

President Craig Stahl called the meeting to order at 5 p.m. and opened with the **Invocation** given by Craig Stahl, followed by the **Pledge of Allegiance**.

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

Upon motion of Dan Kaman and second of Pervis Brown, the Commissioners approved the minutes of the December 14, 2009, meeting and dispensed with the oral reading of the minutes. All Ayes. The President declared the motion passed.

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

John Ginty, 5055 Providence Drive, said the correspondence for the first two items on the Agenda indicated that legislation would be available at the meeting and he asked if they were available tonight. John Ginty requested that if Item #3 passed for the wind turbine project that consideration be given to looking at a windmill recently constructed in Wakeman before moving forward as he believes it to be more efficient and less noisy. John Ginty said the first study proposed to be undertaken for the downtown (Item No. 4) will be funded through Battery Park Marina TIF monies. He believes other studies will follow.

Sharon Johnson, 1139 Fifth Street, asked if the Battery Park TIF monies were allowable for use in preparing a downtown market study. Don Icsman said they are as this TIF was set up in the mid 80's and its makeup is different from other TIF's. He said if the City Commissioners deem this as an economic development purpose and expenditure, it will be honored as such by the auditors. Sharon Johnson expressed concerns about the current commissioners passing this and believes it should be tabled until the new City Commissioners are sworn in.

Brian Coughlin, Erie County Economic Development Corporation, said he is new to the area but believes in his short time here he has seen that the downtown area needs some help. He believes the study is an important tool to have and if paid for through a TIF rather than the city's General Fund, it makes the city fiducially responsible and his board members share this sentiment.

Joe Hayberger, 4308 Westwind Drive, encouraged the City Commissioners to pass the legislation for this study to be performed to get the ball rolling. He stated it will become a valuable tool for developers to bring their money into our community and urged the Commissioners to move forward.

Tim Schwanger, 362 Sheffield Way, asked about attachments referenced for Item #4 and asked if an additional commitment was made by the downtown property owners. Dave Waddington indicated that this was worked out today. Tim Schwanger said he believed the downtown property owners and/or the Sandusky Main Street should make a donation toward the cost of this study. He felt we were dipping into this fund quite frequently and hopes that we may also consider using some of this money to help with the future development of the Sandusky Bay Pavilion and the public areas of Battery Park.

Dennis Timple, 553 Bimini Drive, said if one property owner were to make improvements a reality, they would then have to hire a community appraiser to duplicate the same work being proposed by this study. He said if the city is to do this it should be a Master Plan for the whole community and we should not be squandering our money.

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 Ed Widman, Finance Director

Budgetary Information: This action will cover anticipated expenditures through December 31, 2009. The last payroll occurs on December 31, 2009 with the final City Commission meeting on December 28, 2009. The Agenda deadline occurs before the final payroll costs are determined. The amendment needs to cover final payroll and other projected costs through December 31, 2009. The Ordinance will be available at the meeting.

ORDINANCE NO. 09-127: It is requested an Ordinance be passed adopting Amendment No. 3 to Ordinance No. 09-012 passed by this City Commission on March 9, 2009, making General Appropriations for the Fiscal year 2009; 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 Bob Warner, 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: Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman and Julie Farrar, 7. The President declared the Motion passed. Roll Call on the Ordinance: Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman and Julie Farrar, 7. The President declared the Ordinance passed.

ITEM #2 – Submitted by Ed Widman, Finance Director

Budgetary Information: This action will establish a budget for operations until the annual appropriations can be approved after the second Monday in January, 2010. City Charter prohibits the city from enacting the 2010 budget before January 11, 2010. The first payday of 2010 is on January 15, 2010. The Ordinance will be available at the meeting.

ORDINANCE NO. 09-128: It is requested an Ordinance be passed to make Temporary Appropriations for the months of January, February and March, 2010, 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 Dan Kaman, 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: Bob Warner asked Ed Widman to state for the public the final number on this Ordinance for the first three months of 2010. Ed Widman said the temporary appropriations were discussed and approved by members of the Audit/Finance Committee and the original appropriations were reduced by 7% after removing the 27th pay period which brings the number to \$9,756,323.

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

ITEM #3 – This Ordinance was ordered in by the City Commission on December 14, 2009

Budgetary Information: The site fee is \$9,500 per site, one at the Big Island Water Works and one at the Waste Water Treatment Plant, for a total of \$19,000 to be paid with Water and Sewer Funds.

