

OCTOBER 9, 2007

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 Craig Stahl, (*Dannie Edmon-excused*), Dan Kaman, Dennis Murray, Brian Crandall, Brett Fuqua and Dave Waddington in attendance; as well as the Charter Officers of the Interim City Manager (James L.) Don Miers, Law Director Don Icsman, Finance Director Ed Widman and the Clerk of the City Commission B. Joyce Brown; the Administrative Staff of the Traffic Engineer Josh Snyder, Police Chief Kim Nuesse, Assistant Fire Chief Paul Ricci, and Administrative Services Director Warrenette Parthemore. It was an open meeting with the audience and the news media present.

Mr. Stahl offered the **prayer**, everyone stood for the **Pledge of Allegiance to the Flag**; and the Clerk called the **roll** with all Commissioners present with the exception of Mr. Edmon. **Mr. Waddington moved to excuse Mr. Edmon from tonight's meeting.** Mr. Crandall seconded the motion and it was carried unanimously.

Mr. Waddington moved to accept **minutes of September 24th** as written and dispense with the formal reading of same. Mr. Crandall seconded, carried.

President Kaman introduced **M'arie Smith**, who was home-schooled and **shadowing the Clerk, B. Joyce Brown, to see how the Commission Office works and how government runs.**

PROCLAMATION – FIRE PREVENTION WEEK – October 7th –13th

PRESENTATIONS - Care & Share – Dan Ward/**Angel Food Ministries** – Earl King
Bob Nickester - **The Sanctuary Four Seasons Youth Home**

OLD BUSINESS

Mr. Crandall moved to accept all communications. Mr. Stahl seconded, carried.

ITEM #1 – This item was read at first reading September 24th.

BUDGETARY INFORMATION: The vehicle will be added to the current fleet of police cruisers and will be paid out of the 2007 budget. Funds for this purchase will come from unappropriated capital monies.

ORDINANCE NO. – FAILED - Purchase one (1) 2007 Chevrolet Tahoe 4WD Police Package from Bob McDorman Chevrolet of Winchester, Ohio, through the State of Ohio Cooperative Purchasing Program in an amount of \$35,888.83. It was moved by Mr. Fuqua and seconded by Mr. Waddington to be passed at **second reading** under suspension of rules in full accordance of Section 14 of the City Charter. **Discussion** – Mr. Stahl said I had conversation with Chief Nuesse and Assistant Chief Sams on purchasing other similar vehicles to allow staff the time to review other options that will save us money.

Mr. Fuqua said this was a needed package that was on this vehicle; and our officers were using their personnel vehicles. Mr. Murray said after talking to Mr. Miers, there was another vehicle with a police package that would do the same job with four-wheel drive, a larger vehicle. The Sheriff's Department uses it and other police agencies in the area. So the Tahoe was a little bit more than we ought to spend after talking to others. So we can wait and see if we can get some savings.

Mr. Crandall questioned that at the last meeting it was said that they were going to install rails on the outside of the vehicle, was that still the intent? Chief Nuesse said as far as she knew. Mr. Crandall asked what would our insurance carrier say under the type of liability that we were putting our officers at risk and under the Ohio Revised Code it doesn't appear that the Police Department would be exempt from that? Also I heard the comment that evidence was being lost. How much has been lost over the years? Because they said with this Tahoe they wouldn't lose evidence because they could take people right to the scene. And with using unappropriated funds, has the holding cell been fixed yet? Mr. Miers said it was in the process. Mr. Crandall said so I don't understand that we have this vehicle, but yet we're short on cops. I would rather see this \$36,000 put into bringing our reserves back or hiring a couple of full-time guys. Talking about safety, how can we keep our people safe? I'm talking about our guys, not our citizens. Discussion. **The Clerk called the roll twice as follows: Yeas: Fuqua, 1. Nays: Stahl, Kaman, Murray, Crandall, Waddington, 5. President Kaman said the Ordinance fails at second reading.**

CURRENT BUSINESS

ITEM #2 – Communication – Mike Meinzer, Fire Chief

BUDGETARY INFORMATION: This purchase has been budgeted for and approved in 2007 under line item 110-1310-51603 (safety gear and equipment). There is no trade in value for the current safety gear.

ORDINANCE NO. 07-069 - Purchase fourteen (14) Fire DEX PBI Assault Coat and Pant Sets for use in the Fire Department from Safety Services of Huntsville, Ohio. It was moved by Mr. Murray and seconded by Mr. Fuqua to be passed under suspension of rules in full accordance of Section 14 of the City Charter. **Discussion** – Mr. Crandall said I inquired about the purchase and Morning Pride no longer makes fire fighter's clothing, so staff recommends this as the best equipment possible. The Clerk called the roll twice, first on the motion and then final passage: Yeas: Stahl, Kaman, Murray, Crandall, Fuqua, Waddington, 6. Nays: 0. The President declared the Ordinance passed.

