

**Monday**

**JUNE 8, 2009**

**5:00 P.M.**

At 5:00 p.m. a Regular Meeting was held by the Sandusky City Commission in the City Building Commission Chambers, 222 Meigs Street, with City Commissioners Brett Fuqua, Pervis Brown, Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar and Craig Stahl in attendance; as well as the Charter Officers of the City Manager Matthew D. Kline, Law Director Don Icsman, Finance Director Ed Widman and the Clerk of the City Commission B. Joyce Brown; and the Administrative Staff of the Director of Engineering Services John Hancock, Fire Chief Mike Meinzer, Interim Police Chief Charlie Sams, (*Economic Development Specialist Scott Schell-absent*), and Chief Planner Carrie Handy. The audience and news media were present.

Mr. Fuqua offered the **invocation** and everyone remained standing for the **Pledge of Allegiance to the Flag**.

The Clerk called the **roll** and the following Commissioners responded: Fuqua, Brown, Warner, Waddington, Kaman, Farrar and Stahl.

Mr. Brown moved to accept **minutes of May 18<sup>th</sup> and May 26, 2008** and dispense with the formal reading of same. Mr. Fuqua seconded. President Stahl asked for a vote on the motion and with all Commissioners voting "Aye", the motion carried.

**PROCLAMATION – "UNITED STATES ARMY'S 234<sup>th</sup> BIRTHDAY**

President Stahl read letters on behalf of the City of Sandusky to **congratulate Mr. Dailyn Moore for his status as State Champion in his first place finish in the 110 Hurdle Event with a record of 14.12 seconds; and Mr. Alex Slattery for his State Champion status for winning first place for 15' in the Pole Vault Event.**

Under **Audience Participation**, Mrs. Kathi Mueller, 7707 Patten Tract Road, said as a community liaison and member of the Brownfields Committee, many opinions have been discussed and a consensus reached to later learn that there are still obstacles, including progress on revitalizing our shoreline. Future citizens will want to know why our shoreline looks so bad and they will hold them accountable. She believed in order to move our area and our projects forward their mission must include more than six sides to the coin. They must find common ground to work from and all area residents must have measurable, effective outcomes. And the City of Sandusky, very important, the fact that we are the County Seat, she believed what is good for the City of Sandusky is good for Erie County. She suggests to those who are considering running for City Commission seat or any elected office, they might remember that Sandusky is the County Seat. They will need to spend time here even on Saturdays before they start campaigning; and work together and turn many of our Brownfields into Greenfields for economic development. And that our community not be a community of haves and have not's, but a community fit together of ample opportunities for all.

Mrs. Nancy McKeen, 3316 Stonewood Drive, said she was a member of the Bayfront Corridor and the Brownfields Committee; they would have an opportunity tonight to see a presentation by Dan Brown that she saw and it opened her eyes. The City has paid good money for comprehensive assessments and plans from state and nationally known firms that jump start economic development of our waterfront. At a time when funding is so tight it doesn't make a lot of sense to duplicate studies and costs. Paying good taxpayer dollars to Haag Environmental to duplicate services that they now have in-house, just is not a good use of taxpayer dollars. She would ask this Commission to waive the information that they get tonight so that they can start waterfront development. We need to do that now; we've waited long enough.

Mr. Ed Ryan, 3610 Surfside Circle or 615 W. Market Street, said the City of Sandusky is just one of many cities in our country facing serious financial problems. We've got a shrinking economy and based on employment, it's eroding our tax base. The shortfall in revenue is affecting the quality of education in our school systems and many of our public services are working at a marginal level. Public confidence is being eroded and more energy is going into expressions of anger and frustrations than any problem solving. Clearly something has to change. Besides punitive tax increases, the only way to deal with revenues is through job creation and expanding

the City's commercial/residential tax base. Fortunately Sandusky has a significant untapped and very extremely valuable asset; they've got over 22 miles of shoreline on Lake Erie. Preferably to go into a dynamic and vibrant waterfront, that shoreline can become an engine for economic rebirth. Having won over \$10 million of grant money, but from the lack of poor economic development for the Ohio Brownfields Program, we've lost money and had to return much of that money back to the State today. Unfortunately the focus of our effort has shifted from economic development to environmental cleanup. That approach has not worked; it falsifies the constant completion and more importantly times to completion for any of the known projects; it also does that for several ones of magnitude. So it's a poor use of our funds at a precious time that we do not have, tonight the City Commission has an opportunity to change that approach and put economic development in the forefront again. They can learn from real experts about the linkage between economic development and environmental cleanup. They can learn how to maximize the value of all our tax dollars and investments, our human resources, to produce tangible increase in jobs and tax revenue and to do so within months rather than years. He applauded them from taking the time to listen to this presentation and encouraged them to ask personal questions they'll need so that they will ensure when they leave this room, they understand how to move Sandusky forward and have an action plan to do so.

Mr. Jack Runner, Representative of Sandusky Yacht Club, said since the last Commission meeting when they had their first vote on the agreement between Sandusky Yacht Club and the City of Sandusky, he had taken a lot of time to talk to as many people around the City as he possibly could. He found they had an overwhelming amount for their project and what they wanted to do; he also found out that there was a lot of confusion. Based on that confusion, what they would like to do, they would like to host a public meeting in Room 300 Sandusky High School. They have a tentative date of June 18<sup>th</sup> at 7:00 p.m., which they would be there just to answer everybody's question. If that meets with the Commission's approval, they would plan on going forward.