ORDINANCE NO. 09-129: It is requested an Ordinance be passed approving and ratifying payment made to NexGen Energy Partners, LLC, for the site fees relating to the wind energy generation project at the Big Island Water Works and the Waste Water Treatment Plant; 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 Don Icsman to ensure that we get all that we have paid for with the work done by NexGen and Don Icsman said it was not real clear to him, but he will look forward to getting what we are entitled to and that we are obligated to pay for this expenditure. There has not yet been discussion about the construction of the wind turbines. Bob Warner said he recalls representatives from NexGen attending an open City Commission in the recent past and talked about preparing this study for each of the plants. He recalls the City Commissioners saying they wished to move forward with this and asked if the check had been cut yet. Don Icsman said the check has been cut and the legislation on tonight's Agenda will ratify that payment. Bob Warner asked what would happen if the City Commissioners voted no and Don Icsman said that would be a reversal of what was stated at the last meeting but we would have to deal with it. Julie Farrar said she believes there are local companies who could provide labor and equipment for the wind turbines and hopes that we look into what they can offer before moving forward with the next phase.

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

ITEM #4 – Submitted by Carrie R. Handy, Chief Planner & John Hancock, Director of Planning,

Engineering & Development

Budgetary Information: The cost of this contract will be covered by economic development funds in the city's Battery Park TIF account not to exceed \$29,800. There will be no impact on the city's General Fund.

ORDINANCE NO. 09-130: It is requested an Ordinance be passed authorizing and directing the City Manager to enter into a contract with Anderson Economic Group, LLC of East Lansing, Michigan, for professional services for a downtown strategic market study; 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 Bob Warner, 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 said he has talked to various people about this since the last meeting and asked if the Sandusky Main Street Association (SMA) is in a position to support this by contributing ten percent (10%) of the cost. He has had this conversation with John Lippus who indicated the SMA is in a position to contribute. John Lippus then stated he has worked through different city administrative staff about the availability of economic development funds to pay for this study and the process is impartial and a great tool to have for potential developers. He said there is no reason the SMA cannot contribute toward the costs. Dave Waddington indicated he also had a conversation with Dan Moncher of Firelands Regional Medical Center and he too feels the SMA can afford buy-in for the costs to be incurred. Julie Farrar said she offers full support especially with the SMA kicking in some money, but said they are a non-profit organization and wondered if this means we are going to begin asking all non-profit organizations to help with these kinds of studies. Craig Stahl said he talked with Dave Waddington about this and because of the city's financial straits, it would seem appropriate to have other organizations buy-in. He said if they really believe in it they will contribute and their participation means more overseeing of the dollars involved. Dave Waddington questioned Items #12 and #13 in the information disseminated and believes there will be obligations the city would have at the end of the contract. He said he understands there is buy-in from both sides of the table and the Foundations were approached to help with funding as well but they are tapped out. Dan Kaman said he is a "No" vote and said there are many other studies on the shelf including the ice rink feasibility, market studies, demographics, downtown traffic studies, a comprehensive economic development study performed by ECEDC which seem to be a lot of the same things we are looking at now for market inventory and market analysis. Dan Kaman said he would like to see a fifty percent (50%) buy-in rather than ten percent (10%) and would like to be clearer about the proposal. He asked if the city would be obligated to have a professional parking study prepared after this study to ensure the development of appropriate parking and wondered what else the city will be asked to fund next? John Lippus said he wished to clarify this is for a "Plan" and not for a "Study" which will encourage property owners to renovate either residential or commercial space and if additional parking needs are required, that will be addressed at a later date. Bob Warner said two weeks ago, the Commissioners wanted to know if there was still a commitment from the property owners and he sees in the documentation all have committed to being a partner and this seems like plenty to move forward with. Julie Farrar also has seen this commitment letter signed by all of the involved property owners and hoped that when complete, this would become a tool for the offering of low interest loans for these persons. She said the city has not had this type of document previously and believes it will be a great thing to show developers. Dan Kaman said he is fine with that but he just received the proposal five minutes before the meeting and did not have the time to read it thoroughly. He thought it would be a good thing to tighten this up so that we knew exactly what we are getting into and what is being asked of us. He said we have helped downtown before and we will again. Bob Warner said passing this legislation would be only for an initial study and no other future financial obligations. Brett Fuqua stated he received this information in an email just prior to the meeting. John Lippus said this was delivered to the city immediately after obtaining the original signatures and he is not trying to be shorthanded about anything.

