

MONDAY

JULY 13, 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 Bob Warner, Dave Waddington, Dan Kaman, Julie Farrar, Craig Stahl, Brett Fuqua and Pervis Brown 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 Fire Chief Mike Meinzer, Interim Police Chief Charlie Sams, Economic Development Specialist Scott Schell, Director of Engineering Services John Hancock and Chief Planner Carrie Handy. The audience and news media were present.

Mr. Warner 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: Warner, Waddington, Kaman, Farrar, Stahl, Fuqua and Brown.

Mr. Warner moved to accept **minutes of June 16th and June 22, 2009** and dispense with the formal reading of same. Mr. Waddington seconded. President Stahl asked for a vote on the motion and with all Commissioners voting "Aye", the motion carried.

Under **Audience Participation**, Mr. John Ginty, 5055 Providence Drive, said Item 3 although the majority of the cost is being provided by a federal grant of some type, there's still going to be a matching fund of 10% and that's going to come out of the City Equipment Replacement EMS Billing Fund. He can't understand why the City doesn't bill people that use the service; it seems that we use the EMS Fund for training the diving team, etc. The Coast Guard used to tow in vessels, etc. and now if your vessel has a problem, you have to hire an outside outfit. He thinks that as much as the budget problems the City has, that we should be billing people because most of them would have insurance, we should be billing people for this service. They bill the seniors here and many seniors have brought this up that every time you have to use the ambulance, but there has been reluctance on some of the parts of some of the Commissioners over the years to bill outside people for services provided. ¶Mr. Ginty said Item 7, this was a contract for an engineering consultant to design be over \$22,000 is going to be paid with the \$5 License Fee, which was always basically more than that. Like when you buy your license plates, it's more than that, you find out. He drives this corridor just about every day and he thinks this is an extensive amount of money to be put in and maybe we need the lights like the LCD kind. He thinks that's an excessive amount of money just to design that. So why do we need that when we are in such financial straits? ¶Mr. Ginty said Item 8 was a local project agreement with Ohio Department of Transportation. Again the local fees involved on it, why is this needed on the Cedar Point Causeway? President Stahl said that was Cedar Point Drive. ¶Chief Meinzer said on Item 3, most of the time when they rescue people in the water or off the rocks or in a boating accident, it does end up being charged for EMS, because they're usually injured and they transport them. That's the reason they call them. They don't charge for fires on land or on boats in marinas, but they do not tow boats unless they're in imminent danger of sinking or posing threats to the environment like a fuel spill. There are a couple of private towing services that once they stabilize the scene, they take over and they charge for salvage and the towing. There's a privatization-type thing that they don't want to interfere with that. But they do end up billing most times EMS Funds for transport off the water. ¶President Stahl said and then Mr. Ginty had one other question on Hayes Avenue. Mr. Kline said he thinks Mr. Ginty thinks the engineering costs are excessive for Richland Engineering's designs for the traffic lights. Mr. Waddington said it says, "*Funding may only allow one signalized intersection to be replaced, but coordinating the design for both intersections at this time will allow the City to perform the work in the future when funding becomes available.*" That's what exactly what it says and they may have one light down there and we vote now and pay for it now and maybe one in the future. At the corners of that area we wanted designated to come in and out the City of Sandusky. So he thinks it's a good idea, he doesn't think it's a waste of money. Mr. Kline said and the last, Cedar Point Drive, has actually been on the MPO List for a number of years. President Stahl said he thinks the confusion is,

he believed that Mr. Ginty thought it was Cedar Point Causeway. Mr. Kline said Cedar Point Drive, which was actually sidewalk to sidewalk and he believed it would put in bike path, curbs, gutters, streets, etc.; it's Cleveland Road to First Street. It has been on the MPO Project List highly ranked for a number of years, but he thinks it's just now coming up to this time.

Mr. Tim Schwanger, 726 Sheffield Way, said spinning off the Causeway Drive question, everything is going to be paid for by the federal government, there's no assessments to Cedar Point for sidewalks, curbs, gutters or anything like that, how do they answer to the people on Huntington Ave? They had to pay pretty much for everything didn't they, when they redid Huntington Ave? Mr. Kline said that was done before he came. Mr. Schwanger said some of the people had their houses up for sale because they couldn't afford to pay the assessments. President Stahl said Mr. Waddington raises a good point, that we would be assessing ourselves because there's no houses. Mr. Schwanger said a lot of that he thinks is owned by Cedar Point. And if they look on the north side of Causeway Drive between the Thirsty Pony all the way down to their hotel, isn't that Cedar Point property? Mr. Kline said actually that would be your own project that's within the City, which is the Metropolitan Housing organization project, which is funded mostly through federal dollars. A lot of the projects (MPO) have been out in the County mostly. He knew that Huron and Vermillion had MPO Projects, part of the Hayes Avenue Underpass is MPO Project. That's just one that rates high, but it had transportation. Mr. Schwanger said but it had to get on the list somehow and it had to be recommended from this body somehow. Mr. Kline said not from this body, it's from the MPO body. It's from the County. Mr. Schwanger said he was just going to question how they determine what's going to get on the list. And he would think that in comparison to Huntington Avenue, that would have you know just been based on costs you could afford. Mr. Kline said it's actually based on the City's usage and that was highly used. And Perkins Avenue Traffic Signalization is also on the list. He thinks it's the highly used roads of Mills, that's a MPO Project, and there's one out in the County right now that they're doing.

President Stahl declared the public hearing open for the Agricultural District Applications. Mrs. B. Joyce Brown, Clerk of the City Commission stated this was in accordance with Ohio Revised Code Section 929.02 and it is a requirement by that actual statute for renewal of applications for placement in agricultural districts. The procedural requirements that the property owners had to file a copy, through the County Auditor, with the Clerk of the Legislative Body and a public hearing on the application had to be conducted. She had to do a notice in the paper on the substance of the application and the time and place of the public hearing and notification by certified mail to the applicants of this hearing. After this public hearing, she as the Clerk would have to notify the applicants and the County Auditor by certified mail. And per the Law Director, he has stated previously that the placing of this land into an agricultural district does not adversely impact the City. It was a formality. Mr. Icsman said he just wanted to clarify that normally there is not, but the only time there would be when and if an assessment project is planned, they would not be able to collect the investment until either the property comes out of the district or the district is nullified. So other than that, he didn't think there was any adverse or no impact on the City to have the properties placed in an agricultural district. **President Stahl declared the public hearing closed and returned to the table.**

President Stahl said they would have a presentation on the Housing Update by Mr. George Poulos, Chief Building Official. Mr. Poulos said he was pleased to report that although they did not get to July 1st, the day that they predicted back in February to finalize all of the repair work, as of today, the progress on the 47 homes is as follows: 22 have had all of the repairs completed; 7 additional will be finalized this week; and the last 10 that they have are anticipated to be completed by mid-August. Now with that said, there are 8 homes with no work to be done on them out of that 27, 3 have been sold, 1 is in foreclosure, 1 is vacant, 1 is involved in a lawsuit, 1 has been turned into a rental and 1 is being represented by an attorney and probably will end up with some negotiation with the insurance carrier. So the summation of this is, based on the original ordinance of February 23rd that was approved for \$425,000, they have under contract all of the above homes for \$392,245. So they're under budget and that really, he needs to applaud Mary Grendow and the entire ORDC Staff that went forth and pursued all these properties

and with their diligence. They involved 24 local contractors to complete all this work and/or work to be completed. They also in that \$392,245 completed some of the CDBG homes that they took on a first come basis. So that represents not only the CHIP Funds that he was directed to handle, but the CDBG Funds also that they have right now. They have CDBG rehabs that total \$40,000 he believed and their estimate had one that was an Exterior CDBG Maintenance Program of about \$3,000. That right now is the total standing to their knowledge in the CDBG end of it. The CHIP side is all under contract and it's just up to the contractors to complete the work.

Mr. Waddington said what are we really out of when we do the math, how much are we in with the insurance, maybe with the contractors when we try to recoup our money? Mr. Widman said Mr. Poulos identified the second ordinance, which the earlier ordinance was for \$625,000; the Commission in two actions authorized \$1,050,000. As of the most recent check batch we have expended \$844,000 now that they have identified. There are a number of projects still in the works. They call those contract numbers that are on the books, but that's not actually paid for. So with everything that's in our records that's paid, we're still under the million fifty (\$1,050,000). In terms of where that's going to come from, what we've been doing is using the existing state and federal grants we have balances for. He calls those for simple purposes, Revolving Loan Funds, state and federal Revolving Loan Funds. Some people might disagree with that interpretation, but Hank (Solowiej) and he have both reviewed that situation and they're comfortable with it; and they've shared that situation with the Auditor's Office and they are aware of it. It's still the City's, maybe from a financial perspective, our intent is to get the legal aspects of all of these different sheets resolved first. Hopefully there will be some success the City can start with and then that would lead into the insurance. These are not things that happen quickly. They talked with the insurance folks today and they do, because they know there's some ongoing legal actions and investigations pending, they don't like to talk about a whole lot that they impact those cases. But they do feel that first and foremost we need to hopefully get some resolution with the Inspector General's Office, but he understands those things are still ongoing. That needs be done first.

Mr. Waddington said he would like to thank Mr. Poulos because he's surprised it come under the \$425,000. He would like to thank him, he knows he worked hard with Mrs. Handy. He knows it's going to be tied up with insurance and probably in the courts for weeks, but he appreciates his efforts. He thinks he did incredible. Mr. Poulos said thank you. Mr. Warner said he would also like to thank Mr. Poulos for all that he done on this

Mr. Warner said he would also like to ask Mr. Widman is it a requirement, do they have to wait until after the federal charges? They can't go after any of those contractors on their own once this is all cut and dried and we've paid all this money? And then he knows the federal people are going after people that broke the law, but he thought there was something to do with contractors and we could go after the contractors themselves that did the substandard work? Mr. Widman said he's asking him to comment, which he thinks is a little outside of his turf. Mr. Warner said he would direct that to Mr. Icsman. Mr. Icsman said he guessed the answer would be that they would want the benefit, he meant we were getting the free investigation. He knows they've said this over and over, but when we were doing the investigation ourselves, we were criticized for spending the money, but then again you can call the timeframe, you can put the pressure on. We were successful in getting the government, the federal government, to take that over and he thinks we were living with their timeframe, it's not costing us any money. He thinks what Ed's (Widman) alluding to is that they would want the benefit of whatever it is that investigation would yield, irrespective of whether criminal charges, the investigation would be important to establish, and help us establish, some responsibility. He thinks they are also referring to one case that's pending where a counter-claim was filed against that particular company, New Horizons, and that case is in the Court of Appeals right now. But he knows that the lawyer who's appointed to represent us is pursuing, is pursuing in that case, that contractor. So he thinks that that's probably what the insurance people are telling Ed, why not get the benefit of that. He knows they're anxious, but we're not compromising a claim, insurance claim; it's open and active. And you get the benefit of what is being provided. He meant he knows it's not being provided as quickly as they would like, nor any of us would like, but he does know there is a strategy there. It may have a lot to do with or not very much to do with whatever in that office, just like every other government office.