ITEM #3 – Communication – Kathryn McKillips, P.E. Director of Engineering Services

BUDGETARY INFORMATION: The total estimated project cost including miscellaneous expenses is \$17,500.00 and will be paid with CDBG Funds.

RESOLUTION NO. 028-07R - Proceed with the Demolition of 127 Neil Street, 313 Neil Street and 315 Neil Street, Sandusky, Ohio; approving the specifications and engineer's estimate of cost thereof; and directing the City Manager to advertise for and receive bids in relation thereto. It was moved by Mr. Waddington and seconded by Mr. Murray that this Resolution be passed under suspension of rules in full accordance of Section 14 of the City Charter. The Clerk then called the roll twice, first on the motion and then final passage: Yeas: Stahl, Kaman, Murray, Crandall, Fuqua, Waddington, 6. Nays: 0. The Ordinance passed.

ITEM #4 – Communication – Ed Widman, Finance Director

BUDGETARY INFORMATION: Amendments are required to adjust the budget for previous actions of the City. The Commission has approved several contracts that are being added to the budget. These items include numerous grants/revolving loans, many capital and utility improvement projects. Street lighting in the General Fund is the largest operating expense, which is being increased at this time.

ORDINANCE NO. 07-070 - Adopting Amendment No. 2 to Ordinance No. 07-016 passed by the City Commission on March 26, 2007, making General Appropriations for the Fiscal Year 2007. It was moved by Mr. Crandall 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. Crandall asked for an explanation of Mr. Ginty's question. Mr. Widman said the total amount of the amendment is a little over \$5.9 million. The largest areas where the amendments are occurring, we're appropriating funds within the current revenues for Street Resurfacing, a couple of projects that have been in the works that will be closed out this year that will cover the Licensing Fee portion. This should allow that to happen at about \$336,000. He went through the entire list and stated that the State was requiring that we do this legislatively as opposed to administratively as in the past. The Clerk then called the roll twice, first on the motion and then final passage: Yeas: Stahl, Kaman, Murray, Crandall, Fuqua, Waddington, 6. Nays: 0. The President declared the Ordinance passed.

Under the **City Manager's Report**, Mr. Don Miars said there was a **\$150 donation from Francis and Janis McKenna for the Green Fund**. Mr. Murray moved to accept. Mr. Fuqua seconded, carried.

Mr. Miars said there was a **\$1,670 donation from Sandusky/Erie County Community Foundation for the Residential Knox Box Loaner Program**. Mr. Fuqua moved to accept. Mr. Murray seconded, carried.

Mr. Miars said there was a **\$1,400 donation from Sandusky Exchange Club for a Memorial Park Bench**. Mr. Fuqua moved to accept, Mr. Murray seconded, carried.

Mr. Miars said they had a **letter from Firelands Regional Medical Center to change the name of Cooke Street to Decatur Street between Hayes Avenue** and the current Decatur Street that was causing confusion in that area. Mr. Icsman said that would be considered a petition by and they were the only abutting property owners so they would set the public hearing for the next meeting. President Kaman said set that.

Mr. Miers said we have received additional **memberships of \$100 for the Friends of the Greenhouse Endowment from five Sandusky families**. Mr. Murray moved to accept. Mr. Fuqua seconded, carried.

Mr. Miers said residents are permitted to drop off **yard waste** at no charge to Barnes Yard Waste Recovery at 3511 Cleveland Road West, Huron, on Saturday, October 27th between 8 a.m. to 5 p.m. and on Sunday, October 28th between 10 a.m. to 5 p.m. Residents must show proof of residency.

Mr. Miers said **Trick or Treat** in city neighborhoods has been scheduled for Sunday, October 28th between the hours of 5:00 p.m. to 7:30 p.m.

Mr. Miers said the **Employee's Survey** is back in and has been tabulated and was ready for Commission review.

Mr. Miers said I gave each of you the Sailing Club lease in your packets and if you approve, I would like to get Don to get the ordinance done to make that happen. We are satisfied with all the working in the agreement as it is. There might be a day or two that needs to be put in, but those were on the submerged land lease. After discussion, **Mr. Crandall said I would move that this Ordinance concerning the lease to the Sandusky Sailing Club be brought back in two weeks. Mr. Murray seconded and with all Commissioners voting "Aye", the motion carried.**

Mr. Miers said we have a **letter from Old House Guild** today signed by the Vice President and Board members **requesting that the City take down the chimney on the Keller Building before winter**. So we will be putting that inside of a part of the cost that we have together and we will be getting that revised and taken care of.

