

President Craig Stahl called the meeting to order at 4 p.m. and opened with the **Invocation**, given by Pervis Brown, followed by the **Pledge of Allegiance**.

The Clerk called the **roll** and the following Commissioners responded: Yeas: Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar, Craig Stahl and Brett Fuqua, 7.

Upon motion of Brett Fuqua and second of Pervis Brown, the Commissioners voted to have an Executive Session regarding Pending Litigation, Personnel. Roll Call on the motion: Yeas: Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar, Craig Stahl and Brett Fuqua, 7. Nays: 0. The President declared the motion passed.

At 4:06 p.m., the Commissioners went into an **Executive Session**; at 4:56 p.m., the Commissioners adjourned the Executive Session. The Commissioners returned to the table at 5:07 p.m.

Upon motion of Bob Warner and second of Dave Waddington, the Commissioners approved the minutes of the September 28, 2009, meeting and dispensed with the oral reading of the minutes. Roll Call on the motion: Yeas: Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar, Craig Stahl and Brett Fuqua, 7. Nays: 0. The President declared the motion passed.

Craig Stahl said it was a special day as the city is honoring two people who are a very important part of Sandusky by presenting them with a **key to the city**. He introduced Ruth Parker and her son John and read a Proclamation declaring Tuesday, October 13 "**Ruth Parker Day**". Ruth Parker thanked the City Commissioners for the honor and said she and her parents came to Sandusky in 1939 and fell in love with the community. She said it is her pleasure to do the things she does.

Craig Stahl introduced George Mylander and read a Proclamation declaring Tuesday, October 13 "**George Mylander Day**". George Mylander thanked the City Commissioners for the recognition. He said it is not always fun to be in the public eye as he spent 16 years as a City Commissioner, but that they were some of the most rewarding years of his life. He asked the public not to be so hard on the people serving and stated he is thankful for the City Commissioners, both present and future.

Jim Hardin of Hardin Geotech made a presentation about geothermal energy. He said he has addressed the City Commissioners before and is anxious to move ahead with this project. This project will involve the installation of heat exchangers in the ground to circulate water from a ground tap into the buildings to update the heating and cooling equipment. This will serve to distribute the earth's heat in warmer months and to absorb the heat during the winter months. He showed a slide of a commercial geothermal application from a location in Michigan with a horizontal field U tube footprint to provide heat recovery. The heat exchangers are installed in the ground and headers are installed at the top which then run into the building(s) to supply the heating and cooling. This system is safer because no gas is involved which could cause a fire or an explosion. The installation costs are not as high as they were initially and the return on investment for a home is 2 – 7 years; for a commercial installation, the return on investment is 0 – 6 years. The operational costs, maintenance costs and lifecycle costs are all much lower. Some states have mandated the use of geothermal for new school buildings (KY and UT).

Jim Hardin said energy costs are locked in through geothermal heating and cooling systems while electric costs are projected to rise by 20% in the next few years. This could save a lot of money. He said it would be more cost effective to put in a city-wide system and enroll customers rather than installing one building by building. Energy costs are a drain on the local economy and reducing the costs would place more money in the consumers' pocket in addition to being "green". Many corporate customers, i.e. large malls, have converted to geothermal to keep clients because they are seen as being green and will save their clients money as their costs are locked in. The city could see enhanced tax revenues, increased property values and homes being placed back online once signed up to the city's utility (geothermal) system. There are federal tax credits available which are a major benefit for the homeowner. Being green provides a marketable edge, is renewable, efficient, can reduce operational costs and will serve to stabilize energy costs.

Craig Stahl then asked if any of the Commissioners had questions for Jim Hardin. Craig Stahl said he has had conversations about this concept with Matt Kline, Jim Hardin, Dennis Murray and Lance Warner and although originally skeptical about geothermal, he no longer is. Dave Waddington asked about funding, PUCO concerns and tax exemptions. Jim Hardin said their proposal has been revised to allow for the construction of geothermal in Sandusky as a privately-owned utility and allow customers to sign up which eliminates any concerns from the PUCO. He said the city could purchase energy at wholesale cost

and would pass it on to the end user. Dave Waddington said there had been some discussion about doing this project in the Kilbourne Plat area first. Dave Waddington asked about monies from the Federal Recovery Act and/or Stimulus monies. Jim Hardin stated the idea is to get the system up and running and file for grants as customers sign on. Craig Stahl asked what the next step would be and Jim Hardin said his intent would be for the City Commissioners to authorize the City Manager to sign a letter of intent with Hardin Geotechnologies to prepare a final agreement.

