

NOVEMBER 13, 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 Dan Kaman, Dennis Murray, Brian Crandall, Brett Fuqua, Dave Waddington, Craig Stahl and Dannie Edmon 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 Director of Engineering Services Kathy McKillips, Police Chief Kim Nuesse, Fire Chief Mike Meinzer, Administrative Services Director Warrenette Parthemore and Scott Schell Economic Development Specialist. It was an open meeting with the audience and the news media present. (Mr. Matthew D. Kline was in the audience)

President Kaman offered the **prayer**, everyone stood for the **Pledge of Allegiance to the Flag**; and the Clerk called the **roll** with all Commissioners present.

Mr. Waddington said I move to accept the **minutes of October 9<sup>th</sup>, 18<sup>th</sup> and 22<sup>nd</sup>**. Mr. Fuqua seconded the motion and it carried.

**Interim City Manager Don Miers received a Proclamation, Key to the City, Certificate for a Bench at Washington and Wayne Streets, and his wife received a dozen red roses for his services as Interim City Manager.**

**Audience Participation** – Mr. Johnny Nicholson, 403 Miller Road, Sandusky, said I am a dog owner. I have called some of you Commissioners and a lot of you were surprised at the reaction this issue has provoked. This tells me you are doing this not for grandstanding or hype, but genuine concern about the quality of life for the constituents of Sandusky. I would like to offer a more balanced concept of **non-breed specific** alternative. You have copies that Penny Kelly has passed out. The American Association of Pet Dog Trainers have worked hard coming up with a point-based system to help Animal Control Officers determine the dangerous dog based on occurrences and not on bred. It requires a little more effort to implement, but if the quality of life for Sandusky is what we're talking about, then you're wasting resources trying to identify a breed of dog and the genetic makeup. When I see dogs barking at all hours, loose dogs running around, even something as little as a dog doing his business in your yard, these kinds of things have a more negative compounding affect on the community, than you harassing law abiding citizens just because of the breed dog they own. In my opinion, the only way to improve the situation is two-fold, you are addressing one by adding an Animal Control Officer, but I think it needs to be armed with a more common sense ordinance with some teeth to it. I would like to see an escalating fine structure for repeat offenders, higher licensing fees, but discounts for seniors, people who microchips their dogs and people who spay or neuter pets. You can also provide small business opportunities to people by offering discounts to dogs with canine business certificate. Small businesses can pop up and they can help train dogs and give certificates. I found a fee structure on the internet that also is in the handout and it shows that other municipalities have done this.

Mr. Nicholson said I know you're talking about adding a K-9 Unit and I attached a web page from a non-profit called Law Dog USA, which provides law enforcement free narcotic and arson detection, free of charge. And the dogs all happen to be American Pit Bull Terriers. I urge the Commission to look at them as an alternative to further save the citizens some money.

Mr. Nicholson said I hope this has been enough to have you reconsider an all out breed ban, I submit to you the appeal for the recent cases that brought about this. At the very least the Commission should table the breed specific language until the appeal is heard to make sure that Ohio in fact will be a breed specific state. If you read the appeal you will see that the evidence in the case is overwhelming in the ineffectiveness of banning the breed bans. And the only objective opinion was from Justice Marine O'Connor that was the head of the Ohio Dog Fighting Task Force. She said with all her expertise on the matter, she said that a breed ban doesn't make Ohio safer. I urge you to reconsider the passage of a discriminatory law.

Ms. Penelope Kelly, K & K Dog Grooming, said I have an American Staffordshire Terrier 11 year old retired champion. The dog has lived with my grandchildren, in a

home with a cat, been in my grooming shop and there has never been any incident. Being a groomer I do have a lot of people bring in their pit bulls and people are pushing the legislation and they have never met a Pit Bull Terrier. The dog fighting is going to go on whether we have legislation that says it's for pit bulls or not. If we start doing that, there are going to be other breeds involved and where do you stop? We do need to have good rules in the City of Sandusky and I think it would be nice if we could all work together and set an agenda with the proper and adequate rulings to help people. The pamphlet would be a good place to start and it would be nice to see Sandusky doing something positive with us in the State of Ohio.