Mr. Bob England, 312 Brunswick, Huron, said as the Erie County Health Department Director of Environmental Health, he was very pleased tonight that Dan Brown was here. He had the privilege to see his presentation about 3½ weeks ago during the Brownfield's Committee. He knows there's a lot of confusion surrounding the issue of Deep Water property and also the Gradel Property and what has not been accomplished in previous studies. He thinks if they listen intently tonight they're going to learn a lot about what in fact has been done and what health hazards have been identified about this particular site and where the issues lie and where the confusion may have come in in the past. But he's interested in hearing what Dan has to say, he's heard most of it, but he knows that he will clear up a lot of the confusion associated with the properties. The question that he would ask that they ask themselves tonight, is what is the risk of public exposure here to any of the contaminants that may be on the property. Maybe some of these questions have already been answered and the fact that they reported the place that has been approved by the EPA may add some credence to what Dan says.

Mr. Mike Fleming, Vice Commodore of Sandusky Sailing Club, said he had some brief comments from the Bridge Officer of the Club. Sandusky Sailing Club supports the cooperative efforts of the City of Sandusky and Sandusky Yacht Club to work amicably towards the mutual benefit of the City and of the Yacht Club.

Mr. Tim Schwanger, 362 Sheffield Way, Representative of Save Our Shoreline Parks, said he would not make a comment on the Temporary Restraining Order that was filed today on the Yacht Club/City agreement, but he would make a comment on the use of the emergency legislation. He sees they are not going to vote on this tonight, but again there is an issue with the stretching of the use of emergency legislation when this process is going to take months to be completed. He understands it could get kicked back to the Planning Commission and probably back to the Board of Zoning Appeals; so therefore, they don't feel that this is an emergency. In addition to that, he made the mention at that last meeting that the Sandusky Yacht Club has purchased property from the City at Shoreline Park in 2008, and again that was at a non-emergency. And that was property about that big, and this is a much bigger project, with much bigger ramifications, relinquishing of water rights, relinquishing a portion of the Perry Street right of way, height variances. So this is a very much more important project and he thinks that it needs to run the gambit of public debate.

**A presentation was held on Economic Development Opportunities on Brownfield Sites by Mr. Dan Brown of Partner Environmental.**

***Mrs. Farrar said she would like to make a motion to form a committee and come back to the Commission with a definitive Economic Development Plan for the Bayfront Corridor. The committee is to come back to the Commission within two weeks and with a recommendation within 45 days and no work from the Brownfields Committee in the City at this time, it would need approval by the City Commission.*** Mr. Kaman said now they've got the Bayfront Corridor Committee, the Brownfields Committee, and now they're forming a third committee to run all this through, that was the motion? Mrs. Farrar said a temporary committee, yes. Mr. Kaman said he would remind this Commission, he thinks it was last meeting this Commission said we always listen to our committees and now we're forming a third committee. He will be a "no" vote on that motion.

Mrs. Farrar said asked would it behoove them then to take some Brownfields Committee members and some Bayfront Corridor members and put them together since they already served for us and have them sit on that committee? Mr. Kaman said it was up to you guys, he thinks he'll be out-voted tonight, but he knows at the outcome you guys want to re-vote on the drilling of the three holes. His position is the three holes that we already have the money for. As Mr. Warner said, we do not have a development partner for these properties. We voted earlier to drill the three holes to bedrock, because they're all, the holes are different. It's economic development, he loves the way they say it's economic development versus environmental cleanup. Like the President says, you can put lipstick on the pig, but it's still an environmental problem that we're dealing with. Just like our Yacht Club agreement. Just like our Marina District. Just like the Keller Building. This Commission doesn't have a good track record. Mr. Lippus just said it's gone on long enough, he agreed, he wants it done too. But this Commission doesn't have a good track record on getting things done and doing them right. He thinks we don't have a development partner right now. We had the money in hand to drill three more holes specifically to bedrock, which was the debate at the Brownfields meeting. They could get that done, be done, put it to bed like he heard the U.S. EPA say or the Ohio EPA say. We're down now, you know it was 40 acres when it started, but it's down now to the Chesapeake, Tricor and Keller Buildings. Let's drill the three holes which we already voted to do. When is enough, is enough? That's fine. But what's the hurry right now, we don't have the development partner? We got a beautiful mall up in Cleveland, on the outskirts of Cleveland on the Turnpike there. And he's betting right now they're wishing they would have drilled three more holes, and right now he's willing to bet the EPA signed off on that deal, but that was built on a land field. A beautiful mall, but too bad most of it is closed down now and it's not even two years old. So three holes on our waterfront to get something where he can say to his kids and grandkids that yep that development is there, but they don't have to dig it up now because it's good, clean and it's healthy and they know what's there. It's capped or it's gone, whatever it ends up being.

Mr. Kaman said in talking with the Haag's and the Brownfields Committee before, they hope the Haag's are wrong; they hope it's not down in bedrock. We've had grants put in to the EPA, and Mr. Kline knows this, that said that we get our water from groundwater. That's false. That little profile right there, if that's part of your thing to the EPA, he don't know if that was part of his original, what's up there right now, that slide that's up there, it shows the coal tar's above bedrock and clay. But do we know that? We then drill down to bedrock. It shows the coal tar above the clay, but we drilled for, as you guys say, hundreds of holes. They never answered Mrs. Farrar's question, how deep are they. But we know they're not down to bedrock. That's where we're at; just put three holes so we know. He would feel much better going for a grant that caps it, to encase it, do what we got to do, if we knew exactly what we're talking about, that's all he's asking. He was hired as a Commissioner to go ahead and, nobody is breathing down our necks right now. He's glad Sandusky International's here. He's troubled by why they're so concerned with the three holes. But let's find out what we're doing so it doesn't come back to bite us. He don't want it to coming back to bite us in 20, 30, 40 years. That's all he's asking; either way is fine. He's been on the losing end of votes before; he can live another day.