Julie Farrar asked about the timeframe for the project and Jim Hardin said it would be years and years as clients would sign up continuously. Craig Stahl asked if Jim Hardin could equate potential savings to current gas costs (\$.749/Ccf this winter season). Jim Hardin said the heating costs would be much less and the cooling costs would be a fraction of the current costs. Dan Kaman said he thought the city had a lot of things on the table right now, i.e. windmills and Honeywell, but supports a letter of intent as no money will change hands. Dave Waddington asked if there was any printed information available and Jim Hardin gave each of the Commissioners a copy of the power point presentation. Jim Hardin said he may set up a model first to show the potential costs savings to convert to geothermal.

A motion was made by Dave Waddington and seconded by Pervis Brown authorizing the City Manager to sign a letter of intent in order to prepare a final agreement with Hardin Geotech. Roll Call on the motion: Yeas: Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar, Craig Stahl and Brett Fuqua, 7. Nays: 0. The President declared the motion passed.

On motion of Bob Warner and second of Pervis Brown, the Commissioners moved to accept all communications. Roll Call on the motion: Yeas: Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar, Craig Stahl and Brett Fuqua, 7. Nays: 0. The President declared the motion passed.

Under **Audience Participation**, the following offered their comments on Agenda items:

Tim Schwanger, 362 Sheffield Way, asked about the job creation at LEWCO identified in Item #2. He asked several other questions regarding this item and Greg Sherman, the city's consultant, agreed to meet with Tim privately to address his questions.

John Ginty, 5055 Providence Drive, asked if the Reiger Lofts tax abatement was still active. Greg Sherman said since no taxable improvements have yet taken place, there is no abatement. Scott Schell said Mr. Spatz has said he does not wish to proceed with the project at this time and another year of abatement can be approved through this process. John Ginty asked about the gas aggregate price for the ordinary citizen with the passage of an Agreement with Direct Energy, Item #3. Matt Kline said this is the same aggregation program and a new price will be offered for the upcoming heating season.

James Taylor, 1710 Knupke Street, urged the City Commissioners to pass the legislation to demolish the Milan Road pedestrian bridge as it is a hazard and a danger to children and other residents.

Wesley Poole, 1939 East Oldgate, asked if the environmental work requested in Item #5 could be done in-house and if these were tasks previously being performed by the Haag's. He said we were transferring money from in-town contractors to out-of-town contractors.

A.J. Oliver, 1112 Wayne Street, said the citizens should be made aware the gas aggregation program is optional and they can shop online for current gas prices to determine the best offer. Ed Widman said the city's program was designed without any switching penalties or fees and rates offered by Columbia Gas are variable from month to month. He also said some people do not enjoy shopping for the lowest utility cost. Julie Farrar said she understood that last week, Direct Energy was offering \$.89/Ccf for the average citizen which is higher than what is being offered through the city's aggregate program.

ITEM #1 – Communication – Submitted by Kathryn K. McKillips, P.E., Deputy City Engineer

BUDGETARY INFORMATION: The total estimated project cost, including miscellaneous expenses, is \$30,000 and will be paid with CDBG Funds.

RESOLUTION NO. 029-09R: It is requested a Resolution of necessity be passed to proceed with the demolition of the **Milan Road Pedestrian Bridge Stairs** at the Norfolk Southern Railway tracks in Sandusky, Ohio; approving the specifications and Engineer's Estimate of Cost thereof and directing the City Manager to advertise for and receive bids in relation thereto and declaring that this Resolution take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dan Kaman and second of Julie Farrar, the Commission authorized the passage of this Resolution under suspension of the rules in full accordance of Section 14 of the City Charter.

Discussion: Dan Kaman expressed his appreciation to previous City Commissioner Dannie Edmon for getting this project out there and said there is enough money for the demolition of only the stairs at this time, but is glad we are getting started. Julie Farrar thanked Mr. Taylor for speaking tonight and said he made her aware of the hazards presented by this stairway when she became a City Commissioner.

Roll Call on the motion: Yeas: Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar, Craig Stahl and Brett Fuqua, 7. Nays: 0. The President declared the motion passed. Roll Call on the Resolution: Yeas: Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar, Craig Stahl and Brett Fuqua, 7. Nays: 0. The President declared the Resolution passed.