Mrs. Desiree Quinn said I own two Staffordshire Pit Bulls and they are getting a bad rap. A simple rule I've learned is they are very family-oriented dogs and they are very intelligent, and with that they should not be outside dogs. They learn to protect where they are. If he is chained up outside, they are going to protect the yard. As far as the law enforcement, maybe we can make some training or something available where we are not just classifying them, learn how to live with them, train the person, train law enforcement, train the parents. I can't afford to chip my dogs. Chip your kids. You don't know where they are. They're leaving school. They're lost. You have to have a curfew. It boils down parenting. Parent your pets and you won't have stray dogs. There are a lot of things you guys are looking at and I don't think that it is fair.

Mr. Steve Schmidt said I have an American Bulldog. You have these laws to rule a dog vicious and that's just like me pointing a finger and saying you're vicious because you might be a big-statured man or more aggressive. A Chihuahua can bite you just as much as a larger dog. Most attacks are not by a larger dog. If you look at the material that was passed out, most of the dog bites, most of the vicious attacks aren't from the specific breeds. Until a dog is proven vicious, then it should stand as such.

Mr. Bob Warner, 1011 Third Street, said as a dog lover and owner and also as a person that's been bitten in the hand by a pit bull, I don't like breed specific bans. The time I was bitten it was the owner's fault. If you don't raise your dog right, he's not going to be right. I like the point system the gentleman brought up earlier. If your dog acts up, you get bad points or fined higher or you get rid of your dog.

Mr. Tim Schwanger, 1345 Fifth Street, questioned Item 13, the new City Manager's agreement and the word contract because in the past it caused a lot of problems.

Mr. Dale Kosel, 1421 Hayes Avenue, said I have a problem with cats and stepping in what they leave behind.

Mr. Crandall said I would move to accept all of the communications on the agenda tonight. Mr. Murray seconded the motion, carried.

## **PREVIOUS BUSINESS**

### **ITEM #1 – This item was tabled at the meeting of October 22, 2007.**

**ORDINANCE NO. TABLED** - Amending Part Five – General Offenses, Chapter 505 – Animals and Fowl, in the manner and way specifically set forth hereinbelow. It was moved by Mr. Stahl 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. Waddington thanked Mr. Icsman for the clarification on 505 (b) and (c), but said the more I looked into this 505.19, which specifies a certain dog, a pit bull mainly, that would make it a vicious dog automatically just because of the breed of dog. And 505.20 gives a clear determination of what a dangerous or vicious dog is without specifically naming the breed. I would like to take the pit bull out. I agree with these folks here tonight and I'm glad I had an extra two weeks. I appreciate you changing (b) and (c) for clarification as far as if a dog got loose and that safekeeping for a period of 14 days with the County.

Mr. Crandall said at the last meeting, I passed the motion to table this and I too like the ordinance without the breed specific. I know none of the individuals that spoke, except I met Penny once when I dropped off something for a friend of mine. It's just wrong, because we're punishing people that absolutely care about their pets. And I agree with Mr. Kosel, we definitely have to do something about the cat problems in the City. I do agree with moving that division over to the oversight of the Police Department, but as far as breed specific in that, I will simply be a no vote.

Mr. Murray said this has been interesting because at first we received a large amount of input from outside of the community and most of it was quite hysterical and that really didn't do anything for the cause of the dog owners. In the last couple weeks and tonight we have folks that came up tonight to speak and the courage to say this isn't right, but with a very reasonable voice this is why I think you're not

right, here's another way to go. This was really helpful for me to get that kind of feedback. As I look at this legislation, we have got it wrong in a couple of different ways. I think the existing statute is not right, because the existing statute allows for a dog that has killed or seriously injured someone in the community to go back into the community. I think that's something that we need to take a look at. I was particularly persuaded by a veterinarian that said I understand what you guys are trying to do, you're well motivated in proposing this change, but this isn't going to get you where you want to be. We need to take a comprehensive look at the dangerous animal legislation. Mr. Kosel mentioned the cats and Mr. Nicholson had some very good ideas on where we ought to go. ***What I would like to see us do, and what I would recommend is tabling this and form a committee to get an alternative to this legislation. And I would make a motion to put together a group of people including a few Commissioners and a few staff folks. Some dog owners and some community members who are concerned who are connected in neighborhoods, maybe some of the Blockwatch Programs. Those kind of folks that have a sense of what is going on in their neighborhoods, because there is no question that we have a significant cat and dog problem in the City of Sandusky.*** It causes people to not want to live here and move away and it reduces the quality of life in Sandusky. This isn't rocket science, I think within two or three meetings we can outline what we want to do with the legislation. We can look at what other communities have done and bring in examples of other more progressive ways to deal with these problems. ***Mr. Waddington seconded the motion.*** Mr. Fuqua said I know Johnny personally and I would like to see him head up that commission. I know it's going to be temporary, but Johnny is very, very knowledgeable. And before I talked to him, I was going to pass this legislation, but they persuaded me to change my mind. So I would like to nominate Mr. Nicholson if he would head up this committee. And cats are a problem and maybe they can be incorporated into this.