Roll Call on the motion: Yeas: Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Julie Farrar, 6. Nays: Dan Kaman, 1. The President declared the Motion passed. Roll Call on the Ordinance: Craig Stahl, Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington and Julie Farrar, 6. Nays: Dan Kaman, 1. The President declared the Ordinance passed.

ITEM #5 – Submitted by Carrie R. Handy, Chief Planner

Budgetary Information: There will be no impact to the General Fund associated with passage of this Ordinance.

ORDINANCE NO. 09-131: It is requested an Ordinance be passed approving the Lions Park Master Plan

and declaring that this Ordinance shall take effect under suspension of the rules as contained in and in accordance with Section 13 of the City Charter.

Upon motion of Dave Waddington and second of Bob Warner, the Commission authorized the passage of this Ordinance under suspension of the rules as contained in and in full accordance with Section 13 of the City Charter.

Discussion: Bob Warner said this is a great plan and hopes the future City Commissioners go along with the Master Plan. Dave Waddington said he understands Bob Warner has already agreed to remain a member of the MP Committee for Lions Park and acknowledged Joe Hayberger who was in the audience and also a member of the Committee.

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

CITY MANAGER'S REPORT

Don Icsman, Acting City Manager, said city crews will be picking up Christmas trees according to the established five zones already in place for leaf collection efforts from January 4 - 8, 2010, weather dependent.

Residents are asked to place trees in the boulevard area by 7 a.m. on the 4th. Christmas decorations must be removed from the tree prior to placement on the boulevard.

Don Icsman asked for the acceptance of a donation in the amount of \$300 from George Mylander to benefit the Sandusky Fire Department's Trust Fund. **A motion was made by Brett Fuqua and seconded by Julie Farrar to accept this donation. All Ayes.**

Don Icsman asked for the acceptance of a donation in the amount of \$300 from George Mylander to benefit the Sandusky Police Department. **A motion was made by Brett Fuqua and seconded by Julie Farrar to accept this donation. All Ayes.**

Don Icsman distributed a memorandum to the City Commissioners regarding a request to allow for a sale, by auction, of property located within 301 West Market Street, the former Sandusky Feed and Supply. He stated this was presented to the city's Revolving Loan Fund Board and it would be a good idea to hold this sale and take what we can to help recoup the \$32,000 lien which remains unpaid to the city. **Upon motion of Bob Warner and second of Julie Farrar, the Commissioners voted to distribute this information to the new City Commissioners so that they can have time to digest it and vote upon it once they are in office as a body. All Ayes.**

Don Icsman distributed Meeting Notes from December 21, 2009 in which he, John Hancock and two representatives of the ODNR were in attendance: Patrick Ernst and Dennis Waina. It is requested that consideration be given to making modifications to the Submerged Lands Lease (SLL) for Battery Park Marina. Don Icsman said these leases are reviewed every five years and a reappraisal is performed on the land. Don Icsman stated it is being suggested the lands considered public property and/or available to the public to be removed from the lease area. He said this is not any different for other SLL holders in the State of Ohio and we would be asking for a permit to submit an application which would open this up for public hearings and garner input from the public as the process calls for. He said with the March 2, 2010 deadline approaching for a replacement lease to be in place, this will help by beginning the public input process earlier rather than later. Don Icsman stated the people from Battery Park Marina fully understand this and are in favor of removing the public areas from the SLL. John Hancock said the only difference from the old lease and the new lease is the removal of the fairway areas and the public areas. He said a large portion of Battery Park is considered public and this would be separated from the common areas in the new lease. He said this would bring the lease up to standards and present all 32.9 acres as one (1) use. Don Icsman said if this SLL were being newly negotiated today, it would not be written as it was when originally drafted. Craig Stahl asked if this would affect other entities with a SLL in Sandusky like the Sandusky Yacht Club. John Hancock said the standard timeframe for a SLL is 50 years. Craig Stahl said the new City Commissioners should perhaps deal with this but John Hancock said approval of this tonight would allow the application process to get started and we can begin to get public input now rather than waiting another two or three weeks. Craig Stahl asked if this would have

any impact on future City Commissioners and Don Icsman said no, it would not. He is only worried about getting the public process completed in a timely manner. Bob Warner said the 30-day comment period would allow the city to be straight with the public about the significant reduction of the costs paid under the SLL for any properties revised to be government owned and non-taxable. He said this would take money from the city's general fund and was not comfortable with making this decision but stated the new Commissioners should be voting. John Hancock said there is not a substantial difference in the new lease vs. the old lease. Don Icsman said we do not actually get half of the money; as the owners of the property, we are in essence exchanging a check for a check.