ITEM #2 – Communication submitted by Carrie Handy, Chief Planner & Enterprise Zone Manager

Budgetary Information: The administrative action will not impact the city's operating budget.

RESOLUTION NO. 030-09R: It is requested a Resolution be passed accepting and approving the City of Sandusky **Tax Incentive Review Council's (T.I.R.C.) recommendations** regarding current taxation 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 Dan Kaman, the Commission authorized the passage of this Resolution under suspension of the rules in full accordance of Section 14 of the City Charter. Roll Call on the motion: Yeas: Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar and Brett Fuqua, 6. Abstain: Craig Stahl, 1. Nays: 0. The President declared the motion passed. Roll Call on the Resolution: Yeas: Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar and Brett Fuqua, 6. Abstain: Craig Stahl, 1. Nays: 0. The President declared the Resolution passed.

ITEM #3 – Communication – submitted by Edward A. Widman, Finance Director

Budgetary Information: The city has locked in the rate for natural gas at a price of \$.749 per Ccf of natural gas for the upcoming heating season. There is no direct cost to the City of Sandusky to approve this Ordinance. It will eliminate potential contractual and legal matters which have interfered with other agreements for natural gas suppliers. The amended language has been reviewed by the City Law Director, Donald C. Icsman.

ORDINANCE NO. 09-081: It is requested an Ordinance be passed authorizing and directing the City Manager to enter into **Agreements with Direct Energy, LLC**, to terminate the existing Endorsement Agreement and enter into a Direct Choice Marketing Agreement for a Natural Gas Choice Program and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dan Kaman and second of Dave Waddington, the Commission authorized the passage of this Ordinance under suspension of the rules in full accordance of Section 14 of the City Charter. Roll Call on the motion: Yeas: Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar, Craig Stahl and Brett Fuqua, 7. Nays: 0. The President declared the motion passed. Roll Call on the Ordinance: Yeas: Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar, Craig Stahl and Brett Fuqua, 7. Nays: 0. The President declared the Ordinance passed.

ITEM #4 – Communication – Submitted by Kathryn K. McKillips, Deputy City Engineer

Budgetary Information: The Change Order No. 1 will increase the contract with Schirmer Construction by \$139,824.35. The current contract amount with Schirmer Construction is \$1,817,716.40. The revised contract amount including Change Order No. 1 is \$1,957,540.75. The Erie County MPO has granted the city's request for an additional one-time request of 10% which will add \$147,629 to the MPO's contribution to the project. The additional funds are subject to a city match of 20%. The sewer fund will pay \$27,964.87 (20% match) and the MPO will pay \$111,859.48.

ORDINANCE NO. 09-082: It is requested an Ordinance be passed approving and ratifying the first Change Order for work performed and being performed for the **Hayes Avenue Underpass Rehabilitation project** in the amount of \$139,824.35 to be paid to Schirmer Construction of North Olmsted, Ohio and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City

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

Discussion: Pervis Brown stated he had concerns about overruns like this as he is not fond of them and hopes the city does a better job of engineering. Dan Kaman said he is concerned about overruns during the next phase of this project for the East side of the street.

Roll Call on the motion: Yeas: Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar, Craig Stahl and Brett Fuqua, 7. Nays: 0. The President declared the motion passed. Roll Call on the Ordinance: Yeas: Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar, Craig Stahl and Brett Fuqua, 7. Nays: 0. The President declared the Ordinance passed.

ITEM #5 – Communication – Submitted by Scott J. Schell, Economic Development Specialist

Budgetary Information: The estimated cost for the Certified Professional Services is \$27,800. These expenses are eligible TIF related expenditures and could potentially be reimbursable expenditures through the CORF Grant. CORF expense eligibility will also be analyzed by the consultant through this contract.