President Stahl said he would like to ask one follow up, to follow up on Mr. Warner's question, he thinks all of them is a combination of how do we repay the million dollars? That's the hundred pound gorilla he guessed so to speak. Is it a combination of grants, this is the way he believed it to be true, with grants, insurance and then recovery from each of these companies and then people who wronged us, was that correct? Mr. Widman said slightly reversed in order. Your list he would work it the other way. President Stahl said what's the other way? It has the three things. Mr. Widman said priority perspective things. President Stahl said what priority perspective? Is that what he was thinking Dave?

Mr. Waddington said he was concerned about the future of grants, would that have any impact? Does he look upon that as, he don't know who would be the thing, are they going to look upon that as a bad mark in a way for that Carrie in the future? Mrs. Handy said basically the most, where it mostly affects is our ability to get a CHIP Grant for about the next two to three years, because they are going to look at your past performance and since we had three years of not good performance, you know that's probably going to follow us for three years. Because you know they go and look back at the previous year's applications. So it's going to follow us for a little while yet. But she thinks at the federal level though they have recognized that, you know that we have been paying and you know are fixing the problems. So federal-wise she don't think it's going to affect us.

Mr. Warner said he would like to ask Mr. Poulos something. Could he tell them what he told him in the office about getting the rest of that one grant because we did great things? Mr. Poulos said the State looked at, he is talking about the \$62,000, the State looked at the way we were rectifying the situation and the fact that Matt (Kline) authorized taking the high road on this servicing, they had \$62,000 left from 2006 and they gave that entire sum that helps us to reduce some of the work that was completed. We both had two ways, it's either pay two-thirds of the fee for ORGC since they were part of the fix for going against some of the homes that were in the CHIP/CDBG Project. So that helped our situation. That's all based on what they recognize as our ability to perform and they actually indicated that they would erase one of the bad years. We had three affected years '05, '06, '07 and they're somewhere are discussing erasing one of those years. So we might only sit out two years if we continue to apply. Mr. Kline said to further answer both George and Carrie on his (Mr. Warner) question, they told us that it will affect our applications for future funds. We will be, probably when the next round comes, which is next year he thought... Mrs. Handy interrupted and said they have it every year. Mr. Kline said we will be asking for authorization to apply, but we'll probably get denied. But they told us that we would need to go through that process.

Mr. Brown said just one point. He wanted to commend Mr. Poulos for a fine job of finalizing and putting this program back together. And going forward we need to evaluate where we was at and what we did and to go forward into developing a program that is going to success. Because true enough we're going to reapply and if we do it right, regardless of what they say as far as them rejecting us or not, you can bargain with the government. And being that we corrected and made everything right, it's going to weigh heavily on whether or not they consider us, they might even forgive us because of what we did to make good on what they wanted to keep this together. So hopefully until we do apply and we do justify our application and we go through all the proper procedures and give them a little history of what we did, he meant we got to start selling Sandusky and our successes. Regardless of our failures as far as the program startup, the end result still is positive and so we got to move forward with that in mind. Hopefully we won't shy away from applying, because our citizens deserve that opportunity to take advantage of any government funds to make sure living in their homes is more comfortable.

Mrs. Farrar said she guessed one last thing on that issue. In regard to the whole Housing fiasco, she'd like to applaud her fellow Commissioners and Mr. Kline and our staff because this Commission never ever were obligated to help those people at all. They had a moral obligation amongst themselves at this table to help those people, because one bad apple can spoil the whole bunch. The bad apple's gone. They're making restitution and they will go through whatever they have to go through and in the end, get the money back, as much of it as they can. But the thing is, is they're making right what was wrong by someone who worked for the City. That person is not here anymore. This Commission is doing the right thing. She guessed she wanted to say that because it was pointed out once again in last Sunday's Viewpoint about the fiasco and the million dollar price tag. And that just comes

along with the territory of being a politician she guessed. But she knows in her heart that they did the right thing and they're doing the right thing and everybody is working hard to make everything right for those people, because they needed help doing things to their homes and they were wronged. And they want to make it right for them. So if they're going to get beat over the head in the newspaper for doing the right thing, then beat them over the head. Mr. Poulos said there are 39 people that are very happy right now and there are still more to come. And since he thinks even Mr. Brown he (Mr. Poulos) received a call from someone who mentioned their gratitude on behalf of the City. So he knows Mr. Warner did too as he checked around himself and they have numerous letters upstairs from people that are very happy that they were amazed that their problems were corrected. So he would thank them all too for the opportunity to do that on behalf of the City.

President Stahl said there was just one quick thing that he would like to add. He don't think it was a fiasco in any way on behalf of the City Commission or the administration. In fact he thinks what it was, was the proper response by this Commission and this City staff to do the right thing by some people that were wronged. This Commission stood up and did the right things in the face of a lot of adversity and he congratulated this whole Commission for doing the right thing. That's his personal opinion. Mr. Poulos said he agreed. He thinks he told everyone that he thought they were doing the Christian thing here and it was the right thing. President Stahl said thank you Mr. Poulos.

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

PREVIOUS BUSINESS

ITEM #1 – B. Joyce Brown, Clerk of the City Commission - (Tabled 7/22/09)

ITEM FOR CONSIDERATION: Pursuant to Ohio Revised Code 929.02, an application for the placement of farmland into an Agricultural District requires the applicant to file the application with the Clerk of Municipal Corporation, as well as with the County Auditor. The Erie County Auditor will be sending all renewals and original applications for agricultural properties within our corporate limits to the Clerk of the City Commission for filing with the Sandusky City Commission for approval.

BUDGETARY INFORMATION: There is no cost for filing this information. Thus there will be no deduction to the budget.

Agricultural District Applications:

APPLICANT	TAX DISTRICT	PARCEL NO.	ACRES
Myers James T & William J Myers Trustee	60	60-00285.000	17.86
Braun Joanne E	60	60-00620.000	8.83
KFLOE LTD	60	60-00245.000	37.61
Toll Brothers	32	32-03646.000	7.10
Toll Brothers	32	32-03652.000	2.55
Toll Brothers	32	32-04679.000	19.45
Toll Brothers	57	57-04896.000	8.95
Toll Edward H Trustee c/o Joanne C Toll	32	32-03652.002	25.63
Toll Edward H Trustee c/o Joanne C Toll	57	57-04896.001	4.51

ACTION REQUIRED: Request the Clerk return copies to the Auditor's Office with at letter indicating that the applications have been filed and the City has no objections.

It was moved by Mr. Waddington and seconded by Mrs. Farrar that the Clerk, B. Joyce Brown, return copies to the Auditor's Office with a letter indicating that the applications have been filed and the City has no objections. **Discussion** – Mr. Waddington said at this time, he knew it probably was not appropriate, but he'd like

to welcome Joyce (Brown) back, she has had a tough time with the loss of her grandson. He probably should have said something a little bit earlier, but he would like to say welcome back and they missed her. Mrs. Brown said thanks. President Stahl said he appreciated that, he thinks everybody does. The Clerk called the roll as follows: Yeas: Warner, Waddington, Kaman, Farrar, Stahl, Fuqua, Brown, 7. Nays: 0. **President Stahl declared the motion passed for the Clerk to notify the Auditor's Office on this issue.**

NEW BUSINESS

ITEM #2 – Michael R, Meinzer, Fire Chief, & Charlie Sams, Interim Police Chief
BUDGETARY INFORMATION: Proceeds from the sale of the 2000 Ford Focus will be placed into the Police Department's General Trust Account. Proceeds from the sale of the 1990 Custom Rescue Truck will be placed into the Fire Department's Equipment Replacement Fund.

ORDINANCE NO. 09-051 - Dispose of Surplus Personal Property and Equipment as having become unnecessary and unfit for City use pursuant to Section 25 of the City Charter. It was moved by Mr. Kaman and seconded by Mr. Waddington that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. President Stahl asked for a vote on the motion and the Clerk called the roll as follows: Yeas: Warner, Waddington, Kaman, Farrar, Stahl, Fuqua, Brown, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance and the vote was as follows: Yeas: Warner, Waddington, Kaman, Farrar, Stahl, Fuqua, Brown, 7. Nays: 0. President Stahl declared the Ordinance passed.

ITEM #3 – Michael R, Meinzer, Fire Chief

BUDGETARY INFORMATION: The total cost for the equipment and training is \$35,000.00. The Federal share covers \$31,500.00 (90%) of the proposed expenditures. The matching \$3,500.00 (10%) funds for this purchase will be provided by funds from the City's Equipment Replacement Fund (EMS Billing Fund).

RESOLUTION NO. 012-09R - Approving and ratifying the Grant Application submitted to the U.S. Department of Homeland Security, Federal Emergency Management Agency, Grant Programs Directorate (GPD) for the 2009 Assistance to Firefighters Grant (AFG) Program and, if awarded, authorizing the City Manager to execute any required agreements. It was moved by Mr. Waddington and seconded by Mr. Kaman that this Resolution be passed under suspension of rules in full accordance of Section 14 of the City Charter. President Stahl asked for a vote on the motion and the Clerk called the roll as follows: Yeas: Warner, Waddington, Kaman, Farrar, Stahl, Fuqua, Brown, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Resolution and the vote was as follows: Yeas: Warner, Waddington, Kaman, Farrar, Stahl, Fuqua, Brown, 7. Nays: 0. President Stahl declared the Resolution passed.

ITEM #4 - Ed Widman, Finance Director

BUDGETARY INFORMATION: This formula provides a level percentage share of Local Government Distribution Funding for the next two years. This will provide for the same share of this funding for the years 2009 and 2010. The State of Ohio has amended the funds available from this funding source downward in the past year where Erie County was initially advised the funding would be \$4,339,114 to a revised estimate for 2009 of \$3,680,587. Predictions for 2010 are anticipated to decrease to a lower level than 2009. At this time, we have not been informed what the initial estimate for 2010 will be.

RESOLUTION NO. 013-09R - Approving the Alternative Distribution Formula for the Undivided Local Government Funding for Erie County for the Calendar Years 2009 and 2010 as proposed by the Erie County Budget Commission. It was moved by Mr. Warner and seconded by Mr. Kaman that this Resolution be passed under suspension of rules in full accordance of Section 14 of the City Charter. President Stahl asked for a vote on the motion and the Clerk called the roll as follows: Yeas: Warner, Waddington, Kaman, Farrar, Stahl, Fuqua, Brown, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Resolution and the vote was as follows: Yeas: Warner, Waddington, Kaman, Farrar, Stahl, Fuqua, Brown, 7. Nays: 0. President Stahl declared the Resolution passed.

ITEM #5 - Ed Widman, Finance Director

BUDGETARY INFORMATION: The contribution will be distributed to all departments with \$43,246 impacting the General Fund.

ORDINANCE NO. 09-052 - Authorizing and directing the City Manager and/or Finance Director to make payment to the North Central Ohio Municipal Finance Office Workers Compensation Group Rating Plan. It was moved by Mr. Waddington and seconded by Mrs. Farrar that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. President Stahl asked for a vote on the motion and the Clerk called the roll as follows: Yeas: Warner, Waddington, Kaman, Farrar, Stahl, Fuqua, Brown, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance and the vote was as follows: Yeas: Warner, Waddington, Kaman, Farrar, Stahl, Fuqua, Brown, 7. Nays: 0. President Stahl declared the Ordinance passed.