President Stahl said he's not an expert on this subject, he's far from it. He's an expert he thinks in the printing business. He believed this motion Mrs. Farrar was a good idea, an excellent idea. And he just wrote his response right now. It gives us an

opportunity to listen; it gives us an opportunity to talk about the three holes; it's give us an opportunity to talk about economic development and that's what a part of this job is; it gives us a chance to work with our new Engineer, Mr. John Hancock. He's been watching Mr. Hancock and he didn't know what he thinks on this stuff. It's not fair to ask him with 32,000 people watching him on t.v. at his first meeting what he thinks, but he wants to know what he thinks. And he thinks these meetings, a couple people from the Bayfront Corridor, a couple people from the Brownfields Committee, Mr. Kaman is the liaison to that he can pick one, Mrs. Farrar pick one from her committee, the Bayfront, the City Manager picks two or three and they don't use any of the consultants. They have Mr. Hancock on the committee and his vision and then they can talk in that 45 days to the Haags and Hull and to Partners and they can listen and then bring it back to them and that gives them the opportunity to make a decision. He asked a lot of questions and when he got hired for this job he learned to ask a lot of questions. But if he didn't know what he was doing, he asked questions and he was going to keep asking questions until he understands the thing. He still don't understand this thing. In 45 days he expected to have some people back here that do understand it and he expected them to do their homework and report back to them. He thinks this is a wonderful deal. Mr. Kaman asked if he was going to have a committee, why would he not want his two, he wants Mr. Brown (Dan) there, he wants Ruth Haag there? President Stahl said he wants the people to come in and talk to the committee. He wants the committee to do this research. And he don't want to debate this in the public. Mr. Fuqua said yea, they should. He meant he and himself don't disagree on a lot, but he disagrees on this. President Stahl said this debate should be, but the thing is he was not going to argue in the public. He wants them to do some research. They're being very transparent. This is a very transparent thing. There has not been a meeting that he knows of any local government agency, of any local government, that allows citizens to give and talk back and forth during the meeting. This timer, he might as well throw the thing out, that was a waste of his five bucks. He has never stopped anybody from talking and he never will. And he says a three-minute time limit, and he don't believe it, because he don't honor it.

Mrs. Ruth Haag, Haag Environmental, 613 E. Market Street, 615 E. Market Street, said she thinks they all know and what they always keep talking to each other about and how nothing was forwarded. And one of the reasons why nothing was forwarded was because there isn't any trust between the citizens and the government. And the reason of that is because there are continual secret meetings and secret decisions that then end up with quick votes on the Commission. And that causes all of citizens to have to spend most of their time playing a game of gotcha and trying to figure out who were the secret people, who made the decision that does this that came about. When they proposed to start to restart the Brownfields Program, because it had stopped and you could tell because of a lot of grants were lost, they proposed that they would be able to do it and they would be able to get things to move forward. And she knew that the way to do that was to redevelop the public trust.

Mrs. Haag said so, in the last six months, and they've been going so fast about it that poor Dan Brown doesn't even know what they've accomplished, they do have an RFP out for the marina and they are planning to go forward with it. The first phase of the Walkway is done. The Tricor piles are being sorted. The Keller Building has a developer. And another thing that probably everybody doesn't know, but they keep repeating every time they come to the Commission, there is a Brownfields reading room upstairs in between Matt Kline's and Don Icsman's office on the right hand side. And all of this information is there and they've been repeating that to them that they could go and read it; so all this data is already there.

Mrs. Haag said so they've accomplished a lot and how they did it was by redeveloping the public trust, and the way they did that was very open. They had Brownfields Committee meetings monthly. To begin with they had them every other week in order to get the Brownfields Committee knowing what they were doing and they started that last September. They alerted the press every time that they had a meeting, the press started coming and reporting on their meetings. They post the minutes on a website. They have certain group of people who felt like they didn't know what was going on and so they put them on an update list. They've got a regular Brownfields update list and they have a separate Walkway update list for people that want to know about the Walkway. They regularly take input from those people and that helps them with their project.

Mrs. Haag said the committee members have worked very hard. The committee members, the last time they talked to you folks a couple months ago, they said that they had estimated 140 hours that had gone into it. One of the weeks what one of the committee members did was read only their web hits so that they could understand that better. They've put a lot of work into setting their priorities and planning how to spend this grant.

Mrs. Haag said and then they made a recommendation to the Commission and the Commission vote on it. If they decide to change their position tonight and stop this, they're going to be once again eroding the public trust. The reason that we have a Walkway now, the reason that we have a Marina RFP out, the reason that the Keller Building has a developer, is because she has gone and developed that trust with the public. She believed this public is still going to trust her, but she don't know that they're going to trust them. So if they go and they start and they end the committee because they don't like the answer that they gave them, and they start another committee, they're just going to lose, lose all around.

Mrs. Haag said now when the Brownfields Committee talked to Karla Aukar of the U.S. EPA, it wasn't actually the Brownfields Committee, it was a sub-set of it, talked to Karla Aukar, she said that she agreed with what they wanted to do, but what she required them to do at that time was to contact any of the businesses that were located on top of the coal tar plume. So everything was going along really well until she said that to them. So they contacted Sandusky International and they had talked to the man at Deep Water (Marina); they have not talked to the man at Gradel (Marina) yet. As soon as they contact Sandusky International they started having pressure to stop doing the investigation. But this investigation that had been recommended by this open committee, which is public process, bringing trust in the government, was suddenly trying to be stopped. Secret meetings were planned. It sounds like what she was talking about to begin with, and now they think she asked to do a quick vote. Sandusky International has brought in this contractor to give them their opinion, but she is telling them, the Brownfields Committee has studied this data; they know this stuff and they gave them their opinion. So she don't know why they would want to make yet another committee, unless it's because they want to bow to what one industry's telling them.

