MANAGER'S REPORT

Don Icsman stated he wished to appoint **Gene Hawk to the Bayfront Corridor Committee; this seat will not have an expiration/term. Upon motion of Pervis Brown and second of Dave Waddington, the Commissioners voted to place Gene Hawk on the Bayfront Corridor Committee. All Ayes.**

Don Icsman said he wished to reappoint **Dan Shepherd to the Fire Prevention Code Board of Appeals. Upon motion of Brett Fuqua and second of Pervis Brown, the Commissioners voted to reappoint Dan Shepherd to the Fire Prevention Code Board of Appeals for a term which will expire on January 1, 2014. All Ayes.**

Don Icsman said he wished to reappoint **Mark Dunn, John Luipold, John Zoellner and Dave Swander to the Plumber Examining Board for a one-year term which will expire on December 31, 2010. Upon motion of Brett Fuqua and second of Pervis Brown, the Commissioners voted to reappoint Mark**

Dunn, John Luipold, John Zoellner and Dave Swander to the Plumber Examining Board for a one-year term which will expire on December 31, 2010. All Ayes.

Don Icsman said he wished to clear up and issue left over from 2009. He said **the owners of Sandusky Feed & Supply Company (formerly Gallagher's), were requesting permission from all of their creditors to hire an auctioneer to sell off their property and equipment located at 301 Market Street.** Greg Sherman, a consultant for the City of Sandusky for these types of matters, said he believes it would be in the city's best interests to agree to allow this auction to take place in order to recoup some of the monies owed to us which currently is approximately \$40,000 (the original loan was for \$50,000). Greg Sherman said he has heard from many local business persons that business has been down since August, 2009 and has not yet begun to go back up. He said the owners of this building will place it on the market with a realtor, but all of the creditors must first agree to the sale of the property and equipment. He said if this is left to go to Sheriff's Sale, the city would probably not end up getting any of its monies back and felt it would be in our best interests to allow the sale to go forward rather than to end up with nothing in the end. Greg Sherman said currently the bank is paying for the utilities which helps with the equipment and inventory left in the building and he is aware of only one other creditor with inventory which is Pittsburgh Paints. Julie Farrar said she agreed with Greg Sherman and did not believe the city had many options. Greg Sherman said he could attempt to maybe get \$5,000 and to cut our losses and not wait for a Sheriff's sale. Dan Kaman said he believes the consensus of the Commission tonight is to cut our losses and allow the sale to go through. There was no dissention.

Don Icsman said he wished to clarify the **payment to the Erie County Economic Development Corporation (ECEDC) for 2009.** He believes the City Commissioners had agreed to pay ECEDC \$5,000 at the last meeting but this was not decided in the form of a motion. **Upon motion of Pervis Brown and second of Dave Waddington, the Commissioners voted to pay ECEDC the sum of \$5,000 as the city's 2009 pledge.**

Discussion: Dave Waddington agrees with paying ECEDC \$5,000 for 2009 and believes that going forward, benchmarks should be set by the city to continue with our commitment. He said the airstrip is a vital part of efforts being made by ECEDC and the city should require monthly reports to the City Commissioners so that the city is informed about work being done on our behalf. Brett Fuqua said he is not completely sold on the value for our dollars. He believes in working together to do something for Sandusky from this point forward, but with the changing of the ECEDC Director in 2009, he did not feel we should be paying them anything for 2009.

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

Don Icsman said **ORDC is the company the city a contract with to administer our CHIP funding with George Poulos and we need to discuss the administration of the program going forward.** Don Icsman said ORDC has been working with George Poulos, who was appointed by Matt Kline, to successfully complete projects which had been pending and are about to be audited by the State. He is asking the City Commissioners to allow and/or or authorize someone on the city staff or ORDC to apply and start the process for the 2010, 2011, 2012 and 2013 program years and get us back on track. This is something that we could bid out rather than "giving it" to ORDC to do just because they have performed work for us. Pervis Brown suggested turning this over to Carrie Handy and to have her work in conjunction with the County to coordinate and get additional help to administer this rather than farming it out. Julie Farrar said she agreed this should be kept in-house. Kim Nuesse said the more work we can do in-house, the better we are. She stated the city has competent, well trained staff to do this work. Dan Kaman said he felt after this discussion tonight that Don Icsman had a good sense of where to go with this issue.