ITEM #6 - Lieutenant Phillip J. Frost

BUDGETARY INFORMATION: The total eligible joint allocation for the City of Sandusky and Erie County available through the Edward Byrne Memorial Justice Assistance Grant Program is \$34,155.00 and, if awarded, will only be utilized for the Erie County/Sandusky City Regionalized Communications Project, designated as the Northwest Regionalized Communications System Phase II Project in the agreement. This grant requires no matching funds.

ORDINANCE NO. 09-053 - Approving and ratifying the Execution of a Memorandum of Understanding (MOU) by the City Manager with the Board of Erie County Commissioners for the Allocation of Justice Assistance Grant (JAG) Funds if awarded and the submission of a grant application by the Erie County Sheriff on behalf of Erie County and the City of Sandusky to the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) for funding through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2009 Local Solicitation for the Northwest Regionalized Communications System Phase II Project and authorizing the City Manager to execute any required agreements; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter. It was moved by Mr. Kaman and seconded by Mr. Waddington that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. **Discussion** – Mr. Warner asked how close are they to moving our guys out there? Mr. Tom Whitted, IT Communications Manager, said they have it planned that July 23rd is the move if all the equipment comes in, that's all they're waiting for now. President Stahl asked for a vote on the motion and the Clerk called the roll as follows: Yeas: Warner, Waddington, Kaman, Farrar, Stahl, Fuqua, Brown, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance and the vote was as follows: Yeas: Warner, Waddington, Kaman, Farrar, Stahl, Fuqua, Brown, 7. Nays: 0. President Stahl declared the Ordinance passed.

ITEM #7 – Kathryn K. McKillips, Deputy Engineer

BUDGETARY INFORMATION: The Engineering Consultant Fee is \$22,380.93 to be paid with \$5.00 License Fee Funds.

Ordinance No. 09-054 - Enter into a contract for Professional Design Services with Richland Engineering Limited of Mansfield, Ohio, for the Hayes Avenue Corridor Project – Traffic Signals. It was moved by Mr. Warner and seconded by Mr. Waddington that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. **Discussion** – Mr. Kaman said those \$5 License Fees was there restrictions on those when we implanted them and they always said that would go towards road improvements only, and is this allowable under that ordinance? Mr. Widman said the restrictions that were placed on those funds, as he could see, only made it into one of the three \$5 License charges. That's where they're supposed to use 60% he thinks of the third installment for contractual resurfacing and then 40% for maintenance materials for the Street Department. The other two were just general authorizations. There was a lot of discussion because he remembered sitting at those meetings where they wanted it to go into contractual resurfacing. If they go back and they pull the ordinance, but they're not going to find that restriction under the individual approvals. What happens sometimes when they've done things that was not just asphalt, the street they're related by the time they use it. There for a couple of years they did the reallocation; the Commission approved those. They have used them for routine assessments, wages, and things like that. He thinks it's pretty much up to the Commission. President Stahl asked for a vote on the motion and the Clerk called the roll as follows: Yeas: Warner, Waddington... Mr. Kaman said yes, but he forgot to mention one other thing. It is a

no bid contract also. It was decided that like that just like from our Law Department, the Haag's were a no bid and others. It was a no bid because of their experience. Thanks, he voted yes. The Clerk continued: Yeas: Farrar, Stahl, Fuqua, Brown, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance and the vote was as follows: Yeas: Warner, Waddington, Kaman, Farrar, Stahl, Fuqua, Brown, 7. Nays: 0. President Stahl declared the Ordinance passed.

ITEM #8 – Kathryn K. McKillips, Deputy Engineer

BUDGETARY INFORMATION: There is no budgetary consequence with passing this legislation. However, the project cost will be funded with FHWA Funds through ODOT and the MPO in the amount of eighty percent (80%) of the eligible costs up to a maximum of \$458,000.00 with the remaining balance of \$114,500.00 being funded with \$5 License Fee Funds for a total project cost of \$572,500.00.

RESOLUTION NO. 014-09R - Enter into the LPA Federal Local-Let Project Agreement with the Ohio Department of Transportation for the Cedar Point Drive Improvement Project.

It was moved by Mr. Fuqua and seconded by Mr. Waddington that this Resolution be passed under suspension of rules in full accordance of Section 14 of the City Charter. **Discussion** - Mr. Kaman said in the back it says that the contractors should be aware that this is time sensitive for Cedar Point opening, but he just wondered if there's any way that we can have start, completion schedules and dates and penalty clauses if there are any problems at the last minute. So everybody's fully aware of it. Mr. Hancock said yes, this has been discussed that this project is very sensitive to Cedar Point traffic. And they watch their times so that they make sure to complete it before the park opens or unfortunately work can be done after the main Cedar Point traffic was behind us. In chatting with Mrs. McKillips regarding the schedule on this and what they could try to do to solve it; and if there was anything that they could do to accelerate it and not to bother the entire City, they would do it. Mr. Kaman said he was thinking possibly starting in the fall and finish up this spring. That would help us. He knows that the fall was the Hallow Weekend, one of their big weekends if they were closed during the week. Mr. Hancock said if everything falls in place, they would possibly, some of the work can be done in the fall and concentrate on the paving improvements for the spring. President Stahl asked for a vote on the motion and the Clerk called the roll as follows: Yeas: Warner, Waddington, Kaman, Farrar, Stahl, Fuqua, Brown, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Resolution and the vote was as follows: Yeas: Warner, Waddington, Kaman, Farrar, Stahl, Fuqua, Brown, 7. Nays: 0. President Stahl declared the Resolution passed.

Under **City Manager's Report**, Mr. Kline said it is requested that a **\$100 anonymous donation be accepted to be used by the Sandusky Recreation Department for expenses related to their Playground Program.** Mr. Waddington moved, Mr. Kaman seconded, carried.

Mr. Kline said it was also requested that a **\$100 donation be accepted from the Sandusky Memorial Day Association for the Sandusky Fire Department's Trust Fund.** It was moved by Mr. Waddington, seconded by Mr. Fuqua and carried.

Mr. Kline said they had an **in-kind \$59.43 donation from Jeff and Lauralee Krabill for spraying of Facer Park** to be accepted by the City Commission. It was moved by Mr. Waddington and seconded by Mr. Fuqua and carried.

Mr. Kline said it was requested a **\$1,202.38 donation be accepted for the Friends of the Greenhouse Fund** that were raised during the recent Stars & Stripes Celebration in Washington Park. Mr. Brown moved, Mr. Warner seconded, carried.

Mr. Kline said he had two more that came across his desk this morning. They were pleased to inform them that the **Youth Advisory Council of the Sandusky/Erie County Community Foundation approved a \$738 grant the purchase of a Canine Ballistic Vest** as summarized in their 2009 application. Mr. Warner moved, Mr. Brown seconded, carried.

Mr. Kline said finally, he would see if he could explain this properly. The Reliance Fire Museum, which is located at Estes Park, Colorado, has restored and is preserving a pumper originally from Sandusky that dates back to the 1940s. The Lowery Fire Hydrant that is currently on display here is a piece of original equipment on that vehicle. **It is recommended that we donate the fire hydrant to the Reliance Fire Museum. In exchange for donating the existing hydrant, Paul Wichman of Sandusky has offered to donate another Lowery Fire Hydrant that he had in his possession to the City of Sandusky.** This hydrant is the earliest known hydrant of its type used in Sandusky and dates back to approximately 1850.

If the donation is accepted, this hydrant will be put on display in the Sandusky Fire Department's Museum Room. So they were making a recommendation that we donate a Lowery Fire Hydrant that is currently on display in Sandusky Fire Department's Fire Museum Room and accept the donation for a Lowery Fire Hydrant. Mr. Kaman said so moved, Mrs. Farrar seconded, carried.

Mr. Kline said he was notifying them that were given a **\$8,000 grant award from The Dorn Foundation for Sandusky Recreation's 2009 Special Event Series.**

Mr. Kline said there will be a **Neighborhood Advisory Committee meeting** held on Tuesday, July 14th beginning at 5 p.m. at the Central Fire Station.

Mr. Kline said the **City will be hosting the WalMart Bass Fishing League Tournament** on Saturday, July 18th at the Shelby Street Boat Launch Facility. For details about this event, call 419/621-1059.

Mr. Kline said there will be an **evening canoe float at the Canoe Launch Facility on River Avenue** on Tuesday, July 21st beginning at 6 p.m.

Mr. Kline said we were making preparations for **The North Coast Animal Expo** which will take place on Saturday, July 25th at the Sandusky Bay Pavilion beginning at 11 a.m. For details about this event, log onto the city's website: www.ci.sanduskyv.oh.us or call the Recreation Office at 419.627.5886.

Mr. Kline said he left early last meeting, but he understood there was discussion about **opening up the facility (Pavilion) down there to the public on a daily basis.** He had met with Mr. Hancock, Mr. Miller (Scott) and also Michelle Hall, and preparations are being made to secure the site as best as possible so that it can be open. He thought they could see some changes down there to spruce it up to make it safer. The goal right now is to get the park ready for the Animal Expo and as soon as that's finished that weekend, then the following week they're hoping that the doors will be open. So it will then be open to the public on a daily basis.

President Stahl asked were there questions of the City Manager?

Mrs. Farrar said just a concern with opening up Surf's Up. He probably already thought about this, but Assistant Chief Sams would probably have to pick up patrols as far as to watch out for vandalism. Mr. Kline said they just expect that there will be vandalism, our parks have experienced them. They were trying to secure the bathrooms as best as possible and also secure the area around the pool, that's a major concern for liability insurance, a major concern. Yea there's no doubt that that's a concern for every one of our parks and they're going to try to secure it as best they can. It's been our policy that when we've had graffiti, we can buy more paint than a kid can. We will cover up the graffiti, but they know there are some windows down there, one got broken during the winter. He meant these things happen; they're aware of that.

Mr. Brown said how are they doing with our camera project? Mr. Tom Whitted, IT Communications Manager, said the camera is in and the Electrician put up the power on the pole today and it will be installed within the next day or so. It should be going by the weekend.