Mr. Edmon asked are they going to look at the entire ordinance or just the parts that we're changing. Mr. Fuqua said I would suggest the whole ordinance. Mr. Edmon said well, Mr. Murray made the motion. Mr. Murray said you can't really come up with a solution unless you take a look at the whole ordinance, because there are basically too many parts that need change. And one of the things that that group needs to talk about along with all of us is how are we going to fund an Animal Control Officer? The initial budget forecast, I realize there is a lot of work to be done on it, but it is not sustainable. We can't run that kind of deficit. Maybe we can increase fees or maybe we can increase penalties to fund that. Mr. Edmon said the reason I brought that up was that there were some other things that really disturbed me more than even the pit bulls being labeled as vicious dogs. Even though I disagree with that, but it also gives the Police Chief permission to go into your house if you have got one. I found that really disturbing to me. I voted no on this ordinance when it came before us three years ago and I was the only one to do so. So I stand by that and I will still vote no for it because I think if it goes to a higher court, the U.S. Supreme Court mainly, I think it's going to be shot down anyway.

President Kaman asked Mr. Murray are you going to head this committee up as a Commissioner? Mr. Murray said I would rather not. Mr. Waddington said I'll do it. **The Clerk polled the Commission on the motion: Yeas: Kaman, Murray, Crandall, Fuqua...** Mr. Fuqua said I need clarification because we did not vote on Mr. Stahl's original motion and I believe his motion was to pass the Ordinance as it currently stands. Mr. Icsman said that intervening motion to table can always precede. **The Clerk continued: Waddington, Stahl, Edmon, 7. Nays: 0. The President declared the motion passed.**

## **CURRENT BUSINESS**

**ITEM #2** – AFTER PUBLIC HEARING, REQUESTED BY COMMISSION 10-22-07

**ORDINANCE NO. 07-075 - Changing the name of Cooke Street, extending from Hayes Avenue (State Route 4) to current Decatur Street, in the City, to Decatur Street.** It was moved by Mr. Waddington and seconded by Mr. Fuqua that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. The Clerk called the roll twice, first on the motion and then final passage as follows: Yeas: Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, 7. Nays: 0. The President declared the Ordinance passed.

**ITEM #3** – Communication – Kathryn K. McKillips, P.E. Engineering Director

**BUDGETARY INFORMATION:** The current share of the cost is \$8,000.00 to be paid with General Funds through the Department of Development and the Department of Engineering Services' annual Operating Budgets and Sewer and Water Funds.

**ORDINANCE NO. 07-076 - Enter into a Geographical Information System (GIS) cost share Agreement with Erie County.** It was moved by Mr. Murray and seconded by Mr. Edmon that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. **Discussion** – Mr. Murray said the funding from the various jurisdictions on the split was disproportionate, how was that split decided? Mrs. McKillips said Erie County has a board made of members from the jurisdictions in the County. A year ago an agreement was put together with numbers based on the population of each jurisdiction of the Township and County. The County was looking for paying for half of the total cost and the City was the next highest funding source because we have about a third of the County's population. In 2007 the City paid \$8,000 to have this service. That was a two-year agreement that would take us into 2008. However we're entering Northern Ohio Rural Water as a new member to the board and they would be paying \$10,000 for the service. The number \$8,000 was negotiated, but the County originally wanted the City to pay more than that and at the time Mike Will was the City Manager, we agreed to pay \$8,000 and that was why that amount was for 2007 and for 2008 as well. Prior to 2007 the City actually paid over \$10,000 based on the number of users here within the City. So we were two years before that, the City paid over \$10,000 for that service. The agreement with the provider of the software and the pictometry has changed that and now our software that we have has no limit on the needs that we provide here to the City. Mr. Miers said if you want them to go back for renegotiations, vote it down or put it on the table and they would do that. Mr. Edmon explained that about three years ago they talked about this particular cost and they came to that we had more departments within the City of Sandusky. So our Police Department can use it. Our Water Department can use it. Our Sewer Department can use, etc. That is why we had a higher cost because of the number of overlays and number of departments that were using it. And it does make sense to do it that way. Even though Perkins Township is bigger, they don't have the number of departments. Mr. Murray said that is true. I accept that. The Clerk called the roll twice, first on the motion and then final passage: Yeas: Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, 7. Nays: 0. The Ordinance passed.