Don Icsman said the Commissioners have discussed having an **energy audit performed by Honeywell for the city building** but after consultation with Randy Roys of Honeywell, he (Randy Roys) does not feel there is enough work to be done with the city building to allow selling this out on the financial market. Another thing that has been discussed is **changing to an automated meter reading system for water and sewer and it seems as if there would be enough of a savings if this were done in conjunction with a City Hall energy audit for a 10-year repayment.** Don Icsman requested the Commission authorize someone in the Engineering Department and Ed Widman from the Finance Department to look into the idea of automating our meter reading system and performing an energy audit for City Hall with Honeywell. Dave Waddington said he felt we were two to three years late in making upgrades to City Hall and if we can combine these two things and see how the numbers come back, it would be a smart thing to do. Dan Kaman asked Don Icsman to have the appropriate department work to get this going,

perhaps the Engineering Department. Kathy said there were some long-term maintenance agreements with Honeywell which they can negotiate to be removed from the contract.

Don Icsman said last year staff was requested to prepare a **Development Agreement with the Hoty's for the Paper District marina project**. He wanted to update the Commissioners about this and said there is now a draft of a Management Agreement which he feels comfortable with. There will also be an agreement to do the actual construction and another agreement which will be the construction agreement. Don Icsman said he spoke with John Hancock today who has been the city's point person for this project and his (Don's) recommendation would be to have new plans and specifications created for the marina in-house and then choose the options to move forward with the project. He stated that if John Hancock does this for the city they will be our own plans and drawings, not the property of an outside company. Dan Kaman said his concern is about keeping the project moving forward. He wants to be sure that financing is in place and he wants all of the Commissioners to be apprised of what the plan actually is as he understands it may have changed since it was originally presented. Don Icsman said there will also be some permitting that will need to be performed and we must work through all of the outstanding environmental issues. Don Icsman said he is asking for some direction and if he should try to bring himself up to speed about this entire matter and then return it back to the Commissioners. Dan Kaman said he would ask that Don Icsman find out exactly where we are with the financial plan and the current drawings, and bring this back to the new commissioners. Julie Farrar said she agreed we need to move forward and finish something.

Don Icsman said Dave Waddington had shared some of his concerns recently regarding the upcoming **U.S. Census of our area**. He said he understands Tim King from Erie Regional Planning will be working on this project for the city and the county and asked if the Commissioners would like to **form an Ad Hoc committee** with two residents, Diedre Cole and Sharon Johnson, and possibly two City Commissioners. They would **volunteer to help provide education and information to help ensure Sandusky's count is accurate**. Dan Kaman asked how this was done last time and Don Icsman said we did not do anything in particular and he did not believe it was made a priority. Dan Kaman said he felt teaming up with the county and piggybacking on their efforts would serve us well and would not cost us any money. Dave Waddington said his idea of this Ad Hoc Committee would be educational in nature to help with counting everyone and getting the word out about the census being performed. He said each person within the city counted means approximately \$1,400/year and losing 5,000 persons a year would be a significant monetary loss to the city and it is important to get an accurate count. Dan Kaman said he has already seen pamphlets out about the census. Kim Nuesse said she understands Dave Waddington's concerns but does not want to duplicate any of the efforts underway; she is aware the Federal Government, the State of Ohio and the County already have educational programs regarding the census. She hears people saying we need to count everybody to obtain grant money. She stated it is very important, in order to get the city economically healthy and viable, and not to be as reliant upon grant monies as grants are not "free", they are tax money and we shouldn't be hyping the census in terms of grant dollars. There is a need for an accurate census count and Sandusky has abandoned homes, but she is not in favor of spending money on this effort, rather work with those already making effort(s) to get an accurate count. Dave Waddington said his intent with the Ad Hoc Committee was for it to be volunteer in nature and Dan Kaman asked Dave Waddington if he would be spearheading this committee and if Pervis Brown would also help out to work with Diedre Cole and Sharon Johnson. Both indicated they would do what they could.