Under **Old Business**, Mr. Waddington said on the website they just got it under a magazine from Joyce Brown, our Clerk, **what the community should use to help stem the flow of chemical substances in the water.** They've in the past have looked at this and what they need to do is to educate the citizens to stop flushing like medications down the toilet unless it is labeled or specified that it is safe to do that. And possibly he was thinking of enclosing information to the water customers or maybe the Meigs Street Messenger. Another step is to provide residents with a way to dispose of medicines through maybe a Medicine/Prescription Payback Program and include that in Meigs Street Messenger also. This does have an effect on the aquatic life. Mr. Fuqua said that was a good idea and he did know that Sue Daughtery had a program that you could turn in medicines for her Saving Our Seniors Program. So they could put that in the Messenger to contact her about that. Mr. Warner said certain drugs that they give to people when they are in hospice, the nurses are required to dump them down the toilet. And maybe they could find another suitable way to get rid of it and from what he understands, that would be incineration. Was there any chance that they could look into to see if any nearby community has an incineration for drugs and maybe they could collect them and put them in the Police Department and have them transport them to the incinerator instead of having them go down the toilet into our water? Maybe Cleveland or Toledo has an incinerator for those types of drugs. *President Stahl said Interim Chief Sams can report back to them.*

Mr. Warner said a couple of weeks ago they were discussing and he thinks a few weeks ago they voted on the ordinance for the Yacht Club. That seems to have gone away, but they want to talk about it. He would like to make a motion or something that they bring it back and they can vote it up or they can vote it down. Quite hiding it and throwing it away, bring it up and let's just vote on it and get it over with. It's out there and they need to make that and take action on that if they can. Just bide their time and waiting and hoping it will go away or change, isn't going to do it. Bring the original ordinance back and vote it yes or vote it no. **Mr. Brown seconded the motion.** President Stahl said as they start the discussion, they were given a letter marked confidential to Mr. Icsman today, commissioned by the Sandusky Yacht Club, was that public information once they've been given? Mr. Icsman said certainly. President Stahl said even though it's been marked confidential on their behalf, it becomes a public document once it has been given to each of the City Commissioners. Mr. Icsman said absolutely. **Discussion** – President Stahl said one week ago, he just had a couple brief comments he would like to make, one week ago Dave Waddington and himself had a meeting scheduled with the Sandusky Yacht Club Committee to go over the possible possibility to tweak this City's proposal to bring this unfortunate situation to a close. Less than one hour before the meeting was to start, the Sandusky Yacht Club lawyer called Mr. Icsman and informed them the meeting was cancelled. He did not know the meeting was cancelled until he arrived at the meeting at five minutes till 10:00. Sandusky Yacht Club must not have wanted to meet with them at this time; pretty obvious. Of course Dave and he had both taken off work to attend this meeting and personally he was shocked and he thinks Dave was also. He believed the proposal to the SYC was a good one for both sides and thought it could be tweaked a little bit before submitting it to this meeting tonight for approval. Our obligation as City Commissioners is to the City, the residents of the City of Sandusky. He believed our offer to meet was a good one to help with the future of both the City of Sandusky and the Sandusky Yacht Club. Personally he would like to thank the Sandusky Register for being more than fair with their articles on this issue. Tonight they were given a letter by the Sandusky Yacht Club and he would just let that speak for itself; he would have no comment on that letter. Any other discussion?

Mr. Fuqua said he (Mr. Stahl) and himself had conversation earlier about this whole situation and a good point, he's inclined to change his mind. Just so he knows and to be fair to the conversation that Mr. Stahl and he had, they were going to offer to meet once again with the Sandusky Yacht Club and try to bring resolution to this problem and maybe just try to hand tweak the agreement so they could get this thing done. But in light of this letter that they gave them, and once again in his mind, and them trying to flex their muscle, he's inclined to agree with Mr. Warner that they just vote it up or down and whatever happens, happens. Because like he said before, he don't like being bullied, he takes offense when he get bullied and he has a tendency to hit back a little bit harder than he has been hit. And this whole thing, in his mind and he don't know if his fellow Commissioners agree, and with this whole thing they've been bullied, they've been accused of not wanting to help business. They've been accused by some of our citizens of favoring the Yacht Club, so they're getting it from both sides, and he just wanted this thing to be done. So let's again, with what Mr. Warner said, let's just vote this up or down and whatever happens, happens, let the chips fall where they may.

President Stahl said Mr. Icsman, if they vote this down tonight, hypothetically, can they still meet with them and bring something back at a future meeting or is it done for a period of time? Mr. Icsman said there would be no restrictions on whatever the Commission wishes to do both tonight and in the future. The Court Order's the only thing that was in the way for a while and that's been resolved so. President Stahl said we have no Court Order; we have a court date set if it would come to that. His personal opinion is on this maybe the proper way to do it is to vote this down, and then throw the caveat out that if the Commission would approve this and still it means that they can bring this back in a period of two weeks if they would like to meet with us. The differences between the Yacht Club and the City are so minute that it doesn't appear to him that it would rise to the level of writing letters the way that this one was written, but that doesn't mean that they shouldn't overreact to this letter. He thinks if the Commission would vote it down he would be inclined, and if the Commission supported that, to try to meet with them again and amicably work on these issues.

Mr. Kaman said he called him (Mr. Stahl) this morning and like he's said from the beginning, he wants to work with the Yacht Club. If you go way back to the root cause, and it goes way back to further City Manager's than Mr. Kline, like one of the root causes of the problem was the short terms. Long-term leases were offered, but short terms exit clauses. That doesn't work when you're planning a wedding, when you plan a wedding you plan a year and year and a half, sometimes two years ahead of time. So a 30-day exit clause doesn't help. If they, he would like to continue to negotiate. When you come up against adversaries you keep talking. And he would like to continue talking and he would like to go all the way back to the root cause and that's the long-term lease exit clause. He can't see why we couldn't do the long-term leases with the Yacht Club similar to what we have with Battery Park, similar to what we have with the Sailing Club. Like he (Mr. Stahl) said, we're close, he don't think we have to throw the baby out with the bath water right now. He thinks we're close and he personally feels they should continue to negotiate and talk. President Stahl said he and himself had a very good conversation this morning and he thought he and himself had some great ideas. And this thing was so close they need to get to the finish line because somebody said something and they would run in the other direction. So he appreciated the time he spent talking to him this morning and he thinks that he and himself were pretty much in agreement. Now the Yacht Club might not have been in full agreement with the terms that he and himself talked about, but he don't think that the proper way to discuss that is in open session. He thinks that they should talk about it and then talk about it publicly, did they agree with that? He thinks they should go back to negotiations.

President Stahl said the Commodore of the Yacht Club is here tonight. And Commodore, he thinks he knows what their thoughts are, that they would like to work things out with him. They don't like the tone of the letter, but that doesn't mean that it's the end of the day. So he guessed that's their thoughts. They'll vote, but he wanted him to know that they do appreciate their business in the City of Sandusky.

Mrs. Farrar said she would like to ask Mrs. Handy has the Yacht Club approached her about going to the Zoning Board of Appeals for variance papers? Mrs. Handy said uh-huh. Mrs. Farrar said so they put in another request? Mrs. Handy said they have not filed the application, but they did talk to her about how to fill out the application. Mrs. Farrar said okay, so that happened just recently. She wanted to work as well with the Yacht Club and she's not in the chest thumbing and all that... President Stahl interrupted and said that was well spoken in the Register though. Mrs. Farrar said it's just that it's not, it's just isn't professional asking but, if we can sit down, let's put down our typewriters and our pens and our computers and come into one room you know with our hands at our sides and just talk about it and get it done. Because she's thinking about the 50 plus jobs that are hanging in limbo and what she feels is a good partner to the City, the Yacht Club, and we can get along, we can work this out. And she thinks we should meet sooner than later and hash the problems and get it done you know so we can all move on. We have other projects we need to get done as well. The sooner we get this taken care of the better.

President Stahl said would this Commission be amicable if we could arrange a meeting with them to meet before the next two weeks, a special meeting if we can get something worked out with them? Mr. Warner said hang on, he's voting on a second on the floor here, before he can get into some stuff like that. President Stahl said okay. (Inaudible, several Commissioners speaking at the same time.)

Mr. Brown said he thinks they ought to take a deep breath. They passed this unanimously, what has changed to cause them to want to change the whole thing? He thinks they already hammered this out. They went down and they saw our Law Director and they sat down and they hammered out this agreement and it was fair to both them and at one time it was cool with us. Now all of a sudden because of a lawsuit and stuff by other sources and the Court threw that out and so now all of a sudden we want to change everything. He thinks we agreed in good faith when we negotiated that contract; they agreed to it, we agreed to it and he thinks we ought to stay in contact with our agreement. That was good faith that we negotiated that and all of them told our Law Director to go and get us an agreement and bring it back, something that was favorable to us and to them, which he did. Now all of a sudden we just going to go back and do it all over again. You know, yea we don't like the tone of the letter. Yea we don't like the lawsuit much, but that's part of doing business. You know you always make these threats and so on. He don't think

there's a business in this community, the way we want business coming in and the way we treat our businesses in this community, we ought to take a good look at other people wanting to come in and do business with us and we can't even take care of the business that we have. Regardless of what they say, if anybody's threatened, they're offering you something. Now the Yacht Club is not asking you for no money and just for pieces of land that we have virtually no use for. That really, they're doing us a favor by taking some of it, because they can cut the grass. He meant, we ain't giving up nothing. The truth to us, we're not going to develop the waterfront, we're not going to build any docks. He meant what are we doing, he don't understand it. We got to be a more progressive City. We got to go out and help people and help the City that really needs it. We're not doing a good job by just throwing a piece of land. You want a piece, a small piece; we got to. You know, yea he don't like their tone either, but that's beside the point. You don't like the way other people talk to you either.

Mr. Fuqua said to answer his question Mr. Brown, what's changed was with the complaint and feedback we got back from the community. He agreed with everything that he said, we do need to be more business friendly with our corporate citizens, but we also have to take into consideration what our private citizens say and how they feel. That's what caused the changes in the contract and Mr. Stahl's attempts to offer or rather counter-offer some of the things that they asked for in terms of water rights and things like that and dock space and those types of things. So that's what changed. He don't think any of them, and if he's wrong they can please correct him, but he don't think any of them don't not want the help of the Yacht Club. And it's not that they're trying to change the whole body of contractors. It's we're trying to make peace here and there and that's to try to satisfy our private and our corporate citizens. And it's not that we don't want to work with them, it's just all the threats and all that. At least we, they got to stop it, he's right, because he's been in negotiations before and you do make sometimes comments or statements or what not that may insult or upset an adversary from the lack of a better word. But it's got to stop, he means the negativity like he said at this last meeting when they discussed this, negativity has to stop because you don't get anything done. And it has to stop on both sides; it really has to stop on both sides to try and appease some of our private citizens that are leaning towards a change of contract. President Stahl said Mr. Fuqua we are so close, but there're so many things that are so important. That yes he was in favor of this to start with, but the 28,000 of which a lot of them, they got a whole of them and they represent 28,000 or 32,000 depending on the census, but they represent a lot of people. And he thinks it's important the way government works is sometimes, and he thinks some of our Yacht Club friends need a little education in the way that government works, is that they (Commission) listen. Their job is to listen, even his as a talker is to listen and when they listen to the people they find out that they just made a couple tweaks. And they can all go and they can all get along, they want the Yacht Club here. How do they get there? He thinks that's the issue you know. Do you want to say something Commodore? He's making all kinds of motions over there.

Commodore Jim Resar of Sandusky Yacht Club said all that (title) does is allow him to take the garbage out in the evenings and the paper in the mornings. With that being said, Mr. Stahl's request a couple weeks ago, the main thing was the amount of water rights that this City would be willing to give them. And his profession is a Civil Engineer, Land Surveyor, John (Hancock) knows him. He's been involved in some marine projects over his career. And he don't really know what size of boat that the City's looking for, but if they looked at what it would take to turn a 120 foot boat in that basin in accordance to normal design, the City would need 170 feet. Right now there is 250 feet in there. He would be willing to take that 80 feet, leaving the City with 170 feet for that turning radius. And if they could do that tonight and vote this thing up, he would be more than happy to approve that. Even though his board has told him not to talk to the City, he would be more than willing to do that.

President Stahl said one last question. If we give them eighty (80) feet, say a marine architect not to exceed 80 feet. Commodore Resar said that is correct. President Stahl said and then if we were to throw one other caveat in there that if the Yacht Club was ever sold, the land would, that lease area, water-lease rights area, would revert back to the City. Commodore Resar said that would be fine, it's a lease that would be between the City and the Sandusky Yacht Club only. He had no problem

with that and he knew quite a few of the board doesn't have a problem with that. His name is on that contract that they sent and he can sign it.