ORDINANCE NO. 09-083: It is requested an Ordinance be passed authorizing and directing the City Manager to enter into a **contract with Partners Environmental Consulting, Inc. of Solon, Ohio, for Professional Environmental Services relating to the Clean Ohio Revitalization Fund (CORF) Grant for the Bayfront Paper District Redevelopment** project and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

Discussion: Dan Kaman said in hindsight, he feels we are stepping over dollars to pick up coins. It was stated the termination of the Haag's contract would save the city \$16,000 - \$17,000 yet this is not true as John Hancock and Scott Schell are not capable of doing this work and it is now going to cost us \$27,800. He voiced concerns about Partners Environmental which were brought up during the coal tar discussions and questioned why the city is looking at them (Partners) again; further, he said he will be a 'no' vote on this item. Brett Fuqua said the cost of this contract, \$27,800, will be fully reimbursed to the city through a grant from the CORF and will not actually cost the city anything. Dan Kaman said this money is being spent on the residents' behalf for outside firms which is questionable. He said the money should be kept local and he already tried to fight this battle when the Haag contract was terminated. Brett Fuqua said that battle was lost and we need to move on.

Roll Call on the motion: Yeas: Pervis Brown, Bob Warner, Julie Farrar, Craig Stahl and Brett Fuqua, 5. Nays: Dave Waddington and Dan Kaman, 2. The President declared the motion passed. Roll Call on the Ordinance: Yeas: Pervis Brown, Bob Warner, Julie Farrar, Craig Stahl and Brett Fuqua, 5. Nays: Dave Waddington and Dan Kaman, 2. The President declared the Ordinance passed.

Item #6 – Submitted by Kathryn K. McKillips, P.E., Deputy City Engineer

Budgetary Information: The original contract amount is \$776,480. The revised contract amount is \$830,055, to be paid with Water Funds.

ORDINANCE NO. 09-084: It is requested an Ordinance be passed authorizing and directing the City Manager to approve the first Change Order for work being performed for the **Follett Street and Mills Street Elevated Water Tank project** in the amount of \$53,575 to be paid to D & M Painting Corporation of Washington, Pennsylvania 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 authorized the passage of this Ordinance under suspension of the rules in full accordance of Section 14 of the City Charter.

Roll Call on the motion: Yeas: Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar, Craig Stahl and Brett Fuqua, 7. Nays: 0. The President declared the motion passed. Roll Call on the Ordinance: Yeas: Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar, Craig Stahl and Brett Fuqua, 7. Nays: 0. The President declared the Ordinance passed.

Item #7 – Submitted by Kathryn K. McKillips, Deputy City Engineer

Budgetary Information: The Change Order No. 2 will increase the contract with Mosser Construction by \$26,849.96. The revised contract amount is \$16,545,195.60, which remains within the original project budget. The city's share of the change order is \$16,405.33 to be paid with Sewer Funds through the project's OWDA loan. Erie County's share is \$10,444.63.

ORDINANCE No. 09-085: It is requested an Ordinance be passed approving and ratifying the second Change Order for work being performed for the **Wastewater Treatment Plant Expansion Project, Phase**

II, in the amount of \$26,849.96 to be paid to Mosser Construction of Fremont, Ohio and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dan Kaman and second of Julie Farrar, the Commission authorized the passage of this Ordinance under suspension of the rules in full accordance of Section 14 of the City Charter. Roll Call on the motion: Yeas: Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar, Craig Stahl and Brett Fuqua, 7. Nays: 0. The President declared the motion passed. Roll Call on the Ordinance: Yeas: Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar, Craig Stahl and Brett Fuqua, 7. Nays: 0. The President declared the Ordinance passed.

Item #8 - Submitted by Kelly L. Kresser, Interim Clerk of the City Commission

It is requested the Interim Clerk of the City Commission be authorized to notify the Ohio Division of Liquor Control that the City of Sandusky has no objections to the transfer of C1 and C2 **Liquor Permit Classes from Sandusky CVS, Inc. to Ohio CVS Stores, LLC**, 513 East Monroe Street, Sandusky.

Upon motion of Pervis Brown and second of Julie Farrar, the Clerk was requested to notify the Ohio Department of Liquor Control that the city has no objection to this request. Roll Call: Yeas: Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar, Craig Stahl and Brett Fuqua, 7. Nays: 0. The President declared the motion passed.

Matt Kline then gave his City Manager's Report. He has received information from Carrie Handy that a **public meeting has been scheduled to gather public input about the Lions Park rehabilitation project.** This meeting will be held on Wednesday, October 14 at 7 p.m. at the Erie County Office Building, County Commission Chambers, 247 Columbus Avenue (3rd floor).

Matt Kline **said two public meetings have been scheduled regarding the monies available through the city's CDBG program** at the Erie County Office Building, County Commission Chambers, 247 Columbus Avenue (3rd floor), on Friday, October 23 at 9 a.m. and on Monday, October 26 at 6:30 p.m.