Don Icsman said it would be necessary for the Commissioners to schedule a **Public Hearing regarding the replacement Submerged Lands Lease for Battery Park Marina. Upon motion of Pervis Brown and second of Brett Fuqua, the Commissioners authorized the scheduling of a Public Hearing to take place on January 25, 2010 at 5 p.m. for this purpose. All Ayes.** Don Icsman said he would work to get Patrick Ernst (Chief, ODNR) and officials from Battery Park Marina here for this Public Hearing.

Don Icsman said there have been requests made to the city for **waiving building and/or registration fees, most recently and specifically for Habitat for Humanity and for Care and Share**. He cautioned the City Commissioners before making any decisions that this became problematic for a previous City Manager and sometimes these fees can be significant and once we start down the road of forgiving them, in spite of their laudable purposes, it is hard to know where to stop. Dan Kaman said he was aware of this starting with the Maritime Museum and he would be all for waiving water tap-in fees for a new business as they would generate future recouping of our monies but nothing else. Pervis Brown asked if there was perhaps another way to support these organizations such as sharing of information about available grants and/or other funding. Don Icsman said he does not know the exact monetary significance of the requested waiver but he knows it can be a significant amount of money and have a

great economic impact to the city if we were to start waiving fees. He can look into these specific requests a little more to understand exactly how much we are talking about for further consideration.

Don Icsman said for a number of years, the city has had the benefit of **an honorary membership with the Sandusky Yacht Club (SYC) and has distributed to the Commissioners a copy of a draft "Gift & Gratuity" policy** as well as a copy of Sections 43 of the City Charter and Section 102.03 of the O.R.C. Don Icsman said as this relates to the SYC issue, he understands the city's membership has been used in the past for formal meetings with potential developers but he does not think that we need it. Dan Kaman said he recalled taking officials from Okamoto to lunch at the SYC but assumed at that time we used Don Miers' membership. Brett Fuqua said the SYC is a nice place but he said there are other Sandusky businesses to take people to and in the spirit of this Commission's pledge to be transparent and honest, it would not be good to have this honorary membership and we should get rid of it. Don Icsman said he will be implementing a Gift & Gratuity Policy in the near future.

Don Icsman said the city has been a member of the **Northwest Ohio Mayors and Managers Association (NOMMA)** in past years and we are once again being asked to become a member of this organization for 2010. Don Icsman said he did not see the benefits of Sandusky's being a member as we sit geographically between Toledo and Cleveland and he is not sure what we get out of it and recommends we not renew our membership. Not hearing any discussion on the subject either for or against membership, Dan Kaman said to get rid of our membership.

Don Icsman said he had received a request from the **Ohio State Alumni Club regarding the Adoption of Facer Park for 2010**. He said he is aware they did this last year and they want to do it again. Dan Kaman thought it would be a good thing to check with Tom Speir to be sure that what the volunteers are doing are things he wants done.

Don Icsman said he received an email from Carrie Handy regarding **the submission of grant applications for Lions Park with the Land & Water Conservation Fund for FY 2010 (\$3,500) and the Lake Erie Protection Fund (up to \$7,500) for FY 2010**; Carrie Handy said one is due in February, the other is due in April. She stated The Collaborative (city's Project Manager for the Lions Park Master Plan) has drawn up cost estimates and can prepare the Land & Water Conservation Fund grant applications on our behalf with the City Commissioners blessing. Carrie is also working on other grant applications for different items for this project. **Upon motion of Dave Waddington and second of Pervis Brown, the Commissioners voted to have The Collaborative prepare these grant applications on the city's behalf. All Ayes.**