Mr. Warner said he's got a motion to second here boss. President Stahl said yea they have to amend the original motion to include those two things they just talked about. Can they do that Mr. Icsman? Mr. Kaman said he agrees with Mr. Warner, he's got his motion on the floor, he can pull it, because he thinks they shouldn't approve anything tonight. He thinks they should do the right thing and get it in writing, run it through their legal department, our legal department, and continue negotiations. Nothing tonight Jim (Resar), sorry nothing tonight. He don't really feel, he would not support Mr. Warner's motion up or down tonight, he would just continue to negotiate it. We're close. Send us all the letters you want, but we're going to continue to talk to them. If they want to come to a meeting, they can come to a meeting. If they don't want to, then quit. That's fine, but that's his opinion, that's how he would handle it. **Mr. Fuqua said to be fair, in good faith he's going to rescind his second so they can continue talking with Sandusky Yacht Club and try and work this out.** And experience has shown him they need paperwork, they need a paper trail. He's just not going to go ahead and vote that in, and he knows they have minutes, but he would still have it done the right way with our legal department. He meant he agrees with the terms, he has an issue with the 80 feet Mr. Resar, but he would rather have it in writing than to just go ahead and vote it as a verbal agreement. **Mr. Warner said he guessed that he would go ahead and pull his motion Mr. Chairman; if he don't have a second, he can pull his motion.** Mr. Fuqua said it dies without a second.

President Stahl asked could they still discuss it though, is it still open for discussion, he can make a comment and they can still comment on it? Mr. Icsman said if he could say something while he's (Commodore Resar) still here. Because he is Council and an observer, he thinks maybe what he hears them saying is to leave it on the table, an invitation for them (SYS) to come and talk. It seems to him that, that's what occurred on Monday and they didn't show up and it sounds like everybody wants to talk and nobody wants to decide tonight. They leave that on the table, the idea that it could be amended based on talks, they are asking them to come and talk. He don't know what else they could do, absent either doing what Mr. Warner said, up or down, having it come off the table, modifying it, sending it back. But he's just speculating, but what he thinks their (SYC) point, because Bill (Attorney Smith) and he go way back, is that what they had before them when they voted the first time, was approved by everybody in negotiations. Now that doesn't mean that they have to accept it. He takes issue with the fact that they're (SYC) saying, we had a settlement. We did not have a settlement. You (Sandusky City Commission) are the final determiner of whether we have a settlement. What we had was language on issues that we could accept mutually as lawyers representing the respective sides bringing to them. But that was always subject to up, down, modified, whatever the will of this group, the majority of this group is. He wanted to straighten that out. He meant there was no settlement that they had scuttled; it didn't happen. What happened was those discussions, because there was litigation, had to take place in private. The discussions they have with the public and their representatives, took place like they're taking place right now, publicly at these meetings. And that process just started when they got it. It wasn't the end, it was the beginning. That's all he wanted to clarify for them.

Mr. Fuqua said he knows that they wanted to pretty much listen to this and bring this thing back, but he would like to, he agreed with some of his fellow Commissioners, he'd like to give it one last effort to bring the Yacht Club to the table. Then if they don't want to meet with us within the next week or two, then he would say again like his comments earlier, vote it up or down, let the chips fall where they may. But one final chance, this is it because we had meetings like he said, him (Mr. Stahl) and Mr. Waddington didn't find out until the last minute. So one last chance, he meant this is it guys, they're trying to bring this to resolution and be done with it and make a decision because they're always being accused of not making decisions. Well they do make decisions, but this is the time that they're trying to and they need the cooperation of the Yacht Club. So this is it guys, let's do this, let's meet and work this out and get this done. He's personally requesting that the Yacht Club meet with Mr. Stahl and Mr. Waddington so they can get this done and bring it to resolution. There it is, he's throwing it out there, put it in the paper, it's on

television, let's meet and get this done. President Stahl said brainwork for an agreement is at hand.

Mrs. Farrar said she agreed with Mr. Fuqua, but she would request that they invite a third Commissioner, Mr. Kaman, to sit in on that meeting please. President Stahl said that's fine. Mrs. Farrar said they can do that as quickly as possible. President Stahl said he would like to see it done this week. Mrs. Farrar said it sounds great with what Mr. Resar brought up tonight, she personally don't have any problems to it, the 80 feet and... President Stahl interrupted and said it reverts back to the City. Mrs. Farrar said right, exactly.

Mr. Waddington said putting Mr. Fuqua as a second, he got to disagree... President Stahl interrupted and said well that's depending on the week, they'll have him as the first on the... Mr. Waddington said yea if he needed him to, he could depending upon his work schedule. President Stahl said he would see if he was available, if he was not available, they would go to Mr. Fuqua as a backup, is that okay? Mr. Waddington said any day but tomorrow, they got to go over to Kelly's Island for that football camp for the kids. President Stahl said if Mr. Waddington can't make it, Mr. Fuqua will sit in. Good, he feels good Commodore.

Under **New Business**, Mr. Waddington said Saturday, July 18th, starting at 9:30 a.m. at St. Mary's gym the **Ohio State Weightlifting Championship** will be held and as of two days ago they had over 70 entries. He would be handing out awards and they asked him to sign autographs and he was also asked to demo some lifting, but he had to refuse because he couldn't turn the clock back, but he could still wind it.

Mr. Kaman said after the Erie Regional Planning meeting last week he forwarded information about **adult legislation on our books** to Mr. Icsman. He was looking it over and he looked forward to that coming back. Mr. Icsman said he talked with Amanda and she also talked to Mr. Welch Friday and they were going to move forward with her and Carrie (Handy) reviewing the forms and also updating our Zoning Code in conjunction with that and bring it back. Mr. Kaman said they had the Attorney General's support. Mr. Icsman said he wasn't going to hold his breath.

Mr. Fuqua said he would like to request an **executive session on a Personnel Matter regarding the City Manager**. Mr. Kaman seconded the motion. The Clerk called the roll: Warner, Waddington, Kaman, Farrar, Stahl, Fuqua, Brown, 7. Nays: 0. The President declared the executive session set.

Mr. Warner said he would like to know if they got all the **RFP's in for the Tricor/Marina Project**? Mr. Hancock said they did and as of five o'clock today they had seven proposals come back. If they remembered, they extended the deadline of these proposals by two weeks; and he thinks that was to our advantage with more proposals and probably more complete proposals. So they're pretty gratified by the response so far. They still have to evaluate them, but they're working on that right now. Mr. Warner said could he suggest maybe they have staff open those and pare them down to the three best and present those to the Sandusky City Commission and make the City Commission as the committee to decide which RFP the City would move forward with. He meant it's on them to decide this stuff. He don't think they need a citizen's committee, he thinks they need them and once they decide to get a look at the last three, have a public meeting sometime very soon with the final three contestants and have the City Commissioners vote on which one they like. Mr. Hancock said staff was fully prepared to helping them in evaluating them and make a recommendation or make several recommendations for their consideration. Mr. Warner said they let staff tune it down to just three and then the seven Commissioners get all three RFP's, those three finalist put on a presentation for them. You know let the County Commissioners know, you put it on at the high school or something, and invite the public to a regular meeting there, and they can go ahead and vote on it right then and there if they want. President Stahl asked Mr. Hancock would he be available to have that preliminary cut done by next Monday at an off-week meeting? Mr. Hancock said he thinks a week would be sufficient. President Stahl asked if anybody on this side of the table have a problem with having a meeting next Monday to discuss these bids? At an off-week they would normally meet at that time for an off-week meeting. Mr. Warner said make it a regular meeting then, make it a regular meeting or a special meeting for the RFP's so they can vote? He would like to have the presentations next Monday if they could have them. If that would be all right with everybody, he meant he don't know, he would like to get presentations from the final three. Mr. Hancock said he thinks it would be difficult to

get presentations arranged and organized in time. President Stahl said if they could have our staff give them to us next Monday and they could have them come in the following Monday, how's that? Then they could vote on it then.

Mr. Icsman said he's not saying that they have, but he wanted to be sure that they're doing what they said they would do in the RFP. In other words, whatever we said we would do, we should do. If that is consistent with what they're requesting of them, he guessed they wouldn't have to, you know what he's saying, he don't know what the RFP said. What would we do when we have that, what would happen to these RFP's. But as long as it is all consistent with what we said we would do, then that's just an extraneous issue that we don't need. In other words, if the time lines up to what they said they were going to do, if this City was going to do different in the RFP than what they're asking, it would be important for them to know that. Mr. Warner said what they asked in the RFP then. Mr. Hancock said he don't believe they actually delineated from the RFP, the specific process that was going to happen as far as evaluation, whether or not they were going to select a certain committee or anything like that. So from that standpoint, he don't think there would be a problem moving forward as they had suggested. President Stahl said if there was, they could talk about it next Monday.

Mr. Kaman said he guessed that they could talk about it next Monday, but he's hoping somebody on staff has a boat so somebody knows what to look for in a marina, what they look for when they travel to different marinas, what's nice, what's not nice, what's today, what's yesterday. Somebody hopefully on staff has visited marinas before. He would hate to have someone on staff that does not have a boat design a campground. So he hoped they had some staff that can match up and see what it is that we're looking for. He don't want to build a marina that is more of the '70's. President Stahl said next Monday, the 20th at five o'clock.

Mrs. Farrar said the **Three on Three over the weekend at Jaycee Park**, she already spoke to Scott Miller and they're starting the painting. **They wanted to know if the City could provide, not just new basketball nets, but the metal chain nets.** They were requesting it because it sounds a lot cooler when you swish.

Mrs. Farrar said she was going on the advice of any other Commissioner just so there's not more than three of them, to come with her Saturday at six o'clock to **hang out with the Fire Department to see what a typical Saturday night is.**

Mrs. Farrar said this was going to take a little while. **Last Sunday's Viewpoint, "How do we get Sandusky's House in Order" was the question from the editorial staff. She guessed she was a little offended because some of the things that were covered were the things that she covers in Planning and Development with her liaison group, and hearing a mistake.** She guessed that just over a year and a half she's been working with Carrie and Amanda and the other staff on some of these issues that were brought up in the Viewpoint. She was going to read a couple things, and she's sorry Jason (Singer, Sandusky Reporter), poor Jason had to listen to her go on and on. The article says that our housing stock is worth less than it used to be and we all know it. But the housing stock all over the United States is worth less than it used to be. And something in regards to using landlords as a scapegoat, this Commissioner has never said anything to that regard. She actually is a liaison to the Real Estate Investors Association that just started their group just this past October. And it is a group of like Mr. Zoellner he might belong to it, people who have rental property get together and share ideas and stuff like that and they have people come in and speak, the landlords that are actually helping them attack the problems in the City with blight and condemned homes and things like that. But she guessed when she got down to where the article says, "We're certain not anyone on the City Commission or in the administration is actually doing anything to get us back on track in restoring our once beautifully neighborhoods." That's where she guessed she really disagreed and she finds it hard to believe that the editorial staff doesn't know what they're doing. When in September of '08, the 14th, 15th and 16th, three days in a row, there was articles about what's going on in the City and somebody talked to Carrie, Charlie Sams, Mr. Silco at the Sheriff's Department, one of our Building Inspectors, but people in Cleveland are dealing with the same thing. It was in the Sandusky Register, she don't know maybe the Editorial said it, she didn't read it, but she wanted to let them know what is going on and what they are doing, because they are doing something about the housing issues in the City of Sandusky. Although it is a very, very lengthy process; it's been almost two years just to get 22

homes condemned and demolished and taken to the ground. And that's because we have eight other offices in the City that they have to deal with. They have to go through Trevor Hayberger's office, the Erie County Prosecutor's office, the Erie County Treasurer, the Erie County Auditor, the Erie County Recorder, Erie County Tax Map Division, Erie County Sheriff's Office, Erie County Common Pleas Court, Erie County Clerk of Courts; all of those offices are involved when you're trying to condemn and take control of a property. So it's not just them sitting down here and twiddling their thumbs and saying well we'll get to it when we get to it; they are working on the properties.