Matt Kline reminded the public of a special meeting of the City Commission set for next Monday, October 19 at 5 p.m. regarding **trash hauling and recycling for the city.**

Matt Kline said research is proceeding on the **wind turbine project for both the Water Treatment Plant (WTP) and Waste Water Treatment Plant (WWTP).** There has been a recommendation from NexGen Energy to increase the size of the wind turbines at each location from 400 kWh to 600 kWh. In order to provide for an economy of scale, it has been further recommended to construct both towers simultaneously. Because of concerns raised about the noise of the units, representatives from NexGen have offered to make arrangements for two City Commissioners to travel to Massachusetts to see and hear a newly-installed 600 kWh wind turbine and report back to the rest of the City Commission. This visit will be scheduled at the convenience of those Commissioners who wish to go and will be done rather quickly. Pervis Brown suggested Julie Farrar goes on this trip and possibly make a video tape of the turbine in action as she indicated she would be available to go. Brett Fuqua said he had indicated he would be interested but that he cannot do this in the next couple of weeks. Pervis Brown asked Dan Kaman if he would be able to go as he was most concerned about the noise levels, but Dan Kaman said he had no desire to go. Don Icsman said although there is a Charter provision about offerings like this, he is comfortable with this arrangement, so long as the Commissioners vote to send someone. He said it would be the best way to hear the noise generated without waiting for construction here in Sandusky. Dave Waddington said it was a good idea for someone to go as a 600 kWh turbine is large. Matt Kline said this size turbine will generate 43% of the power for the WTP.

Upon motion of Brett Fuqua and second of Dan Kaman, the Commissioners voted to approve travel to Massachusetts to see this wind turbine for Julie Farrar and one other Commissioner at NexGen's expense. Roll Call: Yeas: Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar, Craig Stahl and Brett Fuqua, 7. Nays: 0. The President declared the motion passed.

Julie Farrar said she thought it would be better to find out about the noise level prior to signing a contract for installation and construction.

Matt Kline then asked John Hancock to provide an update on the **Chesapeake Walkway project** for the City Commissioners. John Hancock distributed a handout showing the status of the contract with Hoty's and the change orders which have been submitted to date. He said the good news is the project is in its final stages with filling to be completed this week and seeding to take place next. The entire project

should be completed by the end of the month. The bad news is the project is over schedule and over budget. Of the original contracted amount of \$777,000, a total of \$27,698 has been approved through change orders. During the current Phase II, there are four Change Order situations. These are for a pipe collar, additional excavation, extension of the seawall on the northwest corner and additional armor stone and materials for the common borrow. There have been changes made from the original plan and the seawall extension will allow both sides to look the same and provide adequate protection for the building.

John Hancock said once construction began, the contractor discovered the lake bottom material was more mucky than anticipated and a lot of clay was added for lateral stability. There have been delays in the project and design changes including the tiebacks on the piling wall which are pending with Change Order #5. Change Order #6 is for additional common borrow because of a change in the quantity calculation. An overrun of 6,487 cubic yards is anticipated and there is not as much material on site to borrow. John Hancock is recommending the city provide an extension to Hoty's to finish the work in the spring as it would be risky to do this now because the ground will settle between now and then. He further recommends the city hire a designer to prepare a Master Plan for the final improvements which will include the gravel area at the foot of Jackson Street and North of Shoreline Drive. John Hancock said there was a committee previously established to consider recommendations for the public areas and they could be consulted for input, along with members of the city's Bayfront Corridor Committee and members of the Chesapeake Lofts Condominium Owners' Association. Craig Stahl asked if there were any questions for John Hancock. He said it was a great idea to wait until spring to allow the ground to settle. Craig Stahl said he knows from living on the water this happens (settling) and appreciates the professional opinion of John Hancock as an engineer to allow for a six month delay. Don Icsman said if the city is to authorize the extension, it should be done through a change order and he understood this will be brought to the City Commission at their next meeting. Dan Kaman asked if the contractor used some materials from the WWTP in the northwest corner and John Hancock indicated this did occur. Dan Kaman asked about Hoty's buying materials from Mosser Construction and John Hancock said this was a bid item and set at a predetermined price, but the quantity needed was underestimated. Dan Kaman said he favored waiting to pour the walkway but did not agree with hiring a consultant for the design work as he believed the Chesapeake owners and local residents could do this. John Hancock said the firms having the expertise to perform the design work will provide a conceptual design for us and they will work with these committee members similar to the process being used by the design firm working on the Lions Park Master Plan. Craig Stahl said the City Commissioners will vote on this item at their next meeting.