Don Icsman distributed a Memorandum written by Amanda Meyers, Paralegal, **regarding the Erie County Solid Waste Management District and legal requirements for recycling**. He said there has been some misinformation with regard to our legal requirements for recycling efforts locally. Dave Waddington said enforcement of our current Ordinance does meet with the law. Further, he said curbside recycling must be offered within the next five years and that the Solid Waste District is funded by tipping fees from the landfill which will be going down. Application is being made for a grant through the ODNR to provide a drop-off site for recycling materials. Dave Waddington said at some point we should look at some of the smaller haulers and grandfathering them in as we cannot have 30 persons hauling trash to a location outside of Erie County. He said haulers will have to be licensed by the Erie County Health Department (ECHD). It would cost the city \$30,000/year to get the recycle bins back and he does not feel it would be smart to do this right now as we currently are compliant with EPA laws and regulations. He asked Lisa Beurksen about the possibility of having the combination of one and/or two bins in town in conjunction with the offering of curbside recycling. Dave Waddington said Lisa Beurksen was also interested in knowing **who the city's replacement will be for Matt Kline on the Policy Committee and he has talked with Carrie Handy who has agreed to do this**. He feels Sandusky is a little different in its nature with all of the individual haulers and we may have been slighted. Dan Kaman asked if it was the city's responsibility to check on hauler compliance or if this was the ECHD's responsibility. Dave Waddington said this was not clear but at least for this year, haulers must go through the ECHD. We need to either change our current Ordinance or begin enforcement of our current Ordinance. Dan Kaman said he is in favor of changing it because he does not feel the city has the time to be chasing down offenders. Don Icsman said to the extent that the vehicles are licensed and that they haul to the landfill, it is the county's responsibility. He said the city would be the responsible party to ensure that our Ordinance is policed and/or enforced. This includes making sure haulers in the city are offering recycling and reporting to the county so that they can meet their required numbers. Dave Waddington said Sandusky is the largest municipality in the County and that we are not way behind in our efforts as has been stated. Pervis Brown said he recalled a committee was to have been set up in November or December to help resolve these issues and asked Dan Kaman if he would make

these committee appointments. Dan Kaman asked Pervis Brown and Dave Waddington to serve and asked any other persons interested in serving to let him know. Dave Waddington said his concern is policing this and coming up with a way to notify the owners.

Dave Waddington asked where we are with **the Keller Building repairs**. Don Icsman said he spoke with John Hancock today and the work on the windows has been performed; we have quotes for some of the work (roofing – warranty work) which the Commission needs to decide upon. Dave Waddington said it is now January and we are in another winter season and he wants to do something at this table. Don Icsman said we will move forward as fast as we can, weather dependent. Dave Waddington said he is concerned that if a year from now a developer comes to look at the building, they might say they may have been interested if the roof work had been done, etc. and that the whole character of the building could deteriorate by then from water, snow and ice. He is also concerned about a \$3 million grant which some of this repair money comes from and hopes we would not be in the position to have to turn it back in for non-compliance. Don Icsman also mentioned he had met with **Bob and Ruth Haag because of their involvement with the project and they have volunteered to ascertain the interest of Mr. Williams as a potential developer of The Keller Building and to be tasked with helping to find a new developer by the spring if he is no longer interested**. He said he appreciates this as we continue to downsize and have less and less people and that we need all of the help we can get.

OLD BUSINESS

Julie Farrar said with regards to **The OSU Alumni organization adopting Facer Park**, her Block Watch group also adopted a city park and they should probably continue to work with Kelly Kresser to execute new volunteer application(s) to help out. Dan Kaman said he feels it is important to publicize this program and our **Adopt A Park** plan and policy.

Julie Farrar asked if **John Hancock had provided his wrap-up report** to the city yet and Don Icsman said he forwarded a summary and will send it out again if it was not yet received.

Dave Waddington said he will be meeting with Jonathan Sandvick who is the architect for the **Rieger Lofts Project** and Greg Spatz at 6 p.m. on Wednesday, January 13 at City Hall if any of the other City Commissioners would like to join him to hear about their revitalization plans. He said the city may be asked to provide a letter of support for this worthwhile venture. Brett Fuqua asked if the city is being asked for any monies for this project and Dave Waddington said no, the funding mechanism had changed on 1.1.10 and they will not be asking for any local monies.

Julie Farrar asked about the **status of the demolition of the pedestrian stairs at the Milan Road overpass** which was approved in January. Kathy McKillips said work was to have started this week, but that a Pre-construction meeting needs to take place first and they will be starting as soon as possible. Julie Farrar asked to be contacted once the work is scheduled to begin.

Dan Kaman asked if Carrie Handy could provide an update on the **Sandusky booth at the Cleveland Boat Show**. Carrie Handy said the City Commissioners voted to continue contribute toward hosting a booth in partnership with numerous other entities this year including Cedar Point, Sandusky Main Street Association, Lake Erie Shores & Islands, the State Theatre, Chesapeake Lofts, Point Retreat, LakeView Condos, Firelands Winery, the Merry Go Round Museum, the Maritime Museum, the Sandusky Yacht Club, Lyman Harbor, Sawmill Creek, the Goodtime and the Jet Express. She said employees from Cedar Point have put together a plan for the layout of a 2-sided booth and are providing banners with a backdrop which has been set up in their shop. Dan Kaman said he felt that from the first time the city participated in the boat show, many entities have been pulling together during these economic times to help with a “Sandusky Bay” booth.