**ITEM #4** – Communication – Kathryn K. McKillips, P.E. Engineering Director

**BUDGETARY INFORMATION:** This grant is 100% funded by the Ohio Department of Natural Resources.

**RESOLUTION NO. 030-07R - A Resolution approving and ratifying two applications submitted to the Ohio Department of Natural Resources Navigational Aids Grant Program on behalf of the Cedar Point Property Owners Association and Cedar Fair, LP to replace twelve (12) existing buoys and ten (10) existing "No Wake" Buoys.** It was moved by Mr. Waddington and seconded by Mr. Crandall that this Resolution be passed under suspension of rules in full accordance of Section 14 of the City Charter. The Clerk called the roll twice, first on the motion and then final passage as follows: Yeas: Kaman, Crandall, Fuqua, Waddington, Edmon, 5. Nays: 0. Abstain: Murray, Stahl, 2. The Ordinance passed.

**ITEM #5** – Communication – Joshua R. Snyder, P.E. Traffic Engineer

**BUDGETARY INFORMATION:** The revised project cost based on bids, including engineering, inspection, advertising and miscellaneous costs is \$179,389.00. The Ohio Public Works Commission will contribute \$88,619.50 (50% of bid) and the City's Sewer Fund will pick up the remaining \$90,769.50.

**ORDINANCE NO. 07-077 - Enter into a contract with Kelstin, Inc. of Shelby, Ohio, for the Venice Road Lift Station Rehabilitation Project.** It was moved by Mr. Stahl 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. Fuqua asked was the only reason why we didn't apply the local preference was because there was a \$30,000 difference between the two bids? Mrs. McKillips said nope, because we had all grant money. The Clerk called the roll twice, first on the motion and then final passage as follows: Yeas: Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, 7. Nays: 0. The Ordinance passed.

**ITEM #6** – Communication – Ed Widman, Finance Director

**BUDGETARY INFORMATION:** Amendments are required to adjust the budget for previous actions of the City. The Commission has approved contracts that are being added to the budget at this time. The largest contributing factor to this amendment is the appropriations for recent advance refunding bond sale and note renewal.

**ORDINANCE NO. 07-078 - Adopting Amendment No. 3 to Ordinance No. 07-016, passed by this City Commission on March 26, 2007, making General Appropriations for the Fiscal Year 2007.** It was moved by Mr. Murray and seconded by Mr. Waddington that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. The Clerk called the roll twice, first on the motion and then final passage as follows: Yeas: Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, 7. Nays: 0. The Ordinance passed.

**ITEM #7** – Communication – Kathryn K. McKillips, P.E. Engineering Director

**BUDGETARY INFORMATION:** The revised project cost based on bids, including engineering, inspection, advertising and miscellaneous costs is \$17,099.25. This project will be paid with CDBG Funds and a tax lien will be placed on each property.

**ORDINANCE NO. 07-079 - Enter into a contract with Abundant Services, Inc. of Bath, Ohio, for the Demolition of 127 Neil Street, 313 Neil Street and 315 Neil Street, Sandusky.** It was moved by Mr. Waddington and seconded by Mr. Murray that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. **Discussion** – Mr. Edmon said I will be abstaining from this, as a relative of the property. Mr. Fuqua said I assume this is the same reason because we are using CDBG money? Mrs. McKillips said yes. President Kaman asked when? Mrs. McKillips said the contractor is supposed to be moving equipment in this week. The Clerk called the roll twice, first on the motion and then final passage: Yeas: Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, 6. Nays: 0. Abstain: Edmon, 1. The President declared the Ordinance passed.

**ITEM #8** – Communication – Kathryn K. McKillips, P.E. Engineering Director

**BUDGETARY INFORMATION:** The cost of this contract has been included in the Engineering Services, Building Division's 2008 Draft Budget. A portion of the cost of the contracts and plan review expenses will be paid by the collection of plan review fees by the Department of Engineering Services.