Upon motion of Pervis Brown and second of Dan Kaman, the Commissioners voted to give the information necessary to go forward with the application process to get the ball rolling and get a head start on the process. Roll Call on the motion: Yeas: Brett Fuqua, Pervis Brown, Dave Waddington, Dan Kaman and Julie Farrar, 5. Abstain: Craig Stahl and Bob Warner, 2. The President declared the Motion passed.

Don Icsman said he wished to thank John Hancock for his service and said he is a great professional. He also thanked Bob Warner and Craig Stahl for their service and dedication and acknowledged the time and effort they put into the job and said he appreciates them both as a citizen and an employee.

OLD BUSINESS

Bob Warner asked Don Icsman if follow up had been made with Mr. Stephens from Cool Home Improvements. Don Icsman said he has not yet spoken with Mr. Stephens, but he intends to meet with him and share the information he has received with him. He said we have done everything we can and the situation is not exactly as it was portrayed by Mr. Stephens. Don Icsman said he also received a letter from the NAACP thanking the city for the way they handled this situation. Bob Warner said he felt the city did the right things.

Dave Waddington said he, Don Icsman and Pervis Brown recently attended an Erie County Sewer and Water meeting and understands the recycling bins will be pulled this week. He said if we retain two of these, the cost will be approximately \$30,000. Pervis Brown said he is hopeful to be able to negotiate with locals to facilitate getting us through this situation, temporarily, until curbside service is established.

Kim Nuesse asked Brett Fuqua if the burglary incident which he spoke about at the last meeting was resolved. Brett Fuqua said this issue was taken care of but that he has not yet spoken again to Charlie Sams about it.

NEW BUSINESS

Craig Stahl then turned the meeting over to Brett Fuqua to preside in his role as Vice President.

Julie Farrar said the Commissioners received a letter from Linda May, a citizen, and passed this to Don Icsman to have George Poulos follow up and address her concerns as they relate to Housing.

Upon motion of Pervis Brown and second of Dan Kaman, the Commissioners voted to hold a Special Session of the City Commission on Monday, January 4, 2010 to hold the elections for the President and Vice President of the City Commission and to address some immediate business which should not wait until January 11 (the first regularly scheduled meeting in 2010). Don Icsman clarified the Commissioners Elect can be sworn in tomorrow (12.29.09) but technically they cannot vote until January 1, 2010.

Discussion: Pervis Brown said the Commissioners should go through the budget and take the time to go over this and make decisions rather than waiting until January 11.

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

Craig Stahl said in the 4 years he has been on the Commission, he has not missed a meeting with the exception of one Audit/Finance Committee meeting. He said tonight is the end of his political career and he has been a member of many organizations during the past 30 years; he said he is a hometown graduate and chose to locate his business here and get married and raise his son here. He has enjoyed serving and will miss the opportunity to continue. The city has accomplished many good things

including the sidewalks around Mills Creek Golf Course, the Splash Pad, the canoe launch, working with the SECCF and the greenhouse renovations, local business owners have done great things, the Chesapeake, the Hubbard building and the LakeView Condominiums, the Chesapeake TIF is in place and we have finally got the Chesapeake walkway through; two new restaurants have been established, a new building is under construction for the new Social Security Administration and two new projects voted upon tonight include the Master Plan for Lions Park and the downtown market study. Craig Stahl said there are many other projects and the list could go on. He is most proud of his work with the Audit/Finance Committee and its members who met monthly and worked hard to reformat their reporting to be easy to understand, transparent and available online. Craig Stahl said he is especially proud of the Audit/Finance Committee members and the City Commissioners even though they have not always gotten along. He said there is now a new City Commission and it is the beginning of a new year. He said since November, we have really had a Commission of nine members with the addition of Commissioners Elect Kim Nuesse and John Hamilton to the table and he said he was glad to have gotten to know them. He pledges and resolves to work together as a team and to support the new City Commissioners and has made a personal resolution to not gossip, but provide only praise for our new Commissioners. He said we need to realize that gossiping about politics in our papers and our blogs does not make sense. He will support new City Commission and urges everyone to stop the gossiping and said he will not participate. Craig Stahl said he further pledges to support the new Commissioners who will agonize over making the decisions before them. The economy has been hard on our city and he supports the City Commission and wants them to do great things. In closing, he said in the words of Franklin D. Roosevelt, *"There are many ways of going forward but only one way of standing still."* Craig Stahl thanked his wife, Sue and his son Matthew for their understanding in the time spent away from the family. He also thanked his sister Ann, his dad Bill and his staff at Lake Shore Graphic Industries. He said he has a great team both at home and at work.