Dan Kaman said he has a **meeting with the County Commissioners tomorrow regarding a letter which we received from them relating to the sale of water**. He read a proposed draft of a letter to send in response to their communication and no changes were noted to be made by the Commissioners. He said some changes which the County is asking us to make are things that need to be discussed amongst the staff. He feels we can live without an increase in our water rates and tomorrow will be the start of many discussions about this.

NEW BUSINESS

Upon motion of Dave Waddington and second of Pervis Brown, the Commissioners voted to have an Executive Session regarding Land Acquisition. Roll Call on the motion: Yeas: Julie Farrar, Brett Fuqua,

John Hamilton, Dave Waddington, Pervis Brown and Dan Kaman, 6. The President declared the Motion passed.*

Upon motion of Julie Farrar and second of Dave Waddington, the Commissioners voted to have an Executive Session regarding Collective Bargaining. Roll Call on the motion: Yeas: Julie Farrar, Brett Fuqua, John Hamilton, Dan Kaman, Dave Waddington and Pervis Brown, 6. The President declared the Motion passed.

Upon motion of Julie Farrar and second of Brett Fuqua, the Commissioners voted to have an Executive Session regarding Personnel, Law Department. Roll Call on the motion: Yeas: Julie Farrar, Brett Fuqua, John Hamilton, Dan Kaman, Dave Waddington and Pervis Brown, 6. The President declared the Motion passed.

Upon motion of Julie Farrar and second of Pervis Brown, the Commissioners voted to have an Executive Session regarding Personnel, Finance Department. Roll Call on the motion: Yeas: Julie Farrar, Brett Fuqua, John Hamilton, Dan Kaman, Dave Waddington and Pervis Brown, 6. The President declared the Motion passed.

Upon motion of Julie Farrar and second of Pervis Brown, the Commissioners voted to have an Executive Session regarding Pending Litigation. Roll Call on the motion: Yeas: Julie Farrar, Brett Fuqua, John Hamilton, Dan Kaman, Dave Waddington and Pervis Brown, 6. The President declared the Motion passed.

**Note: Kim Nuesse left the City Commission meeting for a period of time and was not present to vote upon the above motions for Executive Sessions. She did later return to the meeting.*

Upon motion of Julie Farrar and second of Brett Fuqua, the Commissioners were asked to enter into a Project Labor Agreement (PLA) and requested to pass a Resolution requiring companies to sit down with the appropriate building trades persons for working out schedules and prevailing wages to provide work for iron workers and other tradesmen in our area.

Discussion: Pervis Brown suggested we may be jumping the gun by moving forward with this already. He thought it would be prudent to have our Law Director do research first to be sure we can do this without violating any laws. Julie Farrar said she got a packet of information about two weeks ago and was aware the Lorain County School District took such action. Don Icsman said not to be misled by feelings and that the legalities for school districts are different than they are for municipalities. He said as the city's lawyer, he does not feel we can just take their agreement and drop it into what we are trying to do here. He said he would like to get advice from Stan Dubrowski who works on these types of issues for the city although he does appreciate what the City Commissioners are trying to do. Julie Farrar said she feels we need to look at this and she is not trying to step on anyone's toes. Don Icsman said he felt this may be putting the cart before the horse and that he is not even certain yet that we are indeed building a wind turbine. If we do decide to build, then we should consider entering into a PLA and the legalities can be researched by that time.

Julie Farrar withdrew her motion and Brett Fuqua said he will withdraw his second upon advice from the Law Director. Julie Farrar said when we get to the point of construction she would support locals doing this work. Don Icsman stated as the reluctant holder of the position of Acting City Manager, it causes us problems to put the cart before the horse.

Upon motion of Julie Farrar and second of Brett Fuqua, the Commissioners were asked to vote upon appointing Kelly Kresser as the permanent City Commission Clerk for Sandusky.