**ORDINANCE NO. 07-080 - Enter into a Consulting Contract with Don C. Waggoner for Calendar Year 2008, a copy of which is attached hereto.** It was moved by Mr. Murray 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. Fuqua asked did we have a cost on these contracts? Mrs. McKillips said Mr. Waggoner's is \$5,000 and Mr. Mularoni's is \$10,000. The Clerk called the roll twice, first on the motion and then final passage: Yeas: Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, 7. Nays: 0. The Ordinance passed.

**ORDINANCE NO. 07-081 - Enter into a Consulting Contract with Scott J. Mularoni for Calendar Year 2008, a copy of which is attached.** It was moved by Mr. Stahl and seconded by Mr. Waddington that this Ordinance be passed under suspension of rules in full accordance of City Charter Section 14. The Clerk called the roll twice, first on the motion and then final passage: Yeas: Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, 7. Nays: 0. The Ordinance passed.

**ITEM #9** – Communication – Joshua R. Snyder, Traffic Engineer

**BUDGETARY INFORMATION:** There is no budgetary impact on the City's General Fund. The estimated project cost is \$1,374,912.00. The MPO will fund 80% of the project cost in the amount of \$1,099,929.60, and the City will fund 20% in the amount of \$274,982.40. The City's share will be paid with Water and Sewer Funds.

**RESOLUTION NO. 037-07R - Enter into the LPA Federal Local-Let Project Agreement with the Ohio Department of Transportation for the Mills Street Reconstruction Project.** It was moved by Mr. Fuqua and seconded by Mr. Murray that this Resolution be passed under suspension of rules in full accordance of Section 14 of the City Charter. **Discussion** – Mr. Edmon asked if the work would include the sidewalks, curbs and gutters and they won't come back in a year and redo it? Mrs. McKillips said yes. The Clerk called the roll twice, first on the motion and then final passage: Yeas: Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, 7. Nays: 0. The Resolution passed.

**ITEM #10** – Communication – Jane E. Cullen, Engineering Technician

**BUDGETARY INFORMATION:** The total estimated project cost including engineering, inspection, advertising and miscellaneous expenses is \$135,962.37. The City is responsible for the entire project cost and it will be paid with the Water Fund.

**RESOLUTION NO. 032-07R - Declaring the necessity to proceed with the Monroe Street 12" Waterline Project, 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. Crandall 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 called the roll twice, first on the motion and then final passage as follows: Yeas: Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, 7. Nays: 0. The Resolution passed.

**ITEM #11** – Communication – Kim A. Nuesse, Chief of Police

**BUDGETARY INFORMATION:** This invoice represents a current expense for 2007. Funds are routinely included in the Police Department's Operating Budget for each year's 9-1-1 billing. The replacement cost is \$10,780.52 and the maintenance costs is \$8,792.29 for a total \$19,572.81. Funds will be expended from 110-1020-53000.

**ORDINANCE NO. 07-082 - Authorizing payment for Replacement and Maintenance Cost pursuant to the 9-1-1 Agreement between the City of Sandusky and Erie County.** It was moved by Mr. Waddington and seconded by Mr. Fuqua that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. The Clerk called the roll twice, first on the motion and then final passage as follows: Yeas: Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, 7. Nays: 0. The President declared the Ordinance passed.

**ITEM #12** – Communication – Kim A. Nuesse, Chief of Police

**BUDGETARY INFORMATION:** Grant funds received would be placed into an account for grant funds in the Police Department Budget to be expended as outlined in the Sandusky/Erie County Community Foundation Grant Agreement.

**RESOLUTION NO. - TABLED** - Approving and ratifying a Grant Application submitted to the Sandusky/Erie County Community Foundation for the Sandusky Police Department's Canine Program and authorizing and directing the City Manager to enter into a Grant Agreement. It was moved by Mr. Fuqua and seconded by Mr. Murray that this Resolution be passed under suspension of rules in full accordance of Section 14 of the City Charter. **Discussion** – Mr. Crandall said we had a couple of dogs before and I was just questioning the \$10,000 and the training of the dog. Knowing what happened before, are we going to be paying the officer the training time, the room and board for the dog because before it was disbanded because of a lawsuit filed by two of the handlers? Also the \$10,000, I don't know if that's enough money to keep something of that nature going. I would rather see somebody with two legs out on the street than four. I can't vote on this in the affirmative until I can get those answers. Fire Chief Meinzer said Ms. Nuesse had to be called out and she gave me the documentation quick and I did some speed reading to answer that question. The K-9 handlers' salaries will not be an added expense, as an existing police officer will utilize it for this purpose. The only long term funding anticipated will be for the upkeep of the dog, the food, veterinarian bills, supplies and that kind of thing. The grant is going to cover the purchase of the dog and training of the dog. They are going to put in for another grant to equip the vehicle for handling costs.