Mrs. Haag said one of the priorities of the Brownfields Committee is to not hurt any local industry while they're developing the waterfront. And they have promised that they would not hurt a local industry. The only thing that they were doing was contacting them and telling them about the coal tar plume, which is what Karla Aukar asked them to do. But what they see tonight is the City pressures that they've had to try to stop this. So what they have to ask now as the Brownfields Committee is why, why don't they want to go forward? They are going forward with economic development of the waterfront, why are they saying that they're not and why don't they want to go forward. Please take what the committee did, the committee did the work, they've honored them, please don't erode the public trust any more.

Mr. Mark Harrington, 13801 Jeffries Road, Brownfields Committee member, said as far as Robert's Rules of Order and how we follow things within the Brownfields Committee, he don't see any real action taken there. There has not been one legitimate vote, in which it has been voted and recorded accordingly. The minutes are not voted on by the committee at the end of each committee meeting. And at the end, as far as the other things are concerned he needs to tell this Commission, the reality that they see tonight is as about as transparent as they can possibly be. This is a program that was developed back in the early 2001 and 2002. This information was available to the Commission, was available to the administration, it's been there the whole time. It was developed by Malcolm Pirnie out of Columbus, a well-known environmental firm. It was developed also by Hull & Associates and Parkers Environmental. What they see here tonight has been there since 2001, 2202, way before the Brownfields Committee, way before any of the other factors were there. At least they've had an opportunity to see both sides. Now they have to decide. He hoped they make the right decision.

Mr. Fuqua said they have a motion on the floor that they need to vote on. As there was no further discussion, President Stahl said Mr. Kline make the decision or he would like to say something. Mr. Kline said well it's just a plate, he's read it, it comes from the Law Director. But there's a point that has been said several times, unless he missed something several meetings ago, there was a motion he believed it was Mr. Warner who made to not to do the drilling of the three holes and that motion failed.

That technically doesn't mean that they voted to drill the holes; they still need to make another motion to do that. That way if they ever get audited... President Stahl interrupted and said he told everybody that that's still on the table; that this motion doesn't mean that the three holes won't be drilled. Unless he reads this wrong. Mrs. Farrar read it, it's her motion. *Mrs. Farrar said instruct the City Manager to form a committee to create a definitive economic plan for the Bayfront Corridor; the committee shall be appointed within two weeks and present a plan to the Commission within 45 days; further all Brownfields' work in the City during this time would need approval of the City Commission.* President Stahl said the way he interprets it, that doesn't mean that that three holes is dead. It just means that we're going to discuss this and come back with a definitive agreement, correct? Mrs. Farrar said yea.

Mr. Kaman said he was unclear on what he was saying, first he said no consultants. He would like to see Mr. Brown (Dan) there and Ruth Haag. President Stahl said oh no, absolutely. He thinks it's important for this committee, him (Mr. Kaman) and a representative from his committee, Julie and a representative of her committee, to listen to all these people. If you don't understand, let's listen, you know what, everybody that's in this room tonight at 7:30 cares about this City. Now he's getting smirks from some people, but darn it they all care about this City. They all love this City. He loves this City. For them to go in scattered different directions is ridiculous. It bothers him when they can't get on the same team. So what this does, he loves this motion, this gets us all working on the same team. There's nothing wrong with this motion; it's a great motion. Any other discussion from this side of the table? Someone said they called for the vote. (Inaudible - four people speaking) President Stahl said he hasn't called for the vote. Mr. Kaman said they're calling for it, but he's saying different things up here. Like he said Mr. Kline's going to pick so many people, are they going to define that or are they not going to define that? At first an open vote, and now they vote. President Stahl said no, they will have full access to all the consultants. The consultants won't be part of the committee; the consultants will come in and talk with the committee. Mr. Kaman said Mr. Kline can pick two or three? President Stahl said they would let Mr. Kline pick three. We will let him (Mr. Kaman) pick a representative and Mrs. Farrar pick a representative, and Mr. Kline picks three. He asked Mr. Kline was he comfortable with three people, that he would be agreeable to this? Mr. Kline said yes. President Stahl said and Mr. Hancock would sit in on these meetings. The Haag's would get calls to sit in on these meetings. Dan Brown would get calls to sit in on these meetings. There would be seven committeemen to come back and talk to them. President Stahl asked the Clerk to call the roll. ***The Clerk called the roll: Yeas: Fuqua, Brown, Warner, Farrar, Stahl, 5. Nays: Waddington, Kaman, 2. President Stahl declared the motion passed.***

*It was moved by Mr. Brown that all communications be accepted tonight. It was seconded by Mr. Fuqua and carried unanimously.*

#### **PREVIOUS BUSINESS**

**ITEM #1** – This item was read at first reading at the meeting of May 26<sup>th</sup>.

#### **ORDINANCE NO. \_\_\_\_\_ TABLED \_\_\_\_\_ Authorizing and approving an agreement (SYC) to further implement Waterfront Development and terminate litigation.**

Mr. Fuqua said before they move on this, could he ask Mr. Icsman a question? Considering the fact that we just found out that there is a TRO (Temporary Restraining Order) that's associated with this particular ordinance, would it be proper for them to even act on it or discuss it? Mr. Icsman said he believed it would. As he said in his e-mail, he thinks that the Judge ordered him not to. He might think ultimately with the ordinance that was passed at first reading, so what he would suggest is moving to table until their further order of the Court. He don't think that would be in violation of the Judge's Order; he would not be doing anything that altered the agreement. He thinks that at least as far as the Court case on the Judge's ruling, he's fine with that. If there's anything else as long as they're not dealing with the ordinance or the agreement. **Mr. Fuqua said with taking that into mind and consideration, he moved to table this until they hear something more definitive from the Court. Mr. Waddington seconded. Discussion** – Mr. Icsman said he thinks that there's going to be a hearing, but he believed that it would be next week, Tuesday maybe. President Stahl said since this is public information it says there would be a meeting at 7 o'clock at Sandusky High School Room 300 on June 18<sup>th</sup>. **Thereupon the Clerk called the roll on the motion: Yeas: Fuqua, Brown, Warner, Waddington, Kaman, Farrar, Stahl, 7. Nays: 0. The motion passed.**