Discussion: Julie Farrar stated she felt Kelly Kresser has been doing a stellar job of jumping into the position after Joyce Brown retired and in her opinion, things have been top notch. She is putting forward the motion if she (Kelly Kresser) would be willing to accept the position. Dan Kaman said he thought the Commissioners were going to wait to fill all positions until they had budget discussions with Don Icsman's input. He said once again he felt we were putting the cart before the horse in holding out one position. He said since Don Icsman has been the Acting City Manager, he (Dan Kaman) has gotten more information than he has from the last two City Managers and this would be like cutting his (Don Icsman's) knees out from under him and he will be voting no for that reason. Dave Waddington said he felt the same way and is opposed to having this come up prior to an entire budget plan being presented by Don Icsman and that doing this now is premature. Julie Farrar said she knows that they have

discussed other things but if the position is going to have to be filled, why not just go ahead and put it to a vote. She said she feels if we are going to discuss putting this job out for bid, accept applications and go through all of the motions wasting all of the time putting this out to bid while we know the individual has the support to get the position now, we should take care of it now rather than waste time, money and effort for the same result in the end. In her opinion, Julie Farrar stated the Commissioner should just vote on it and see what happens. If her motion works out fine, if it does not, then Don Icsman's advice regarding this position can go forward. She is sure Kelly Kresser will bid on the position if it were put out. Dan Kaman said he is glad that she (Julie Farrar) knows the plan, but said he did not know the plan and he is going to wait to hear it. Dave Waddington asked Don Icsman for his opinion on this. Don Icsman said the Commission Clerk does not work for him and this is a decision that the City Commissioners can/should make. He said he values what Kelly Kresser has done to the extent that it is part of the plan and if she worked for the Manager he would consider otherwise, but he is not making a recommendation as to her position.

Roll Call on the motion: Yeas: Julie Farrar, Brett Fuqua, John Hamilton and Pervis Brown, 4. Nays: Dan Kaman and Dave Waddington, 2. The President declared the Motion passed.*

**Note: Kim Nuesse left the City Commission meeting for a period of time and was not present to vote upon the above motion. She did later return to the meeting.*

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

John Cusick, Business Agent for Ironworkers Local 17, said he applauded the Commissioners on acting wisely this evening and that tact is the better part of valor. He said it seems wise to work out the legalities of entering into a PLA and to meet with the Law Director/Acting City Manager first to have discussions. He said the PLA's are with private developers and not agreements with the city. He is interested in getting local residents working and will help to guide the city in the future.

Darlene Armour, 1007 Wayne Street, said she hopes we are not offering empty sentiments regarding compliance with recycling laws and regulations which need to be implemented in the city. She said our children are learning about this in the schools but they need to put what they are learning into action. All of our residents should know that we are placing emphasis on recycling in individual households which does take effort and work.

Mark Boumansour, NexGen Energy, thanked Jim Cusick for his comments and said his company (NexGen) works with both union and non-union laborers and also works to engage the local workforce wherever they are performing construction. He said part of the feasibility study being performed is to ensure compliance with zoning regulations, the Federal Aviation Administration and the overall economic feasibility of providing a renewable energy service for their customers. Dave Waddington asked if NexGen is still working with the City of Huron and other nearby municipalities which, in the end, will reduce the overall cost for construction of each wind turbine. Mark Boumansour said their company does work with the municipalities so that no capital investment will need to be made by them and said the cost will be driven down with the participation of several municipalities pooled together. John Hamilton asked if the return on investment would be greater if the city participated in the financing for the wind turbines. Mark Boumansour said to date, NexGen has not done this with any of their clients and with the federal and state subsidies available, along with NexGen's capital investment, and they have been otherwise successful. Dan Kaman asked if the wind turbine has been completed in Conneaut and Mark Boumansour said it should be completed this week, weather dependent. He said the one for the school district was built in 22 days. Mark Boumansour asked if Don Icsman was empowered to get the documents to move forward and Don Icsman said if he is talking about signing the document, he needed to know that the calculations were advantageous to the city first (rates, technical issues, etc.). Mark Boumansour said ultimately the city is in control and needs to provide written approval to NexGen prior to construction taking place. This cannot happen until the technical feasibility study studies are performed, the Zoning approval(s), obtained the FAA approval(s) received and a "Notice to Install" is then prepared. Mark Boumansour said he understands a Commission act will be required in order to sign the actual construction document and Don Icsman said he would be uncomfortable with signing this document until the City Commissioners direct him to do so. Dan Kaman said he would be comfortable doing this only once one is up and operating in another city and we have a chance to visit the site. Don Icsman said it seems incongruous for someone doing the study to also do the work. Mark Boumansour agreed and said the calculations and potential energy savings are for the city to look at and put the documents and terms out there so the Commissioners can make a decision.