Mr. Miers said we had a **Bayfront Corridor** meeting and there were more guests there than actual members of the committee. I reviewed it for this year and there were 20 members on that committee and over this past year since January we've had nine guests that have been regularly attending. In the analysis we have seven members that have attended one meeting this year. And total membership that has been meeting on a regular basis, we've had 69 attendants out of 200 possible that attended, which is about 35%. And out of the nine guests that have been regularly attending, it says that there were 66 meetings that those nine guests have attended. They have been attending 73% out of all meetings. I sent a **letter to all of those members that haven't been attending to ask for their support if they want to continue**. So we may come back and change the structure of that membership.

Mr. Miers said on the **Rieger Building**, we got a copy from Gary Spatz and Key Bank has given them a commitment on their loans. I read through it and I'm not sure I understand the whole thing, but we have a meeting scheduled on the 22nd.

Under **Old Business**, Mr. Waddington said I'm getting calls again from residents about **semi-trucks on non-truck routes** in Sandusky. We went through this last year and are we watching this? Chief Nuesse said this was the first that I have heard of this. President Kaman said Josh Snyder was the Traffic Engineer.

Mr. Waddington asked what can we do on the **Dog Ordinance** and do we want to look at that tonight? It's not actually a dog ban and I think there's a lot of misconceptions. President Kaman said the ordinance that we had several years ago that was ruled unconstitutional went to court again and it was ruled constitutional. I would like to bring that back to have it enacted. Mr. Icsman said I think we have communicated that and I think that the issue is still being resolved between the Managers and the Police Chiefs in terms of financing of the position of Animal Control that is going to be reinstated. Once this happens there is going to be a flood of requested enforcement and things of those nature following the registration requirements and insurance requirements, and that's why it's important to have that position nailed down. Mr. Miers said we are working on the financial end and it was in next year's budget to make that happen. Presently we are talking about it being part of the Police Department and we have not finished that discussion.

Mr. Fuqua commented on the viciousness of dogs because of their genes and certain dogs being bred to be fighting dogs and how do they determine vicious or not? And any dog can be considered vicious if they fight someone. Mr. Icsman said right now we do have an ordinance that behavior will determine whether any dog is vicious and it was the same language in our ordinance as in state law. And the recent court case that went to the Supreme Court was about that very argument and everyone had the opportunity to present thousands of pages of testimony and exhibits and witnesses and argued that very question. And the Supreme Court, based on the evidence that was given to them in the trial court in Toledo, that there was sufficient

evidence to uphold the state legislature's determination that pit bulls by nature are vicious by definition. So right now you have behavioral-oriented designation. You would retain that and by definition be including vicious dog and in the vicious dog category, pit bulls. It would not be a ban. It would be a requirement to do certain things to make sure that when you walk the dog you do certain things. And how you keep the dog on your property, it's insured, it's registered with the City and it's some small monetary amount that is paid to the City for that as well. There are some things that we talked about before that are kind of reasonable requirements that any good pet owner would willingly comply with. Discussion. President Kaman asked the Clerk to call the roll and with all Commissioners voting "Aye", the motion carried.

Mr. Crandall said after a report in the Register and Journal about the City Manager appointments, even I was taken aback where we had one candidate that said he was asked to interview for the position by several Sandusky City Commissioners and he agreed to do so. And the other comment that he made, and this was all in both papers, it said that he made it clear that the interview process was a formality and that he would be the next City Manager. **I am making a motion to the Commission that we remove this applicant immediately, because with the number of phone calls that I've received, that if in fact this is the case, it's certainly out of order and it has allowed that the close of this process has certainly been tainted.** Mr. Murray said as I have twice indicated to my colleagues in e-mail, what happened was Circuit Ryder, the executive search firm that we had retained, sent out a memo to all of the Commissioners and it was therefore a public document that was subject to a public records request. That document contained a number of things in it that were simply wrong. I met one of the candidates, Professor Sy Murray at Cleveland State University, it was coming up on a year and a half ago now. And when he called me and asked me if he should submit a resume and I said, as I would to anybody who contacted me, yep go ahead submit a resume. And he did so. That was a two-minute conversation. I don't know where the notion came from. It certainly was never said at any of the committee meetings that Mr. Waddington and I participated in that that individual would be the next City Manager or that that was just a formality. He is a highly qualified candidate. I can only assume that that is something that came from some of the staff reports. That's my understanding that's how that memo was put together. But I can tell you how absolutely that if that was something that was said, I too would be very upset about it. That's not something that I said to him or that he said to me or that came up or it came up at a committee meeting. There were some other things about that memo that were incorrect I suspect, but that really caught my attention too.