Brett Fuqua said this is the third time he has been part of saying goodbye and it is bittersweet. He said he has seen many Commissioners come and go and feels all have done a good job. He said they may not always agree but he does not make it personal and believes all of the City Commissioners have the best interests of the city on their mind and growing and making it better. He said Craig Stahl and Bob Warner have been assets to the City Commission and sees two more will be forthcoming with Commissioners Elect Kim Nuesse and John Hamilton. Brett Fuqua said "Thank You" for your years of service and indicated they (Craig and/or Bob) may be getting calls for advice from him.

Bob Warner said he has had fun in his role and will continue with his Building trades job for a few more years. He stated he has a sign on the wall in his office which says: "Life's journey is not to arrive at the end of the road in a well preserved body; you arrive at the end of the road screaming, worn out and dusty and screaming "Holy Shit, what a ride".

Dave Waddington said thanks to both outgoing Commissioners and that he is sure we will all keep in touch.

Julie Farrar said she has enjoyed working with Craig Stahl and Pervis Brown and hopes they will stay active with the city. She also said she is looking forward to working with John Hamilton and Kim Nuesse.

Kim Nuesse said she appreciates the graciousness which was shown by the City Commissioners and she wishes the outgoing Commissioners well. Pervis Brown said he has a lot to be thankful for and was selected to fulfill Mr. Murray's unfulfilled term by these Commissioners and expressed his gratitude for this.

Brett Fuqua said according to Section 87 of the City of Sandusky's Charter, a review of the Charter takes place every five years by a committee of citizens appointed by the City Commissioners. Any resident of the City of Sandusky who is interested in serving on the 2010 Charter Review Committee is encouraged to submit an Application to the Interim City Commission Clerk, Kelly Kresser, 222 Meigs Street or via email: kkresser@ci.sandusky.oh.us. You may also call 419.627.5850 to request an application. The City Commissioners will each make two recommendations for appointments to this Committee at a regular session in January, 2010. The deadline to submit applications is **Wednesday, January 6, 2010**.

The city is recruiting volunteers to serve on numerous boards and commissions. Some of the city's committees require residency while others do not. Interested persons can contact the Interim Clerk of the City Commission for information about these boards and commissions by calling the Clerk's Office at 419.627.5850 or via email: kkresser@ci.sandusky.oh.us. We would appreciate receipt of Volunteer Applications by **Wednesday, December 30**. It should be noted that both of these Volunteer Applications are available in the back of the room this evening.

Don Icsman said John Hancock will be preparing an executive summary of the projects he has been working on prior to his departure and this will be forwarded to the City Commissioners.

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

Jim Cusick, Local #17, said he felt local persons and local tax dollars should be spent on the wind turbine project. He said he knows there are local people who can work on this project and the city has the power to set up bid criteria to provide tax dollars for the city and use prevailing wages for workers. Pervis Brown asked Jim Cusak if he would be able to provide any information to the City Commissioners prior to the next meeting about this and he (Jim) indicated that he would do that. Bob Warner said he will be standing by Jim Cusak on January 4th urging the City Commissioners to use local people for a project labor agreement as there are enough workers in this area to do this and do it properly.

John Ginty, 5055 Providence Drive, thanked Bob Warner and Craig Stahl for their services. He knows personally the amount of time it takes to do the job and appreciates their efforts and wished both gentlemen the best of everything. John Ginty also thanked John Hancock for the professional services which he provided for the city. He congratulated the Commissioners Elect and said he looks forward to being at future meetings and offering his suggestions.

Barry Riddle, 1338 Fifth Street, thanked Craig Stahl and Bob Warner for their service. He congratulated the Commissioners Elect and said all have done a good job. He said those doing 90% of the work are allowed to make 10% of the mistakes.

At 6:41 p.m., the Commissioners adjourned the regular session.

Kelly L. Kresser
Interim Clerk of the City Commission

Daniel J. Kaman
President of the City Commission