Mrs. Farrar gave the following power point presentation on City of Sandusky Neighborhoods. She said "What is the City doing to improve neighborhoods? Of course they had to recognize that they have them; improve communication with neighborhood residents; enforce City Codes for property maintenance; apply for grants to implement neighborhood improvements; develop new programs; and plan for the future. As far as new programs, there is a new program that she would be bringing to this Commission as soon as it gets finished and it gets okayed as a policy. As far as to helping with our Landbanking Program is called "Mow to Own", something to help the next door neighbor that may want to take over that condemned property for a yard, garage or whatever. It's just another thing to make it more affordable. If they can get as many of these taken care of as they possibly can.

The Neighborhood Advisory Group, which meets tomorrow night at the Fire Station at five o'clock, they're looking for members. They need more members. People if you have concerns with your neighborhoods, come to the Neighborhood Advisory, get involved. There are five separate neighborhood areas. They are having their last cleanup this Saturday from 9:00 to noon at the old Memorial Hospital area in the back by the parking lot. They help establish communication with residents; groups provide an avenue for educational opportunities; they used the feedback during planning efforts for the Weed & Seed Grant and our Comprehensive Plan, which is being redone right now. They are doing Annual Neighborhood Clean-up days; working on a Litter Prevention and Education Program for our school children; assisting City staff on Keep America Beautiful Cigarette Litter Prevention Grant; and the issuing of annual PRIDE Awards. Remember last year they had 10 or 12 homeowners and they brought them in and they got awards.

Mrs. Farrar said and Code Compliance they need the neighborhoods to look better. The City has stepped up it's Code Enforcement, which is housing, nuisance, trash, junk vehicles, etc. In '08 the City processed 1,823 housing complaints, which was a 92% increase over the number of complaint handled in '07. Over 400 administrative penalties were issued in 2008 for property owners who did not comply.

Mrs. Farrar said the Demolition Program, they reactivated Housing Appeals Board and they review cases for orders to demolition. They just had one. Several people call them about these things a lot and if you have a house in your neighborhood that you want condemned, you need to come to the Housing Appeals Board and let them know, let them know how you feel about that hunk of junk sitting next to you. The City has a Demolition Program through its CDBG Program and they also have another one now under the NSP I Grant. The Neighborhood Stabilization Program, that grant that they have right now, that's another set of money that they use to sell those properties. As she said earlier, they have demolished 22 properties and cleaned up the G&C Foundry Property since January '07. In addition to that, four properties were demolished by property owners and by banks as a result of Code Enforcement. They have seven going out for bid in July for demolition and she had a list of those if anyone was interested. They also had six more coming after that and then they have four more going to the Appeals Board. So she meant they are working on these homes. It's not like they aren't doing anything. This Commission does care and the administration is working.

Mrs. Farrar said the Weed & Seed Communities Grant Program, and also the Weed & Seed Grant was covered in the three days that Annie Zelm was covering this story on blight in September of '08. The Weed & Seed Communities Program, the City applied for the '09 funding and they should hear about it real soon. Those were used for overtime for the Police Department to help combat violence and drug crimes. It's also used for the Community Police Stations, which hopefully they could get that going back again. Several projects are also in the works because of the work at the Weed & Seed Steering Committee. Other funding sources and staff time were used. One major project is the Citizens Circle, which will provide mentoring services for

persons returning to the community from incarceration so that they come home and stay home. The first Circle will be held with four participants and that starts July 14th. Other grants that are applied for and they don't have an answer back yet is the 21st Century Learning Center Grant for after school programming for at risk youth. And that was one of the number one things people complained about was unsupervised youth in this City. And the Second Chance Re-entry Grant is another one from the Department of Justice and that would provide services for ex-offenders returning home from prison. So that would just help extend the Citizens Circle.

Mrs. Farrar said the Community Development Block Grant Program does major projects to help neighborhoods. For the year 2008 they have done street improvements to nine different streets, the extension of Sandusky Bay Pathway, Demolition Program, Housing Rehab Programs, Lions Park Expansion, which they had the trailer park acquisition and demolition that we are taking care of, and the Master Plan Development Project. In 2009 in Huron Park the splashpad would be covered, and street improvements for Hayes Avenue Corridor, and her personal favorite, the removal of the Milan Road Overpass Stairs, and Code Enforcement and Emergency Home Repair will also be covered.

Mrs. Farrar said the HUD Lead-Based Paint Hazard Control Grant, Erie County applied for this grant and received \$3,000,000 for abatement of lead-based paint in homes in Erie County and for additional lead testing for children. City staff was involved in the application process. All the target areas for this grant, all 220 homes that they were taking care of were in the City of Sandusky.

Mrs. Farrar said the NSP one that she spoke of earlier, the Neighborhood Stabilization Program, they applied for that and they had that, but the funds would be used for demolition of blighted homes, acquisition and rehab of several homes, and the landbanking of vacant properties. They were working with Erie County to apply for a second round of NSP Funds, so that's in the process and that's due on Friday that grant. And that's for another \$5,000,000 and they are hoping to get that grant. So \$5,000,000, which will be used for demolition of blighted structures again, acquisition and rehab, and check that out, Downpayment Assistance in the landbanking projects. The grant is due Friday. The Downpayment Assistance, you don't have to be broke or on skid row to get Downpayment Assistance under this grant. She's already checked. She gets more help under this grant than she does sending her kid to college when she fills out a FASFA.

Mrs. Farrar said they've seen the SPARC buses driving around town, they're picking up about a 100 riders a day in the City neighborhoods, mainly taking them all to work, which is always a good thing. Staff is looking at adding another vehicle to the route and adding another route in the City, because that's going so well.

Mrs. Farrar said the ODNR Recreational Trails Grant, the Sandusky Bay Pathway Extension from Municipal Boat Launch Ramp west to Mills Street will provide for more waterfront access and opportunities for pedestrian and bicycle activities. The Pathway will eventually link a majority of the City waterfront from east to west. Mrs. Farrar said this is all of the grants that either we have or are working on getting and all things are going to happen or are happening.

Mrs. Farrar said the City Landbanking Program, the County forecloses on properties with large amounts of back taxes and City assessments. The City can then take ownership and make lots available to adjoining property owners who would build on them or just increase their yard space. But the best thing about this is it allows the City to gain control of that property and return it to tax producing status. These properties are sitting there, the taxes are going like this (zero) and we're not getting them and it looks like crap. And they want somebody, the next door neighbor or whoever, if they want it, to take it over, they're going to mow it, they're going to take care of it and guess what, they're going to pay their taxes. So that leads to a win-win situation. A lot of people, the last time she checked, 20 people were interested in some of the landbanking properties. And they want these properties for yard space, garages, driveways, new homes, community gardens.

Mrs. Farrar said with the Planning for the Future they developed new Downtown Design Review Guidelines to promote quality development downtown. They passed new Planned Unit Development Regulations that allow for flexibility and innovation in new development. They were working on a New City Comprehensive Plan with the help of Regional Planning. They were working on a Wayfinding and Signage Plan for the entire City, which they already know that and have seen the signs that they are going to be getting.

Mrs. Farrar said just to let everybody know, they're not down here doing nothing. When she ran for Commission one of her main things was, as Mr. Kaman likes to remind her, is she wants her City back. And she can't get her City back without taking care of those rundown homes. But she can't get in a backhoe and go down one street and mow down five houses willy nilly, they have to go over the proper procedure, everything takes time, but she will get her City back one house at a time. They all know Amanda Myers and Carrie Handy, but they have been instrumental in getting all this done and getting this Landbanking Program off the ground. She wanted to thank both of them and all the different County Departments that we deal with to help us move this process along and get it done. Trevor Hayberger at the Prosecutors Office and Jodee Fantozz our Treasurer, and Tom Paul the Auditor, Barb Setzler our Erie County Recorder, etc. We didn't get this way overnight, but she just took offense to the fact that she felt like the editorial staff did not think she was doing her job, and she's doing her job. And everybody is doing their job and everybody is doing their part and they will get this taken care of. She certainly hoped that any new candidates that they talked to in the article, they say have you looked out for their slate of potential new Commissioners, they ask, they challenge, them to address restoring our housing stock. She hoped if they get elected, that they will help her continue to restore our housing stock. She also noted in the article they used the work "our" a lot, our City, our housing stock. And of the five people on this Viewpoint editorial at Sandusky Register, she knows only two of them live in the City of Sandusky. So she challenges the editorial staff to come to Sandusky and buy a house, move into our neighborhoods. President Stahl said good job Julie.

Mr. Waddington said he would like to ask about the **Police Dog Justice**, he's had calls. He's raised dogs himself and he knows how they get attached to kids and this particular dog was with kids and now we're, he don't know what all went down, but he just thought, he had heard about it earlier last week. Interim Police Chief Sams said just to let them know what's going on. It's no secret the City's in financial problems right now. We have limited money and the Commission and City Manager have directed all of the department heads to be fiscally responsible. So they've looked at all expenditures and all operations in their profectiveness. And one of the reviews was the K-9 Unit and they've had a number of issues arise over the last year since they've had the K-9. So they looked at some of those and some of them involved money. One of the things, they've been getting boarding bills for the K-9. As an employee, you get so much holiday and vacation time and they'd never deny anyone their ability to take that time; it's their right. But having a commitment to a program, and he compared that to when he was on the Drug Task Force, he missed a lot of things with family and some other things because he was on the Task Force and he needed to be there. And if he took off all the time, which was his right and is this officer's right, then you're not going to be there when it's needed. And it's not a punishment to that officer, it's a commitment to the program. And if you board the dogs and go off somewhere or are not available, then the dog is not available when we need the dog, then maybe you're not the right person for that dog. ¶Not to mention the fact that it costs us money when you board that dog, money we don't have to spend and the bills were going up. ¶Another issue is the officer was well aware, they discussed when the program started, that whoever got this dog, whoever was the dog handler, had to work weekends. Constant complaining from this officer that he is a Senior Officer and shouldn't have to work weekends. This was discussed over and over and over again, if you want to be the dog handler, you got to work weekends. That's when we need the dog, nights and weekends. Constantly hearing that. ¶He started hearing complaints that the officer anticipated a great deal more overtime. Again discussions the City doesn't have the money to be doling out overtime. They're very cautious on what overtime they use and yes he has limited, he's said if we can get away without paying overtime, we're going to do it. And they have cut their overtime to where they had been spending in the past; it's a thing that they feel is mandated. ¶Also during the course of the first six months, the handler had a beef with the Supervisor. It was a disagreement and the Supervisor wanted things to be run a certain way, but the blame kept being put on the Supervisor that Supervisor wasn't properly doing it. So he sat down and he changed Supervisors and put a new Supervisor in there and within a few months he had that new Supervisor saying the same thing the first Supervisor said, it's the person, he's not coming along with the program. ¶Probably the most compelling thing was, the handler came to himself and