Mr. Crandall said as training of the dog outside the department, Fair Labor Standards Act, my concern is the overtime that you may be paying and things of that nature that you ran into before. Lengthy discussion ensued.

Mr. Stahl said don't we have a mutual aid agreement with Perkins that has a whole bunch of dogs? Mr. Miars said there is no other K-9 facility within this immediate area that I am aware of and that was one of the first questions I asked the Chief. As far as the training, the grants will pay for that and the purchase of the dog. I was also told that the individual that was selected will be very much of a dog lover and the dog will live with him. Mr. Waddington said so the dog lives with him and we get a hot call and the handler is going to have to go out, and he has put in an eight-hour shift, are we going to be paying OT? If I get called in, I can't have a beer on a Saturday even if my 40 hours are in? My other question is do we have insurance on this dog? Mr. Miars said I do not know, but I would assume the answer would be yes. Fire Chief Meinzer said I do have Chief Nuesse's phone number if they do want

to pass this as an emergency. Mr. Edmon said in light of everything being said here, and Chief Nuesse is not here to answer questions, and also one of the people who talked at the podium earlier said something about Law Dog USA that we can actually defer calls that we are talking about, **I make a motion that we table this until we can get answers to some of these questions. Mr. Murray seconded the motion.**

Mr. Widman said remembering previous circumstances; I was told that their workday would be adjusted to compensate regular care and upkeep for the dogs whoever that officer is. I do think you are going to run into overtime with the situation where you take care of the animal. I think the last time we were told that the people were volunteering, we found out later you can not volunteer with the FLSA and that includes daily upkeep. **The Clerk called the roll: Yeas: Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, 7. Nays: 0. The motion passed.**

**ITEM #13** - Approving an employment contract with Matthew D. Kline as City Manager of the City of Sandusky.

**ORDINANCE NO. 07-083 - Approving and authorizing the execution of an Employment Agreement between the City of Sandusky, Ohio, and Matthew D. Kline.** It was moved by Mr. Crandall and seconded by Mr. Murray that this Ordinance be passed under suspension of the rules in full accordance of Section 14 of the City Charter. **Discussion** – Mr. Crandall said to come upon a formal working agreement, the word contract was used and everything was in good faith and he can leave at any time. There's a separation agreement, and if in fact he did nothing wrong and there's a Commission here that didn't like him for some reason. I couldn't find anything on Mr. Klein and he is outstanding.

Mr. Edmon said I don't have any objections to Mr. Klein being hired as our City Manager and I think he interviewed very well and he was a very good candidate. However, I don't believe that any one Charter Officer should have a contract and the other three don't. So I will vote no on this simply because I don't believe any one of the four Charter Officers, unless we give all four of them a contract.

Mr. Murray said when we were meeting Mr. Waddington, the committee members and I had discussions about what is typical with a City Manager in Ohio these days. This is typical and in fact very odd to not have a contract. This has not been the tradition in the City of Sandusky. This was something that Mr. Klein bargained for in the negotiations. President Kaman said I am not real keen on a contract, but to get a quality person and to retain a quality person and to get them to uproot his family to move to different areas of the state, I think it is a change for these days and times. The Clerk called the roll twice, first on the motion and then final passage as follows: Yeas: Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, 6. Nays: Edmon, 1. The President declared the Ordinance passed.

Under the **City Manager's Report**, Mr. Miars said we have moved **John Lippus to the Main Street Association. We have \$42,000 in grant monies remaining which should be repaid to the Foundations.** They would like it sent directly to the Main Street Association. Do you want an Ordinance to do this or can you make a motion to complete this transfer of monies to the Main Street Association? President Kaman said to be on the safe side we will take an ordinance.

Mr. Miars said the property at **Cleveland Road and Huntington Avenue (Ransom Park)**, we had an option to sell that property for \$155,000 to Biechle Realtors. They paid the option price of \$10,000 that is being paid to the City. The option has expired and we are keeping the \$10,000. The Optionees have an offer from one party for \$155,000 to purchase and they want to be the realtor for that property. The City will net \$165,000 because we already have the \$10,000. If okay, this will be on the agenda later this year.