Tom Hayley, 43 Shoreway Drive, said he understands the city needs to make budget cuts but is very concerned when these cuts are potentially in the departments of Fire and Police. He said he understood the city was understaffed when reporting to a recent fire on East Sprucewood Drive and a life was lost. He said it is January, but what is going to happen in June or July when traffic is especially heavy and was concerned this will cause even more of a delay in responding to calls. He said the Commissioners should look at raising the Admissions Tax which has been the same for the past 35 years.

Barbara Clark, N.A.A.C.P., said the U.S. Census workers are appointed to do a job and their results help to serve the 'underserved' in the city. She said she does not want the city to lose any grants because of a number being reported which is not consistent with the number of underserved people living here. She said these results help people to have a better life and the city or county should not look at the cost. The people helping with the census are paid employees of the federal government and we are served through the Detroit office. She would ask Diedre Cole and Sharon Johnson to take a look at information on the official Census website to learn about tax dollars available and she (Barbara Clark) also volunteered to help with this Ad Hoc Committee.

Sharon Johnson, 1139 Fifth Street, asked where the city would get the funding for the ECEDC contribution for 2009 voted upon tonight and Dan Kaman said the \$5,000 would probably come out of the Battery Park Marina TIF funding which is earmarked for economic development purposes. She asked if ECEDC is a private entity and Dan Kaman indicated it is.

Tim Schwanger, 362 Sheffield Way, asked if a tentative new Submerged Lands Lease has been written for Battery Park Marina because of the Public Hearing which was scheduled tonight. Don Icsman said this is a form which comes from the State of Ohio and it is not yet available for public comment. Tim Schwanger asked if the city's honorary membership in the Sandusky Yacht Club was something which the city paid for and Don Icsman said we never paid any money for our membership; the city only paid for meals eaten. Tim Schwanger asked about the \$30,000 cost for the recycle containers and Dave Waddington clarified this cost was for all three of the containers, not a price for each individual container. Tim Schwanger said he has no problem with recycling but disagrees with using scare tactics for mandating curbside recycling when it only must be offered and citizens given the option of doing this or recycling on their own and having the ability to use the money for materials they drop off for a charity of their choice.

A.J. Oliver, 1112 Wayne Street, congratulated and welcomed the new Commission members and said it would be a good time to for the commission to renew politics and said many people signed on a proposed list of principles and processes, including some of the city Commissioners. These include: 1) transparency – this begins with city money and all city accounts; 2) new City Commissioners should respect the Charter and the emergency language which was changed in the 1970's - he feels the language written was made clear in the difference between "ordinary" vs. "emergency" legislation – he said the last Commission was bad about abusing the emergency legislation; 3) please respect the Volunteers on city Boards and Commissions in their advisory roles – he said they take their jobs seriously and what they do and conclude and they should be taken seriously; 4) A. J. Oliver thanked Bob Warner and other Commissioners in leading the way to a responsible contractor policy and leading the way toward PLA Agreements; 5) more and better training and to include community people in training sessions; and 6) meet regularly with the constituents.

Rob Pfanner, 609 Broadway Street, said he agreed with what Barbara Clark stated earlier that no one should go underserved and said the suggestion of layoffs would cause all residents to be underserved. This could happen because of an unmanned fire station at Cedar Point Drive or the incident over the weekend with a Triple Crown train which caused the closure of Mills Street, Venice Road and Tiffin Avenue simultaneously which virtually closed down the Venice Road Fire Station. He said those here tonight are here to support the City and all want to serve.

At 7:20 p.m., the Commissioners adjourned the regular session for a five minute recess. At 7:30 p.m., the Commissioners began the first of five Executive Sessions. Upon motion of Dave Waddington and second of Pervis Brown, the Commissioners voted to adjourn and the Executive Sessions ended at 10:15 p.m.