**NEW BUSINESS****ITEM #2** – Lieutenant Phillip J. Frost**BUDGETARY INFORMATION:** There is no budgetary impact with either grant. All projects and programs will be paid through grant funds from the U.S. Department of Justice. There are NO matching funds with either of these grants.**RESOLUTION NO.** \_\_\_\_\_ **TABLED** \_\_\_\_\_ A Resolution approving the submission of grant applications to the U.S. Department of Justice (DOJ), Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (OJJDP) for the FY 2009 Gang Prevention Youth Mentoring Program and the FY 2009 Promoting Child and Youth Safety: Community Initiatives and Public Awareness Grant Funds and, if awarded, authorizing the City Manager to execute any required agreements. *The Clerk, B. Joyce Brown, stated that Mr. Frost came to the Commission's office after the agenda had been completed, and he stated that this item would not be moving forward. Mr. Icsman said he thinks that the Commission, if that's agreeable with the Commission, again probably should move to table this.* **It was moved by Mr. Waddington and seconded by Mr. Warner that they table this until they hear back from Mr. Frost. Thereupon the Clerk called the roll on the motion: Yeas: Fuqua, Brown, Warner, Waddington, Kaman, Farrar, Stahl, 7. Nays: 0. President Stahl declared the motion passed to table this item.****ITEM #3** – Lieutenant Phillip J. Frost**BUDGETARY INFORMATION:** The total cost for the listed ammunition is \$12,367.88 and will be paid from the Police Department's 2009 Budget.**ORDINANCE NO. 09-049** - **Enter into an agreement to purchase 14,000 rounds of .40 Caliber Practice Ammunition, 6,000 rounds of .40 Caliber Duty Ammunition, 24,000 rounds of .223 Ammunition, 1,000 rounds of #4 Buck Shotgun Ammunition and 3,000 rounds of 7.5 Shotgun Ammunition from Vance's Law Enforcement of Columbus, Ohio, for the Sandusky Police Department.** It was moved by Mr. Kaman and seconded by Mr. Waddington that this Ordinance be passed under suspension of the rules in full accordance of Section 14 of the City Charter. Thereupon the Clerk called the roll on the motion as follows: Yeas: Fuqua, Brown, Warner, Waddington, Kaman, Farrar, Stahl, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance as follows: Yeas: Fuqua, Brown, Warner, Waddington, Kaman, Farrar, Stahl, 7. Nays: 0. President Stahl declared the Ordinance passed.**ITEM #4** – Carrie Handy, Chief Planner, and Sharon Evanich, Grants Administrator**BUDGETARY INFORMATION:** The City of Sandusky submitted its second Five-Year Consolidated Plan (2009-2013) and PY2009 Action Plan to HUD's Ohio Regional Office on May 13, 2009. Pending approval of the PY2008 Action Plan CDBG-R Substantial Amendment, CDBG-R funding will increase the level of the Hayes Avenue Corridor Project FY 2009 Action Plan Budget of \$347,656 by \$218,407 for an estimated total of \$566,063.**ORDINANCE NO. 09-047** - **Accept a grant, under Title XII of Division A of the American Recovery and Reinvestment Act of 2009, in the amount of \$218,407, ratifying the submission to the U.S. Department of Housing and Urban Development a substantial amendment to the City's Fifth Program Year 2008 Action Plan.** It was moved by Mr. Kaman and seconded by Mr. Warner that this Ordinance be passed under suspension of the rules in full accordance of Section 14 of the City Charter. **Discussion** – Mr. Waddington said under Items For Consideration, it says "Once completed, the entire project will involve 1.16 miles of improved roadway instead of the initial plan of three-quarters of a mile." Thereupon the Clerk called the roll on the motion: Yeas: Fuqua, Brown, Warner, Waddington, Kaman, Farrar, Stahl, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Fuqua, Brown, Warner, Waddington, Kaman, Farrar, Stahl, 7. Nays: 0. President Stahl declared the Ordinance passed.**ITEM #5** – Carrie Handy, Chief Planner, and Sharon Evanich, Grants Administrator**BUDGETARY INFORMATION:** The revised project cost based on the proposal including engineering, inspection, advertising and miscellaneous costs are \$130,000. The cost of the project includes materials, labor, plumbing, electrical, site preparation, concrete, stone base for splash pad, ramps and sidewalks, grading and seeding and miscellaneous expenses regarding permits and park benches. The contract amount is \$116,520.00, plus a 5% contingency in the amount of \$5,826.00

for benches, trash cans and other miscellaneous items for a total contract amount of \$122,346.00. The contract will be implemented under the rules and regulations of the U.S. Department of Housing and Urban Development Community Development Block Grant. There is no impact to the City's General Fund.

**ORDINANCE NO. 09-048 - Enter into a contract with Emerald FX, LLC/Mazur North America of Norwalk, Ohio, for the Huron Park Splash PAD Project.** It was moved by Mr. Warner and seconded by Mrs. Farrar that this Ordinance be passed under suspension of the rules in full accordance of Section 14 of the City Charter. **Discussion** – Mr. Waddington said he would like to thank Mrs. Handy. This was a much needed improvement there and it would complement the Greenhouse and become a point of destination in that area.