**Mr. Edmon asked was that money going to be used to create another park in that community because that used to be a park?** Mr. Miars said that would depend upon that fund that the money is put into and I leave that to the discretion of the Commission. **Mr. Murray said make it a motion and I will second it. Mr. Edmon said so moved.** Mr. Fuqua said there was already a park in the neighborhood and maybe they could increase it. Mr. Edmon said the park that is already there is a real small park. So it's not adequate for the same kind of activities that were used in that park now. The kids used to play football and baseball and they can't do that now because a number of houses have been built where the other park is. Mr. Fuqua asked was there room to make another park? Mr. Miars said

I'm not sure it is conducive to kid activity as a park presently. Mr. Fuqua said I don't disagree, but where would we put it? President Kaman said right behind WLEC there is plenty of vacant property. **The Clerk called the roll: Yeas: Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, 7. Nays: 0. The motion passed.**

**Mr. Miers said the City needs a part-time Zoning Inspector, which will cost between \$11,000 to \$15,000 per year depending on the hours worked. Unless there are no objections, we will proceed.** President Kaman said I think it is a good idea. Mr. Murray asked how does a Zoning Inspector fit in with Code Enforcement? Mrs. Carrie Handy said our Code Compliance Officers right now are busy with the housing violations, trashed vehicles, weeds, and they don't have time to concentrate on zoning. They can help out if they have time, but right now they don't. There have been several zoning complaints recently and I don't have time to follow up and some require follow up on a regular basis. And with a part-time person I think we can do justice to actually do the proper investigations that we need to with each of these complaints. **The Clerk polled the Commission: Yeas: Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, 7. Nays: 0. The motion passed.**

Mr. Miers said the **budget** you were given, I spent Friday reviewing it with Ed and Hank and it has many, many things that need to be reviewed. So don't get too excited looking at that budget right now. President Kaman said those meetings get pretty drawn out so if there was any way we could do those on two consecutive Saturday mornings. Mr. Miers said when it comes time for you to get involved, Craig being on the Finance Committee, has some specific recommendations. Mr. Stahl said we handled this last year on the Finance Committee level and we typically meet on Friday mornings. That worked extremely well and on a professional basis and we can work a day out late December or early January. Discussion ensued.

Mr. Miers said we received a letter regarding **LED Lights for the streetlights**. We've looked at some options and Kathy McKillips has done a study.

Mr. Miers said it is requested that the following **donations be accepted for the Green Fund**: \$150 from Tom & Margaret Rutger. Mr. Fuqua said so moved. Mr. Edmon seconded, carried. Mr. Miers said \$300 from Dr. Greg Hicks. Mr. Edmon said so moved. Mr. Crandall seconded, carried. Mr. Miers said \$150 from Gary & Sandie Schweinforth. Mr. Fuqua said so moved. Mr. Murray seconded, carried.

Mr. Miers said it is requested **donations** be accepted for **Greenhouse Endowment Fund**: \$1,000 from the Erie County Men's Garden Club. Mr. Edmon said so moved, Mr. Fuqua seconded, carried. Mr. Miers said \$100 from the Campaign to Elect Dave Waddington. Mr. Edmon said so moved, Mr. Murray seconded, carried.

Mr. Miers said it is requested that a **donation** be accepted for the **hanging of downtown holiday lights in the amount of \$1,000 from the Main Street Association**. Mr. Edmon said so moved, Mr. Fuqua seconded, carried.

Mr. Miers said we have received five additional **donations for the Friends of the Greenhouse for \$90**. Mr. Edmon said so moved, Mr. Fuqua seconded, carried.

Mr. Miers said now since you passed **Matt's (Kline) agreement**, there is an **open house** scheduled for the 20<sup>th</sup> of November from 3:30 p.m. to 5:30 p.m. at the State Theatre. It is a come and go informal meeting and all are invited.

Mr. Miers said a quick update on the **Chesapeake Building**. The letters that have been exchanged back and forth with the Corps have got some attention. I spent about 30 minutes on the phone today. Their comment was well we didn't understand what you wanted to do, but I assured them that we're going to start this week on the project. We sent them additional information so we can shore up the north end of the Chesapeake. They agreed to send us a turn-around permit that would allow us to do that without interfering so that we can get that project off the ground. They also were very reluctant. They sounded like they were going to give us our permits very shortly for the rest of it, but it's been very difficult to get there.