the new Supervisor a couple months ago and said that his family was in fear of the dog and that he could not leave the dog home alone if he wasn't there and that they needed to purchase a kennel for his home to keep the dog in the kennel. Well they really didn't want, that's not how they wanted the dog put in a kennel at home. The dog should be around the kids and if there's fear, there's a problem. So what they did was they contact the person that they purchased the dog and provided additional training for the officer and the dog, hoping that that would resolve the issue. The officer came back and said no, nope the family is still in fear. So again it's going to cost a great deal of money to buy a kennel to put in this guy's house. So they went and looked around and the Supervisor that was currently in charge had a kennel and said I'll tell you what, he'll give you my kennel to save the City some money, come over and pick it up. Well more than a month went by and he never came over and got it. So they brought the officer back in and said hey, what's the deal. Well I just haven't had a chance to get out there. Well now you've put us in a liability situation. If your family is in fear of this dog, something happens, now we're liable. ¶So those things are some of the basis, some of the basis that they took away. Once they started re-evaluating the program, they found some possible improprieties, one impropriety he knows right now and possibly another, which resulted in an investigation and they would see where that goes. And that will come out later and he didn't want to talk about that now because he don't have all the facts, but they are looking into that fact. ¶So again, when they brought that officer in, this was not an easy decision, both himself and the Supervisor that talked to him were choked up because they both have dogs. They know what that is like to take away; didn't want to do it. Went over and over and over again, you cannot do this. Not to mention the fact that they want this program to be successful and they realize that this is a step back, but it's a step that's necessary. ¶And they have an officer that's willing to put in the time, understands that he's going to have to work weekends. He understands that he is going to miss some functions, and wants it. He's a younger officer. He's not a one year officer like some have portrayed, he's been with Sandusky PD one year, but he has several years experience in other departments. So it's not a rookie officer that's getting the dog. And again, this officer understands that it's going to take a commitment and it means sometimes that you don't get the days off. And again, he can't deny anybody days off, and wouldn't do that, but he understands I want this bad enough that rather than go here I'll go ahead and stay here and do this. ¶Mr. Waddington said okay, he's owned dogs his whole life and he knows that you get attached to them and family members. He guessed that's what he got some e-mails and some phone calls; this lady just called today at five o'clock. Because he guessed what he's talking about is the techniques, because now that he has heard this, that changes his opinion, when you first hear about it you don't know if there is a problem with the dog. This was a little bit different from what he heard like a week ago. ¶Interim Police Chief Sams said this was some of the things. But again, it's not something when he did this he was not going to run to the paper or run publicly and say I got a problem with us. He sat down with the individual personally. And he would tell them right now, he sat down with the individual and he gave him two choices. He said look, he don't want to publicly embarrass, he don't want to humiliate anybody. You can either run back and tell everybody they took the dog and they're mean people or you can just go back and say you got tired of it and you gave the dog back and he would support that and.... Mr. Waddington interrupted and said there was nothing wrong with it, but it just didn't work out. Interim Police Chief Sams said with the dog. Mr. Waddington said no, but he don't have a problem with that and he's glad to hear that it happened what happened... Interim Police Chief Sams said that's exactly what happened. Mr. Waddington said and he's feeling a whole lot better about it. Okay, thanks, that's all he got on it.

President Stahl said he just realized here that he had a commitment next Monday, He apologized would next Tuesday be okay? After discussion, the meeting was set for Wednesday, July 22nd at 6:00 p.m.

Under **Audience Participation**, Mr. Tim Schwanger, 362 Sheffield Way, Save Our Shoreline Parks, said on the Yacht Club agreement, last meeting they suggested that the City Commission do their homework and he don't know if they did or not, but they did it for them and they would be sending them all documentation to their personal residences. In order to get to an agreement you have to understand where

they came from and how they got to the agreement they have right now and where they see Sandusky Yacht Club today, not tomorrow. In April 2000 there was an agreement between the City and Sandusky Yacht Club that prohibits any type of boat dockage along the western side of the Meigs Street Pier and also in front of Surf's Up. When that agreement was signed, three of the City Commissioners at that time, were members of the Sandusky Yacht Club. So they had their people on this Commission at that time. He didn't know if everybody was aware of that or not. President Stahl said it's a funny thing that he brought that up because Mr. Waddington has a copy of it and he dropped it off and he actually went home today and read it. Mr. Schwanger said he actually came down here and went through City documents and went all the way back. This whole thing with the Perry Street Slip goes way back to like 1989, probably sooner than that. And every time the Yacht Club has come to the City for the Perry Street Right of Way and additional water rights, it's been no. And the reason why that is, is the City recognized all back then that the Bayfront Corridor Study, the Port Plan from 1991 and also the Parks & Recreation Plan from 2007, recognized the importance of sightlines to Sandusky Bay from the Surf's Up Sandusky Bay Pavilion site. That's why it's been no and that's their philosophy of why it should be no today. ¶Mr. Schwanger said just as a point of clarification, what 55 jobs Julie are they concerned about if this Yacht Club Project does not proceed? Are they talking about the 55 new jobs? Mrs. Farrar said no, the 55 people that work there right now. Mr. Schwanger said he thought the Yacht Club alluded to this last week, they're not going anywhere. If this project isn't going to go, they're not going anywhere, they're not going to move out to 250 and then build a canal to Sandusky Bay. He meant they're not going anywhere if this project does not go through and he thinks they need to be cognizant of that fact. ¶Mr. Schwanger said they came across documents from 1989 where the Yacht Club at that time was using a Mack Iron vacant lot next to Mack Iron for overflow parking. So again, they don't understand the need to have the Perry Street Right of Way, a portion of that. This whole Yacht Club thing has gone from the important issue with the 19 parking places in the Perry Street Right of Way, as the most important issue, now it seems like the Yacht Club's most important issue is giving away or wanting more, and he understands they got to pay for it, but again it's not about the money, the water rights. The water rights that have now become the number one priority, as a matter of fact the Yacht Club Commodore was prepared to settle that issue tonight without any additional public input. And that's part of the problem he has, is the public process, the meetings behind closed doors, you know let's make a deal tonight, what's behind door number three. That type of mentality. ¶Mr. Schwanger said if they go back to 1990, there's a letter to the Ohio Department of Natural Resources from the Sandusky Yacht Club, requesting that public access to their breakwall be terminated for some reason. If they go back to 1996, there's a letter from SYC to the City, requesting a fence along the entire western side of the Shoreline Park between their property and the City's property. So over the years they haven't been very friendly to the public. He meant they haven't gotten their way, but for an organization that is just saying that they're so public access oriented. If you go back to the history and beyond, May of 2000 Planning Commission meeting minutes, the Yacht Club has 236 parking spaces and they only need 183, according to the Planning Commission. They only 183 so they're above and beyond what they actually need right now. And again, this all goes back to, we don't have the Perry Street Right of Way when there's a vacant property across the street for overflow parking, which they've used in the past, and there's also parking available, according to the minutes of the Planning Commission back in '96 that they could use the parking at Battery Park and then shuttle their people back and forth if they so needed. So they were going to get all those documents to them because he's got a feeling that some of them are up to date on what's happened in the past. He gets a feeling that Mr. Brown and some of the people on the Commission aren't up to date on what's happened in the past. And to get to an agreement in the future, you have to understand the past. Mrs. Farrar said yea some of them are aware of more things that others are.

Mrs. Farrar said like they're talking about the past, she'd like to talk about Parkvue. Mrs. Parker (Ruth) wanted to build Parkvue right down there in downtown Sandusky when the Citizens for Responsible Government filed an injunction and she went out to Perkins Township with that. That was in '92 when she built that. In '95 she built the other one. The thing is that the makeup of downtown Sandusky, it's all of that, let's not let anybody build anything, develop anything, let's just let the

tumbleweeds blow through downtown, because we don't want to develop anything. This downtown would have a totally different look, if that would have been built down here in '92 and then they have this building in '95, it would, there would have been more grocers, more dry cleaners, more jobs. Look at the income tax that Perkins is collecting. It's unbelievable to her. Mr. Schwanger said Perkins doesn't have income tax. Mrs. Farrar said yea, so what, but the thing is what we should be getting, he knows the point she's making. She just can't for the life of her, every since she's been here and even before she got here, it's like do him (Tim Schwanger) or his group or anyone in your circle, want this City to succeed? Does he want them to do... Mr. Schwanger interrupted and said let him answer that. They have not been against economic development on private property okay. That's the whole, she can roll her eyes, you know he has told them this over and over again, they'd made it public, they're not against development next to the Chesapeake. They're not against development on First Street. It all comes down to the public property. Mrs. Farrar said she still stood by if that wasn't built down here, the Surf's Up may have still be open and running. A hotel would probably be down here too because people come to see their elderly grandparents and parents.

Mr. John Ginty, 5055 Providence Drive, said he mentioned at the last meeting, he threw out the idea they might want to look to billing the insurance companies for City services, the kind for police and fire that do it in other cities. He believed Mr. Stahl said they looked at that and it was rejected and he would still like to know the rationale. On the way down he witnessed an accident with our police and fire personnel, so why we were reluctant to bill people for services. President Stahl said they would do a search back to when he was first on the Commission. They would have the Assistant Chief look into it further. He will work with staff. ¶Mr. Ginty said about the Jiiman barge that was down there that they're still trying to get rid of, what was the latest step, was it on the internet? It out to be worth something, even if it's scrap. ¶Mr. Ginty said the walkway down across from the Court House where people use it going to community concerts on Thursday nights, it's a ramp and it needs repair. It was in bad shape before, but it has been torn up more. ¶Mr. Ginty asked that they put out the rules on the internet and public notice for using the handicap parking place on Meigs Street Pier.

Mr. Bob Zoellner, 1401 Ogontz Street, said six months ago he broached a topic regarding his satisfaction with how the City was handling its rental registration program. It still has not come to a satisfactory conclusion and he believed he has found a reset basket with the City administration that is at least listening to his concerns. His reason for speaking tonight is to apologize to them as a group of Commissioners. He let the anger and frustration of the injustice being done in the circumstance determine his response to them and he was sorry for the way he came across to them on that night. But he would still take the opportunity when necessary to address them as a body of Commissioners as concerns arise, but it not only his right but an obligation he believed as a citizen of this City. He would do it in a more respectful manner. He also prays for each and every one of them by name every Monday at the very least that they would have the wisdom and the direction that they would need as they struggle with the concerns of running the City.