Mr. Kline said it was brought to his attention that they would be having a pre-construction meeting on Tuesday of this week, tomorrow, on the Pad and they would be pushing the contractor to be done by August 1<sup>st</sup> so they could have the celebration. Thereupon the Clerk called the roll on the motion: Yeas: Fuqua, Brown, Warner, Waddington, Kaman, Farrar, Stahl, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Fuqua, Brown, Warner, Waddington, Kaman, Farrar, Stahl, 7. Nays: 0. President Stahl declared the Ordinance passed.

**ITEM #6** – Submitted by B. Joyce Brown, City Commission Clerk, on behalf of ODOL **A new D5J Liquor Permit request from Sandusky Sailing Club dba Sandusky Sailing Club, 814 E. Water Street, Sandusky, Ohio 44870.** It was moved by Mr. Fuqua and seconded by Mr. Brown that the Clerk notifies the Ohio Department of Liquor Control that the City has no objections to this request. **Discussion** – Mr. Warner said nobody knows why they want this full-blown liquor license. That's the Sailing Club where they teach our children how to sail here. They have a permit for selling beer on special occasions. People wanted to know everything else, why people are asking for this stuff and everything else in town, nobody has prior knowledge as to why they want this at this point in time. He would like to call for a public meeting before they ask to send this on, tell them to stand and tell them why they want it, what's the reason?

President Stahl said their Immediate Staff Commodore Dr. Arnold Oliver to the podium please. Mr. Oliver said he really cannot speak to this as he no longer is on the Bridge and he was just an average everyday member. **Mr. Fuqua said really he made the motion so they could have discussion, but taking into consideration Mr. Warner's concerns, he would like to change his motion to table this until the next meeting so he could get his questions answered. Mr. Brown said he would withdraw his second. Mr. Warner seconded the motion.** Mr. Warner said have them have a public meeting, let the public know what's going on. The public wants to know everything else that they're doing and why they're doing it. Mr. Waddington said he thinks with most of these transfers that come before the Commission, the Sandusky Police Department did a background, and no pending cases and Charlie Sams signed it. Also from our Clerk Joyce Brown sent it to the Fire Department, which he had no problem; staff, they've researched the background for anything problematic and they would have brought it up to the Commission. He really don't think there's anything under any stones or rocks; he's okay with the two weeks. He just thinks this is an upgrade to the Sailing Club. Mr. Kaman said he feels they should go ahead and vote on it and whatever way the vote goes it goes. It's economic development for the Sailing Club. We're in an Entertainment District down here, this whole area, we put that in several years ago, so we need to vote on it. President Stahl said is that correct; it could have been an entertainment license and they wouldn't need to vote on it? Mr. Fuqua said that is correct, but it's not an entertainment license. He's not saying that he don't agree with it, but the questions that Mr. Warner raises are legitimate questions. President Stahl said he thinks they opened a lounge like the Yacht Club has, is that what they're doing? He meant he didn't want to speak for anybody, he really don't know. Mr. Fuqua said that's why they need to know and we need them here, they don't know. Mr. Warner said Mr. Chairman they don't know what the deal is, but they would like to know. Discussion ensued.

President Stahl asked Mr. Sams if he knew about that? Interim Chief Sams said he had some conversation with a couple of their people. They talked about the fact that if they come off the boat, there was a change in some right-of-way there and they were concerned that as they were coming off their boats, that they would get cited for

having open containers and they were moving more towards having it more located on their property. But the exact reason why they wanted the liquor license, that wasn't really part of his job. He had to make sure that they did everything legally.

Mr. Kaman asked did he recall the Sailing Club lease that they just did several years ago? Inside their fence is a pavilion and several, a big portion of that is their pavilion and a big portion of that pavilion and grassy area is technically the City of Sandusky's property, not the Sailing Club. It's not exactly covered on their lease and all that, but it is part of theirs inside the fence. What Charlie's saying is right. They have parties down there. They have regattas down there. They serve alcohol, but if you're on that City part, you're on a different area. So he don't see the problem. He thinks it's a good thing on their part, but that's from what he knows. President Stahl said he's in favor of it, but he thinks it's also important for them to come and talk to us. He's definitely in favor of it, but his vote will be to have them show up. The Clerk called the roll on the motion as follows: Yeas: Fuqua, Brown, Warner, Farrar, Stahl, 5. Nays: Waddington, Kaman, 2. **President Stahl declared the motion passed to have the Sailing Club representatives show up at the next meeting.**

Under **City Manager's Report**, Mr. Kline said it is requested acceptance of an **American flag with an approximate \$16 value from Mr. Waddington for the Canoe Launch Facility**. Mr. Fuqua moved, Mr. Brown seconded, carried.

Mr. Kline said it is requested a **\$5,200 donation be accepted from the Wightman Wieber Foundation to help offset expenses for Recreation Division's 2009 Event Series and the 2009 Playground Program**. Mr. Waddington moved, Mr. Warner seconded, carried.

Mr. Kline said **The Erie County Sheriff's office and the Sandusky Police Department were co-applying for another grant through the Edward Byrne Memorial Justice Assistance Grant Program**. If awarded, these monies will be utilized for equipment and/or software for Regional Dispatching. Erie County will be the applicant and fiscal agent for the grant similar to the Joint Dispatch Project.

Mr. Kline said it is requested the **City Commissioners consent, by motion, to adding Tim Schwanger's name as a member of the Bayfront Corridor Committee to replace his father, Don Schwanger, whom he had been stepping in for**. Mr. Kaman said so moved. It was seconded by Mr. Stahl and carried unanimously. President Stahl said the appropriate letter should be prepared for his services rendered for the next meeting so the Commission could all sign it.

Mr. Kline said the **June - July issue of The Meigs Street Messenger will be delivered to residents and commercial establishments within the City's corporate limits this week**. Included in this particular issue is the annual Consumer Confidence Report as required by the US EPA.