Under **Old Business**, Mr. Waddington said I would like to thank **Sandusky for the School Levy** passing, but I question **House Bill 920**. It passed in 1976. Every since the State Supreme Court ruled that Ohio should rely on property taxes to fund public schools was unconstitutional, law makers have struggled to diverse a substitute system. There's one major factor to understand that makes H.B. 920 devastating for our local schools, employees, in the last decade thousands of school operating levies that have been submitted in Ohio, less than half passed. The winners simply keep up with inflation. The losers cut programs for kids. Please continue to pressurize the legislators in Columbus, call or write them. I'm tired of passing the buck.

Mr. Murray said I want to **thank Susan Schultz of the LEADS Class** that put together the project that **developed the beautiful statue down at Facer Park** and the Underground Railroad Museum for their contributions to the Dorn Foundation and Sandusky Community Foundation and the City's park departments. A lot of it was paid with private money. The City also did beautiful work in preparing the site. We could all be proud with all the people involved and it was neat to see how many people were crazy enough to stand out in the rain for that dedication ceremony.

Mr. Murray said I want to thank the community for **passing the School Levy** and the voters for supporting the Marina District, which is another critical component of our future. I realized it was a close vote and people should continue to stay involved that felt it should be improved or not. President Kaman said I forgot to mention the Lange Trust Saturday for their participation. **Mr. Fuqua said I will make a motion that we instruct staff to begin the process of following up with the Marina District and create a developer agreement and take whatever steps necessary to get this done. Mr. Stahl seconded the motion.** Discussion ensued.

Mr. Crandall said I wanted the people to vote and they did. And certainly as Mr. Murray said it's going to take several months to work through this process. I can't wait until the individuals involved sit down with our attorneys and their attorneys and hammer out an agreement that is legal and binding. And the individuals will hopefully back up funds and back up the project and make them follow the same path as what MidStates Development has to bring their development to fruition. Mr. Edmon said after passage at the election I said I would vote in favor of negotiating a contract. I'm happy that we have Mr. Stahl and Mr. Murray whose going to stay on and watch this project and make sure it goes the way it is supposed to go since they led such a great campaign in making sure that it passed. Now we have to make sure that the money is there and we don't get carried away with it or it does something that it is not supposed to do. With that, I wondered how are we going to do the negotiations? Are we going to hire an outside consultant to do the negotiations to make sure that the prices are right or are we going to do it in-house? Mr. Kline is just coming on so there's certainly some things that he has to be caught up on. Mr. Fuqua said I believe Mr. Miers is more than qualified and responsible enough to take on that duty and that he would be happy to bring Mr. Kline up to speed. Discussion. **The Clerk polled the Commission: Yeas: Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, 6. Abstain: Kaman, 1. Nays: 0. Motion passed.**

Under **Audience Participation**, Mr. Tim Schwanger, Citizens for Responsive Government, commented on the Marina District vote and that they should realize this vote was not a mandate. And as we move forward, you must keep two segments happy, the ones that voted no that you guys are doing the right thing and the ones that voted yes to convince them that it is not going to cost millions of dollars out of their pockets. That was one of the biggest things advertised for this project with the people that were in favor of it, were no or low costs to the taxpayers.

Mrs. Julie Farrar, 426 Dewey Street, commented on the house that blew up on Harrison Street, which was Crystal Gillingham's house and there was a trust set up at Citizen's Bank for anyone that would like to give assistance to that family.

Mr. Dale Kosel, 1423 Hayes Avenue, commented on garbage cans being left out on the boulevard and citizens not abiding by the Code and that they would be sitting out four or five days before pick up or left there permanently. And there were two dirt piles left in his yard and he called the City. It was the Gas Company and they came out and put clay in and there isn't a weed, but he couldn't grow grass either.

Ms. Mae Fenderson, 1704 Judy Lane, commented on the two lanes when going around Sycamore to Milan Road, and there should be better markings before an accident happens.

President Kaman said I will entertain motions for adjournment. Mr. Fuqua said I will so move. Mr. Edmon seconded the motion and it carried unanimously.

ATTEST:

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B. JOYCE BROWN  
CLERK OF THE CITY COMMISSION

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DANIEL J. KAMAN, PRESIDENT  
SANDUSKY CITY COMMISSION