NEW BUSINESS:

Dave Waddington asked about the status of the **Honeywell project and the proposal from Centurion Technologies**. Matt Kline said he is awaiting information from Honeywell to make a report and that he has a meeting scheduled this Thursday with Stuart Wells of Centurion. Ed Widman said the Honeywell meeting is scheduled for 10 a.m. on Thursday and Dave Waddington could attend if he wished.

OLD BUSINESS:

Dan Kaman asked about **the city making repairs in the Jackson Street parking lot and the idea of making this a pay-to-park lot**. Matt Kline said he is going to be meeting with Lance Woodworth of the Jet Express as he understands Lance has expressed an interest in creating a management proposal for this particular lot.

Dan Kaman said the Commissioners received a copy of a letter from State Representative Murray about the **West End overpass project** and wondered if other Commissioners have an opinion about this. Bob Warner said he does not want to change the project design and wait another 3 – 4 years to get it done.

Upon motion of Dave Waddington and second of Bob Warner, the Commissioners voted to keep the project as it is for the Grade Separation. Roll Call: Yeas: Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar, Craig Stahl and Brett Fuqua, 7. Nays: 0. The President declared the motion passed.

For the benefit of the public, Craig Stahl stated the city received a letter which said if we were to re-engineer the project, we would have to open it up once again for public comment and possibly add another two years to the project.

NEW BUSINESS:

Dave Waddington said he attended a meeting recently with Julie Farrar and Don Icsman regarding **garage sales**. He said they met to discuss the definition of a garage sale and help with issues such as furniture being placed on sidewalks, porches and driveways for five to seven days in a row. He said they were considering a two to three consecutive day permit for this purpose. Brett Fuqua said he would agree with limiting these types of sales as this is unsightly, but would object to a \$5 to \$10 charge to open up one's garage for a sale. He said he hoped we did not take this on as it is not a road we want to go down. Dave Waddington said he receives calls week after week and wants the city to define what is appropriate. Julie Farrar said her concerns stemmed from complaints received about a property on Camp Street and if a permit were issued, it would be obvious they have one and for what timeframe. Pervis Brown said he thought there was something on our books regulating this but Don Icsman said the previous Ordinance was repealed. Don Icsman said a draft of the proposed garage/home sales Ordinance will be submitted at the next meeting for the City Commissioner's consideration. Don Icsman said the city's Zoning Code could be used to provide assistance in eliminating these types of problems although there is not a person assigned currently to perform these tasks. Dave Waddington stated he hopes this legislation can be done during the winter months so we do not have to see stoves, refrigerators and sofas; he believes this is a safety and/or housing issue and will help to clean up our neighborhoods.

Dan Kaman said the **\$200,000 grant which the city received is an old grant which was received earlier this year for Sandusky Metal Products and is not new money**. The grant award was late in being announced.

Under **Audience Participation**, Kathie Mueller, 7707 Patten Tract Road, said she wished to clarify suggestions of selling and/or drilling water from the Great Lakes. She said most of our water comes from surface runoff and the Great Lakes Compact, passed on October 3, 2008, prohibits tapping into this water supply, with certain exceptions. Kathie Mueller stated Jim Hardin spoke earlier about the geo-technology concept which is a great way to use our water and we should position ourselves to capture available monies.

John Ginty, 5055 Providence Drive, said the local media recently wrote about a windmill of a different design and believes we should investigate this as it may be more efficient and less noisy.

Wesley Poole, 1939 East Oldgate, said John Hancock has been torn between two parties and there were arguments concerning his hiring, but he feels John is doing good things for the city and thanked him. Wesley Poole said there are some battles the Commissioners should walk away from because of their impact on the community and he was saddened about finding out the Haag's were used as a tool to win a battle as it demeans the City Commission. Brett Fuqua said they (the Haag's) were not tools and his comment about losing the battle was a response to Dan Kaman saying **he** lost the battle. Wesley Poole asked about the Development Agreement executed with John Eymann in December, 2008, for the Marina District project and the good faith deposit required in this document. Ed Widman said the check was received; it was cashed and cleared in May, 2009.