Mr. Stahl said I am the other party that talked to Professor Murray before he applied for the job. I too had lunch with Professor Murray a year ago and I was quite impressed with him and quite excited at the opportunity to invite him to apply to be our next City Manager. I will tell you that the conversation lasted less than one minute, at which time Professor Murray said well I think I'll interview for the job, I will apply for the job. At which time I expressed my happiness at his ability to do that. And he said well, you should look at other people and look at me, and you know if things work out they work out, if not, they don't. And that was the brief conversation and the way the whole conversation went. And I think that Professor Murray is an excellent candidate and a good man and comes of no higher value than or any higher credibility than Professor Sy Murray of Cleveland State University. And I was happy that he had interest in the City of Sandusky and I think that we should continue to look at Professor Murray, the candidate for our wonderful City. And I see nothing wrong with this. We're all here to serve and I think that there is no harm no foul. Discussion ensued. Mr. Murray said just a thought, when we do get to new business, **I would ask if we could have an executive session regarding that topic and how it is that we are going to continue the search process. President Kaman asked was there a second? As there was no second, President Kaman declared that the motion dies from the lack of a second.** Mr. Crandall said I just wanted to make that a matter of public record so that the Clerk can so note.

Under **New Business**, Mr. Murray addressed the School Levy Campaign by saying it was one of the most important issues that the City has in front of us and the schools are the single most important asset that we have. He made comments concerning how the levy worked and inflation and asked that they support the School Levy.

Mr. Waddington said I would like to ask for an **executive session on personnel, City Manager**. Mr. Murray seconded. The Clerk called the roll: Yeas: Stahl, Kaman, Murray, Crandall, Fuqua, Waddington, 6. Nays: 0. The motion passed.

Mr. Crandall said with the Fire Department being short of personnel, I was looking at their Equipment Replacement Fund. Right now \$160,000 out of that fund would directly go to the General Fund, with the balance going toward equipment replacement. What I may be suggesting is that the **Fire Department keep their budget, but out also out of that money that two fire positions only be funded**. The Fire Department as it stands right now, they are financing their trucks with General Obligation Bonds and we owe \$840,000. In the account is \$883,739. And not only just for the citizen's safety, but personnel's safety. I'm just using \$4 million as an example. If we use, if the Fire Department budget is a million dollars, I do not want to see that budget subtracted by the amount to fund two fire fighters. That would be in addition to the replacement fund. You still will have plenty of money to continue equipment replacement and also pay for them through financing. It is already being done. And because right now as it stands, we have an account of \$883,000 and we owe \$840,00. So some may think well how come we just do not pay for the trucks when we buy them? So I guess as long as we're financing the money it would be there to help assist with at least two more personnel. So that's what I'm talking about right now. *President Kaman asked Mr. Widman to think about that and get back.* Mr. Widman said I do know that the Fire Chief has projections for the use of that Capital Account. Certainly Mr. Crandall's suggestions would be reviewed and discussed. The Fire Chief keeps a real close hand on and he looks at the budget because he has a very thorough knowledge of how things work in the Fire Department and you can take that into consideration. I know there are other equipment items that are on the future-planning schedule for the department that the Chief is looking at. So by taking money out will probably impact him in some way or another. Yes we have borrowed funds and over time we spread out that obligation for a longer period rather than hitting a current group of taxpayers.

Mr. Crandall said I know that at one point in time legislation was made back when they decreased money for the Fire Department when I was involved with different compensations. But I would also like to see that the union also take part so they will have an active role on making the meetings so they would also have a role on how we can fund this to get more personnel. I was talking to Mr. Miars on needing more police officers and I never thought I would see the day that I'm arguing for the cops. But we have got to make sure that these people are safe on the streets and we just got to find a way to get more personnel in most of these departments. Discussion.

Mr. Waddington said I need to ask for a second **executive session on personnel**. Mr. Murray seconded. The Clerk called the roll: Yeas: Stahl, Kaman, Murray, Crandall, Fuqua, Waddington, 6. Nays: 0. The motion passed.

At **Audience Participation**, Mr. Ginty said Shoreline Playpark and the shoreline not only belongs to the citizens of Sandusky, but all citizens of the state, nation and all visitors from out of town. Different condos residents over the years across from that park have had different requests, but that park should remain. Mr. Miars said something was said about relocating that play area, but that is not going to happen.

Reverend Bob Nickester questioned when the City was going to put the Sanctuary Four Seasons Youth Home (Monroe School) on new business or when were they going to talk about this? President Kaman said right after you were done, I mentioned that we would have someone from staff look into seeing what kind of funds were available.

At 6:31 p.m. President Kaman stated they would take a five-minute break and return. The President returned to the table with the Commission and staff present.

An executive session was held on personnel, City Manager.

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

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

DANIEL J. KAMAN, PRESIDENT
SANDUSKY CITY COMMISSION