Mr. Jason Brake, 2002 First Street, said he talked to Assistant Chief Sams and some of the Commissioners. He was currently responsible for providing transportation for about 50 foreign exchange students that approached him and he knew they had bicycles they have confiscated in the past. He was wondering if he could get their permission and Mr. Kline's for these individuals to purchase the bicycles. That way the City doesn't have to keep them in storage and the kids were not stuck in housing that they are currently in. Mrs. Farrar asked how many bikes do they have right now? Interim Chief Sams said he didn't know, because they do an auction every quarter. They have quite a few and they are kept out at the Service Complex and he would have to check. He told Mr. Brake he would check into it. Mrs. Farrar said how many would he need? Mr. Brake said that Kalahari was bringing in approximately 96 students, so about half of that right now. They wouldn't have to house the bicycles in storage and these students would not have to be couped up in their hotel room and they could come downtown and spend money and just get to know the environment down here. Mr. Fuqua said they don't necessarily have to put those bicycles up for auction do they? If they were able to arrange it, couldn't they just sell those bikes to those kids? Interim Chief Sams said he would refer to Don's legal opinion. Mr. Fuqua said that would be their decision

right? Mr. Kline said yes, they're the power of the purse so to speak, but they do the auctions to maximize the revenues and also to get rid of the bikes because their storage is limited. But if they would direct him to do something else with the bikes, then he would. Mr. Icsman said he thinks that Mr. Kline is correct. When times are tough, you like to maximize the amount of money you can get a return on for probably with declaring them no longer needed. And it would be kind of what they were contemplating selling them for, but he would think that Ed would have to agree that he wouldn't the Auditors would care if the Commission approved it. Mr. Fuqua asked did any of his colleagues take issue with not selling them at auction? President Stahl said the only issue he had was just not making them available for anybody. It was a great idea, but he would like to make it available for any kid and have a flat rate for bikes. Interim Police Chief Sams said the reason they do it at the auction is it gives time for anyone who has lost their bike or has had one stolen, has time to come down and check. And they do the auctions quarterly or three times a year. Fire Chief Meinzer said he's been at the auctions and a lot of times the bikes sell for a couple bucks and another problem is a lot of them are really beat up. *President Stahl said why doesn't staff work on it and bring something back.* ¶Mr. Brake said about six weeks ago Mr. Stahl said he would get back to him on the prearranged contract for public vehicles for hire. President Stahl said he had been talking to Jimmer Kennedy and he's got something that he was going to bring to Assistant Chief Sams and he thought Jason would like it. Interim Police Chief Sams said he talked down here. President Stahl asked did he talk to you Bob? Mr. Warner said they were working on that and working on changing the ordinance and other things. ¶Mr. Brake said the ordinance cites that all of the drivers have to be fingerprinted through BCI, is the City going to start fingerprinting because the County no longer does it? President Stahl said he thinks Jimmer or Bobby (Warne) will organize that. Mr. Warner said again that's something that Lieutenant Frost was looking at. They know that the County no longer fingerprints and they may have to change the ordinance. Like he said before, they are looking definitely at changing the ordinance to keep up with the times. They're not exactly sure what they're going to do, but Lieutenant Frost is going to write some recommendations down and send them out to the cab companies and wait for responses from them and if they get no responses, they will go ahead and make a case. Mr. Brake asked what should he do now because he is deadlocked and cannot hire any other employees right now. Mr. Warner said right now he didn't have an answer for him, because they have an ordinance out there that says it's got to be in there. Mr. Brake said the City is going to start fingerprinting? Mr. Warner said he don't think we have the capabilities to fingerprint. Chief he needed his help, are they going to enforce that part of the Code? Interim Police Chief Sams said the BCI has a process that they will only accept fingerprints now electronically. And we can do criminals electronically, but we can't do civilians electronically, so that's a problem that we've run into. Mr. Warner said we can't enforce it. Mr. Icsman said first of all, that's not necessarily true. But the ordinance provides flexibility and it was designed that way when they put it in, Chief Nuesse was the Chief then. They gave the Chief a lot of flexibility on purpose to deal with these kinds of issues. And so he would suggest talking to Phil Frost because that's the person who has been in charge and you have to have one person, you can't start to go from one bus stop to the next bus stop. Phil is the man and he knows that he has flexibility and he can deal with this on a temporary permit basis. And he's doing what he's doing, this is like an annual thing, every year after the season they always talk to all of you guys (taxi drivers) and modify our ordinance appropriately based on consensus and input from the people that are in the business. So that's not new and that's not rocket science, it's something they do every year. Mr. Brake asked what does he do for the people that want to drive now? Mr. Icsman said what did he just, did he not hear what he just said? It's up to Phil and the Chief that have the discretion to decide what they're going to do about that. Interim Police Chief Sams said call Phil tomorrow. If there's still an issue, call him and he will arrange a meeting for the four of them. ¶Mr. Brake said on their SPARC Route in the presentation she said that staff was looking at the feasibility of adding another vehicle to this route and adding another route in the City. He asked what did the Commissioners think about the registered voters that live out on the west side of town that are entitled to this because there's no route out there yet. These are people that they wanted them to vote for them come election time. Mrs. Handy said that was one of the things that they're looking at, is to try to get the route out to the

west end and hopefully they can get it out to Kalahari. So they realize that they can't design a route to serve everybody. They try to hit as many places as possible, but that's why they were looking at possibly adding another route. They realize that the VOA is out there and a lot of people need service out there and there's other people that have approached here as well on the west side. Mr. Brake asked what timeframe was she looking at? He meant these are federal tax dollars and these are registered voters and they are also taxpaying citizens. Mrs. Handy said that's one thing they have to look at is whether we have the federal taxes to take with our existing federal dollars that we would have to take out of the budget to dedicate to another route whether we have the funds to do that right now. Discussion ensued.

Mr. Tom Whitted, Sandusky City IT, said the Police Dispatch that they were trying to get going, but they had a major hit at the Sewer Plant on Saturday and they called the IT guys from the County and they bailed them out and he wanted to thank them. President Stahl said that was a good deal Tom, it's good to hear cooperation.

Mrs. Sharon Johnson, 1139 Fifth Street, said she only had a couple issues here. She was curious on the Nuesse hearing that had been over since March... President Stahl said they can't comment on that at this table. Mrs. Johnson said not the hearing itself, but the financial part of that, are we ever going to be able to get a counting financially of how much this ran the City, how much was covered by insurance and how much we had dig out of our own General Fund for this? President Stahl said the insurance company and looking at other area issues where other political people have been involved, has been between the insurance company and the political entity. We don't know what it is. Honestly we don't know, it's a deal with the insurance company and as far as him or anybody to comment any further, it would be inappropriate. Mrs. Johnson said well okay, so he don't have to comment, she'll comment. She's concerned about the out of pocket and she's concerned about the Judge hasn't done his decision yet. This is four months out now and he might be running up a tab here. That's her concern, four months since March. President Stahl said Mr. Icsman would he care to comment on this? Mr. Icsman said he don't want to comment, but he would comment on the depth of timeframe is not what you say. The filings, there had to be final filings by lawyers, which are called the recommendations of findings and facts in conclusion of laws. Both lawyers had to file and that was only about maybe a month ago, was that right Jason three weeks, a month? Mr. Jason Singer said it was like a little over three weeks ago. Mr. Icsman said he was right, but he would hope that that was not the only issue he has before him and his position would be forthcoming, but it wasn't what they said, while that testimony might have gotten over then, these other filings were set forth in a scheduling order by him. And then that's what the attorney's file or follow when they file, the Judge's orders. Mrs. Johnson asked did he think it would be in the next month Don? Mr. Icsman said he can only tell her soon, hopefully before this month is out. He and Jason have talked about this. Mrs. Johnson said her question is, when all of this is said and done, will he be up straight with them to let them know how much it costs them and how much is coming out of the General Fund? President Stahl said as straight as they can be and as straight as they know. And it cost nothing. Mr. Icsman said he can tell them that they have been, in the beginning if they remembered when they started before insurance paid, they were giving a running total to the Commission and rightfully so. But then when insurance covered and reimbursed us, there had been no General Fund money spent, other than to pay the premium for the insurance. Mrs. Johnson said so it's looking like they're paying 100%? Mr. Icsman said they have paid. Mrs. Johnson said okay. ¶Mrs. Johnson said she understands that the Waterfront Development, the Committee, is meeting July 16th at six o'clock at the Cameo and she was wondering what was the reasoning? Mrs. Farrar said she thought a casual environment and she thought it would be a friendlier environment and doesn't have to be so suit and tie around the table. It was their first meeting and some people have never met each other before, but the public is welcome to come in an observer status. Mrs. Johnson said that was on the second floor. That was her next issue. She thinks these committees and sub-committees should be on City property, because we're ADA compliant and there was a base winding staircase, a spiral staircase. Mrs. Farrar said there is a straight up one if you come in the back door. Mrs. Johnson said still it's not ADA compliant. If someone had a bad knee or were in a wheelchair, you couldn't get them up to the second floor. So she thought they should be sensitive to that the next time they have a meeting. And are the minutes going to be kept on this in case someone asks? Mrs.

Farrar said the poor soul who gets that job will have to provide those minutes of that first meeting. Mrs. Johnson asked were they required to have minutes on that Don? Mr. Icsman said he would say that, although he's not really sure of who is on the committee, but the factors that you look at are what's the committee name, who's belonging to the committee, do they have any decision making, who do they report to and how are they created. Those are the issues you look at to see if it's a public body and if the answer is yes to most of those or a majority of them, then you're going to have to have minutes. And you should have the meetings, although he's not sure that you need to worry always about ADA, you certainly should have them in a public place within the jurisdiction of the body that has appointed the committee. So he thinks that's being followed. But he really don't know on it and specifically it's the Commission has delineated as to what their power is, but he agrees with her that it would be better to err on the side of them being public and having someone do some minutes, having the public whether or not the committee is going to allow any participation, but at least the public will be there. Discussion ensued.

Mr. Jason Singer, Sandusky Register Reporter, said Mr. Poulos isn't here any longer, but he got a call from one of the residents that got their houses fixed, he just got a call from quite a few of them and most of them said that they were very happy like George reported. There was one resident, and he's not sure that the City is aware of it, that they had a railing fixed to go up their stairs by one of the contractors that he believed that his name was Zimmerman, however don't quote him on it. Their railing fell through and it was an elderly couple and the man fell down the stairs and unfortunately he was injured, Pervis knew what he was talking about, he's shaking his head yes, and the Law Director didn't know about it. And they didn't know who to contact from the City, Zimmerman said they fix the railing and put in a new railing, and they already did that, but they said couldn't provide the medical bills for this man. Pervis what did he do when he heard about that? Mr. Brown said it's been taken care of, they were aware of it. Present Stahl said if they have any of those things they send it to the proper channels. Discussion ensued. Mr. Icsman said they were aware of what was going on in terms of the investigation, but if a third party, normally we try to shift that risk to the third party, because the third party contractor did do this work and didn't do it right. And that would be another stop to go to as well as our insurance. He would just throw that out.

At 7:32 p.m. President Stahl returned to the table and stated they would break for 15 minutes and return for an executive session.

At 7:45 p.m. the Commission returned to the table and held an executive session with the Commissioners and City Manager present.

An executive session was held on Personnel relative to the City Manager.

President Stahl returned to the table and entertained motions for adjournment.

ATTEST: _____
 B. JOYCE BROWN
 CLERK OF THE CITY COMMISSION

 CRAIG H. STAHL, PRESIDENT
 SANDUSKY CITY COMMISSION