Sharon Johnson, 1139 Fifth Street, asked why a check was accepted from Marina, LLC but not placed into the city's checking account and made available immediately. She stated BORMA has been canceled for several years, according to the State's website, and asked what the city has for insurance. Ed Widman said there are two separate policies, one for property/casualty liability and one for employee benefits. He said it is not uncommon for the Secretary of State to not have certification listed but that BORMA still exists with the original six member cities and we meet the Department of Insurance requirements. Sharon Johnson asked who made the decision to appeal the Nuesse hearing and why this did not pass through the City Commission.

Darlene Armour, 1007 Wayne Street, said people learn about change orders when they take on projects at home and a percentage of the project price is assumed. She stated sofas being left on front porches are a safety issue and cities have addressed fire and other safety issues through their Ordinances. The city's Code Compliance Officers should have the ability to provide follow up for these issues. Darlene Armour said the public should step up on November 3 to pass the ¼% Income Tax increase proposed for our safety and residents can only get what they are willing to pay for. She mentioned the trash collection meeting next Monday and the fact that the State of Ohio mandated changes for recycling. She stated she did not know how a city of our size came to have 19 different haulers.

A.J. Oliver, 1112 Wayne Street, asked who made the decision to appeal the Nuesse case. Brett Fuqua stated the city would not be speaking about this tonight upon advice of our legal counsel. Sue Porter, Schottenstein, Zox & Dunn Co., L.P.A., said it is a matter of public knowledge that the City Manager is the COO for the city and as such, he has decision-making authority for all personnel except for the Charter Officers and it is his job to make these types of decisions. A.J. Oliver requested information showing what the legal bills are adding up to for 2008 and 2009 as well as the cost for coverage for our insurance policies; he stated the public has a right to know. Craig Stahl said no and refused to comment.

Les Hall, 4814 S.R. 269, Castalia, said he is heartbroken over what transpired last week and said this is not what government is about. He said after the Civil Service Commission ruling was issued, four of the City Commissioners were fine with the ruling, yet there must now be some personal self-interest in appealing the decision made by a committee made up of citizens. He said there appears to be a conflict of interest and the community should be left to heal and to not let this end will cause it to continue to fester.

Julie Killian, 1133 Third Street, spoke about the leaf pickup and said 75% of our taxes go to the schools and wondered why we didn't make kids that do not go to school and prisoners bag these leaves.

Tom Whitted, IT Department for the City of Sandusky, said the city has a sound level meter which he could give to Julie Farrar to take to Massachusetts to measure the level of noise made by the wind turbine.

Jason Singer, 314 West Market Street, asked what percentage of power would be generated at the WWTP with a 600 kWh wind turbine if 43% of the power could be generated at the WTP with such a unit. Matt Kline said he believes it is about 32%. Jason Singer asked what the next lowest bid was for the Hayes Avenue project and the costs for the change orders mentioned tonight for the Chesapeake Walkway. John Hancock said he would get this information to Jason Singer after the meeting.

Dennis Timple, 553 Bimini Drive, asked what the true cost savings is for requiring residents to bag their leaves when the residents are now required to purchase the bags. He stated the cost of the bags is in excess of the savings and this is being dumped on the homeowner and does not make economic sense. He said the city should be very careful if they are to consider regulating garage sales.

Tim Schwanger, 362 Sheffield Way, asked Craig Stahl if he abstained on voting for the Tax Incentive Review Council's recommendations on advice from the Law Department. Craig Stahl said he had a relative listed in this report and it was common sense to abstain and that he did talk with Don Icsman first. Tim Schwanger asked if permits were necessary for the Chesapeake marina. John Hancock said there are no permits necessary yet as there have not been modifications proposed or made. Tim Schwanger said he served on the committee before and felt some very good ideas came from this group and hoped we could use the people who live here for input rather than hiring outside consultants.

John Hamilton, 165 Sunset Drive, said the windmill project is a great way to get decent power from a power grid, yet some of these are noisy and the gears can make a difference. He hopes the city looks into other suppliers. He said the Huron Park Splash Pad was a great idea and believes it would be a great asset to place a second one in Lions Park.

Craig Stahl adjourned the regular session of the Sandusky City Commission meeting at 7:22 p.m.

Kelly L. Kresser
Interim Clerk of the City Commission

Craig H. Stahl
President of the City Commission