Mr. Kline said **Ohio Bike Week** has begun in Erie County and as a result there will be some **road closures within our downtown later this week**. The following road closures will be in effect Wednesday, Thursday and Friday: Access into the barricaded areas will be permitted for local business on Thursday and Friday: Columbus Avenue will be closed between Water and Adams Streets; Water Street, Market Street, East & West Washington Row and Washington Street will be closed between Wayne and Jackson Streets; a 20' Fire Lane will be maintained in the 100 blocks of both East and West Market Street and in the 100 blocks of both East and West Washington Street; Shoreline Drive will be closed between the parking lot entrance to the Dock of the Bay Marina and the Coastal Management Offices at 101 Shoreline Drive; traffic will be detoured beginning on Wednesday afternoon (approximately 3 p.m.) at Monroe and Tiffin Avenue and at Warren and Monroe Street. This detour will be removed at 9 a.m. on Sunday, June 14<sup>th</sup>.

Mr. Kline said the **Thursday evening Washington Park Gazebo Concert series is scheduled to kick off on Thursday, June 18<sup>th</sup> at 7 p.m.** We are appreciative to the Sandusky Community Celebrations Council who once again sponsors these concerts in Washington Park.

Mr. Kline said they had correspondence they just received today from the **Erie Solid Waste Management District**. It was basically giving guidelines as to who, **Allied Waste would be the new hauler this year for the recycling bins**. He was not sure if Commission Brown would like to speak as he is the liaison. At the last County Commission meeting there has been no recommendation yet from the Policy Committee to the Board of Directors as to how many bins would be removed. The Commissioners did give him the opportunity to speak. They were under the direction

as to form or create some type of Curbside Recycling to be in effect by 2010. So he asked them if they would please keep the three sites in tact at least as long as we can come up with a plan as to how we're going to implement a Curbside Recycling Plan here for the City before they remove those bins. His biggest fear being that he knows and many people do know that those recycling bins are also used for other waste, which they aren't supposed to be. Our police department has done a good job of tracking down some violators, but to remove those now and not have any Recycling Plan in place would be a big detriment to the City. They agreed that they would keep those bins until such time. He's put a rough draft, some bid specs together for the Recycling Program that they were trying to bid out, he's sharing that with them, Commissioner Brown and also Lisa Buerstein, from the Solid Waste District. They hoped to have these specs put together and bid out to see what kind of price we're looking at for some type of Curbside door-to-Door Recycling.

Mr. Waddington said the **litter has unbelievably gotten better in Sandusky**. He don't know if word of mouth has got out, but he's been riding his bicycle and stuff he normally tracks has gotten better. But he would still like to pursue the litter signs Don that they were working on; he hoped that they were still going to follow up on that. ¶The second point, he goes downtown almost every weekend, and he talked to Mr. Kline about the **parking, it's always full and there were a lot of people downtown**. It is not dead and he took offense to what Mari Hildebrand's wrote today in the Register and she needed to get out more. Sandusky will come back and there are a lot of areas suffering right now. We've got one thing going for us downtown; and it is the water and that's why Sandusky will survive. Sometimes she writes good column and sometimes not, but that's her opinion.

Mr. Kaman said he feels they should be pushing the County for, we're part of the county, we're going to have **Curbside Recycling**, the whole county should. It shouldn't be just us. Mr. Kline said he was sorry, **the whole county is the plan for 2010**. We're required, but they were pushing for that, the whole county. Mr. Kaman said yes, that's the way it should be.

Mr. Kline said a big **thank you to Mainstreet Association and George Mylander in particular and George Mylander Foundation, they are funding a seasonal employee who will be working downtown to keep Schade-Mylander Plaza clean and downtown itself, Peddler's Alley, keeping the flowers watered, etc.**

Mr. Kline said Commissioner Warner introduced him to Sharon Opfer from the **Job Store and Ehove Career Center. Ehove has been awarded from the Stimulus Package, funding for a summer work program**. It's for disadvantaged youth ages 16 through 24. They would be eligible to work up to 300 hours in the summertime and she had given him an application that he was filling out and he would have it to her this week. They have a workforce place; they actually technically are employees of Ehove and he believed they got paid something like \$9 an hour. It is to help them learn good work ethic and give them an opportunity to get out into the work place. We are hoping to be able to utilize this program to help offset some of our seasonal employees. He would like to send one or two of them out to the Cemetery to help with our Grounds crews and put actually one or two on our Street crew.

Mr. Warner said he met the group on Friday and every single one of them were a resident of Sandusky. These are our young people and they are out there looking for work and they are a little bit disadvantaged on being given an opportunity to work for someone. They can work for the City, they can work for the County, they can work for NASA, Sandusky International or Haag Environmental; all they have to do is apply to Sharon Opfer and if she's got people available, she can put them to work for you. It doesn't cost the company or the City a penny. The whole Stimulus Package is paying for this whole outfit. This is something the paper should ought to track this year, the stimulus money that is coming to town. He hadn't seen the Register put anything in the paper about the Stimulus Package in our area yet. It was a great program and every town in Ohio got this opportunity to have this program. Discussion ensued.

Mr. Kline said they would like to do a **Marina District update with Mr. Eymann and his financial team**. He was not sure with the Commission about an off-week meeting, but he would suggest they do that for 45 minutes dedicated to that update. President Stahl said Mr. Eymann's schedule would be better for him if they do it on Tuesday, June 16<sup>th</sup> at five o'clock.

Under **Old Business**, Mr. Waddington said this past Saturday was **National Trails Day Celebration and Sandusky showed off Ohio's third water trail** and walked the path. This was the first of new Kayak Day they've ever had and it was sponsored by the City of Sandusky, Erie Metro Parks and Friends of Pike Creek Watershed. There were about 65 to 70 people that went out. He thanked the volunteers and City staff.

Under **New Business**, Mr. Brown said as everyone knows the **City's population is decreasing and they should sit down and map out a program and take up residency and jobs are going to be their number one focus in the community**. He's troubled the way they were treating some of our existing companies, the way we talk to them and the way we tend not to work with them as far as their development. And as far as their willingness to work with us, we seem to have a problem working with them. We need to sit down and try to do business like we used to do business. Things change and situations throughout our community is changing. ¶They may have to do a little sensitivity as far as the way we do business, the way they talk to each other and the way they conduct themselves with each other. Sometimes they don't respect each other and this constant thing about these secret meetings. Well they really must be secret, because he don't know nothing about them. Mr. Fuqua said they must be and he was the Vice Mayor so he thought he would least have some knowledge. Mr. Brown said sometimes the public comments like at these meetings when our Vice Mayor is speaking, he thinks you got to be a little respectful when we might not agree with each other. They should show some respect for the Chair. They don't have to respect him, but respect the Chair. He thinks they got to start changing their tone, because people is listening to this tape. He gets comments all the time, you guys must really be hating each other, you're angry, and all that confusion and disorderliness. They have to start taking care of City business and start moving the City forward, because they're not taking care of themselves. They expect companies to invest in Sandusky and come to our City and they do not take care of people that are already here. They got to show people and companies that they are a good city, a vibrant city and they want to move things forward. If they can't show that to a company, they're not coming here. Why would they? They got other places that are begging for them that would give them land, tax abatement, give them anything they want to get them there. So we got to be in the same position. We got to look forward to the hills and challenges that are going to benefit us.

Under **Audience Participation**, Ms. Deidre Cole, 807 Hancock Street, said she loved her community and the citizens in it and she worked to unite the people in it. She's spoken and listened to many people over the past several months about city government development and one common note rings from the majority, they are ashamed, embarrassed, offended, disgusted and fed up with the management of Sandusky. Each of them have played a part in getting them where they are today. Their part could have been the instigator, contributor or even worse, the one looking the other way. Yielding to something that they know is morally, ethically and spiritually wrong. They demand transparency in our local government, not condescending of the work, on the condition of anonymity remarks, not closed door one on one meetings that serve no public good. To be a leader they must first know how to follow, follow the will of the people. True leaders own up to and fix their mistakes and move forward in a positive direction. They have not to date distinguished themselves as leaders and they will be remembered as men and women who merely held a position once, but did nothing with it. May God have mercy on them. They believe their faith and trust have been betrayed by the Commissioners and the City Manager and they will not support those of them who constantly berate, belittle and pass the buck to field their own incompetence. This not high school; our nation and our City is in crisis and if they can not contribute to solving the problems, but constantly create them, please resign for the good of Sandusky. They need leaders that are proactive and not reactive.

Mr. Dan Ryan, 3610 Surfside Circle, said he would like to thank the Commissioners for taking Mr. Brown's (Dan) presentation tonight and he thought they asked a lot of questions and he appreciated hearing a plan to go forward, which transfers seeing with open public debate, with testimony with experts. If anybody feels if asking for that and bringing all of this out into the light of day and making sure they have expert opinion and transparency while they're looking at it, he makes no apologies.

Mrs. Sharon Johnson, 1139 Fifth Street, said in regards to the conjunction for the Yacht Club, what happens now, what's the legalities of that? Mr. Icsman said like he said, there is a hearing scheduled for next Tuesday at 1:30; it's a hearing on the Temporary Restraining Order only. The TPO can last two weeks; it can be extended for one other two week period on the Court's own doing, but he thinks the Judge has scheduled a hearing. So they will have a hearing determining whether or not the Order is going to be resolved or if the Order is going to stay, whether there will be a Preliminary Injunction, an issue for them to all have a special meeting. But the Preliminary Injunction would probably be much the same as a Temporary Restraining Order, but it would be issued after a hearing. As opposed to today, what happened today was that the Judge issued that without notice to the City and we've now had a chance to be noted. And that's perfectly legal under the Ohio Civil Rules of Procedure, but he just wanted to explain to her that was what happened today.

Mr. Jason Brake, 2002 First Street, said he talked to Messrs. Stahl, Waddington and Warner, but he has had no definite answers to the questions he's asked them over the past year or so with the transportation companies and the taxi and limo companies. What has the City actually classified as a pre-arranged contract; is that verbal, written or what? President Stahl said he would have an answer for him next meeting or before that, fair enough? And he did listen to him and they talk all the time. Mr. Brake said fair enough. ¶The second question, who is actually running Sandusky Transit now? And how can the City with federal tax dollars only allow the bus line to run on the east side of Camp Street, which entitles everybody on the west side of Camp Street all the way to Venice Heights, is not entitled to that same entity? But those are federal tax dollars and these are citizens that pay that federal tax dollars? President Stahl said he had asked him that question and he would get a hold of the answer for that.

Mr. Tim Schwanger, 362 Sheffield Way, said Ruth Haag mentioned that there were a little over 100 hours in time spent and that doesn't include time they spent away from those meetings on investigations, would it be on the computer at City Hall? And to go against that committee he feels is wrong. He thinks the only reason to form another committee is because you folks don't agree with what the Brownfields Committee came up with. Therefore, part of the criteria for getting on that new committee, the question is going to be asked before they get put on that committee, is do you agree more investigation's needed or do you disagree. That's a concern.

At 8:09 p.m. President Stahl returned to the table and entertained motions for adjournment. Mr. Fuqua said so moved. It was seconded by Mrs. Farrar and carried unanimously.

ATTEST: \_\_\_\_\_  
B. JOYCE BROWN  
CLERK OF THE CITY COMMISSION

\_\_\_\_\_  
CRAIG H. STAHL, PRESIDENT  
SANDUSKY CITY COMMISSION