

NOVEMBER 26, 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 Dennis Murray, Brian Crandall, Brett Fuqua, Dave Waddington, Craig Stahl, Dannie Edmon and Dan Kaman 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; 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. (Interim City Manager Don Miers present) It was an open meeting with the audience and the news media present.

Mr. Murray 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 November 13<sup>th</sup>**. Mr. Murray seconded the motion and it carried unanimously.

**Audience Participation**—Bob Warner, 1011 Third Street, commented on the agenda.  
Mr. John Ginty, 5055 Providence Drive, commented on agenda items.

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

#### **PREVIOUS BUSINESS**

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

**ORDINANCE NO. 033-07R - Amending Part Five – General Offenses, Chapter 505 – Animals and Fowl, in the manner and way specifically set forth hereinbelow.**

It was moved by Mr. Crandall 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. Murray asked to what extent does the grant fully cover the cost of the K-9 Unit? There seems to be a whole lot of additional costs that we have absorbed at a point in time that we are strapped for cash to be able to have the officers that we need. I realize the K-9 Unit provides some distinctive advantages. Police Chief Nuesse said the first estimates that we had when we were looking into the grant and the start-up costs, it was between \$10,000 and \$12,000 to equip, purchase, train a K-9 and a handler. In looking into it further and doing more research, it became clear to me that that was maybe a low-end cost and that the average cost runs somewhere between \$12,000 and \$15,000, \$18,000 on the high end. So when we received notification of the grant, one of the things that we started looking at was the possibility of donations to cover the remainder of the funds that would be required for the start-up costs. The reason for that was that we did not want it to impact the Police Department budget in any way. Recognizing the financial situation of the City currently, I felt if we could fully fund all the start up costs initially, including training the K-9 Handler and the K-9, equipping it, and outfitting an existing cruiser. So that we are not purchasing more equipment for more vehicles, and on top of that, making sure that we have all of the policies and procedures in place, then we would move forward with implementing the program. Chief Nuesse said the previous program was implemented from my research and understanding, without doing research with the Law Department to interpret those policies and procedures that were put in place and that was in compliance with the law. I tried to provide some of that information to you gentlemen in your packets.

Chief Nuesse said the estimate right now, from the figures that we are receiving, least \$15,000 would be a better-cost estimate. Obviously the grant covers \$10,000 of that and we have been approached by two other organizations that would wish to donate, but would it cover any of the costs. The ongoing costs of the K-9 would be the feeding of the dogs and any vet bills associated with it. I'm looking at that cost to average around \$700 to a \$1,000 a year. My proposal is that we pay for those ongoing costs associated with the K-9 with our special account. That way the dog would essentially be helping to pay itself. That is not a large amount and that seems to be an average maintenance cost.

Mr. Murray said we are taking an existing officer and we're dedicating that officer to spend most of his time with the police dog. I don't know if that is half or a quarter of his time and there are obviously benefits to having the K-9 in terms of being able to

locate missing people, locating narcotics and things of that nature. What is the cost in terms of personal time? Obviously there is going to be some overtime costs associated with this in certain circumstances and your assessment, if that makes sense, in terms of being able to provide that additional level of protection. Chief Nuesse said that's a good point. From our industry standpoint, in law enforcement, a K-9 is a law enforcement tool. It's not meant to replace a police officer. The purpose of the K-9 would be to enhance the efficiency of the Police Department operation with the handler and other police officers. That said, the K-9 Team would be expected to respond to any police calls during their shift. The advantage of having a K-9 would be that when you have those situations or calls where the expertise of the dog could be used. Such as tracking of elderly people or missing children. We're tracking suspects, finding our cops, you now have another tool available to help the officer to do that more efficiently and more effectively. So from my standpoint, the K-9 would be an enhancement to our staff and to the department as a tool. You do not need replacement necessarily of an officer.

Chief Nuesse said the other thing to take into consideration is without these programs, is that we look at the kind of calls that the K-9 Officer would be most needed for and what those kinds of crisis' are. Generally speaking, what we found from our call volume or our call log, is that from the early evening hours until late evening hours until early morning hours, that's when we get the majority of our calls for service that may require the use of the K-9. By scheduling a K-9 Officer during this time period, we help minimize overtime by not calling the officer out, having him scheduled already in that time period. Having said that, the K-9 Team will be treated as a call out for detectives where we have crime scenes or special incidents. Detectives are called in as they pass along those shift hours to come in and handle those calls. The K-9 Team will be treated the same way. I had some questions about how you handle the overtime. We have policies and procedures in place now to help monitor our overtime of the officers with accountability for their supervisors and as an oversight that will continue. K-9 will not be an exception. Discussion ensued.

Mr. Stahl asked did you talk to the Sheriff's Department, did they have one? Chief Nuesse said I have not. I have been given various reasons why different agencies do not have a K-9 team, but quite frankly we are the largest agency in Erie County. We have a higher call volume. We have a greater need than maybe some of the others.

Mr. Stahl said you said they would have to have an older car available for K-9 only. Chief Nuesse said yes, my plan is to use an existing police car and then outfit it for the K-9 so that we are not purchasing an additional vehicle for the K-9. Mr. Stahl asked what was the ongoing cost of ensuring a car that we wouldn't otherwise have? Chief Nuesse said we did check with our insurance carrier and there is no increased cost for liability for insurance with the K-9. Mr. Stahl said I was really referring to that we would have to have a car dedicated to just the K-9 Department with a cage in it. President Kaman said I think we have a couple of extra cars that we don't use presently. Chief Nuesse said we have cars in our fleet that we are rotating that are not necessarily out on the road 24 hours a day. That was why I thought using an existing vehicle would be a better course of action and less expense and less impact on our budget. The cost of the grant donations should cover the outfitting. Lengthy discussion ensued.

Mr. Stahl asked what length of time do you think the officer would be working with the dog going to the vet, going to school, just dog related stuff? I can understand the need for a drug dog, but I can't understand all of these additions of the ongoing costs of the dog costing \$12,000 to \$18,000. We have a shortfall of ongoing costs of vet bills, time away to go to the vet, which is that done on City time or my time if I'm the officer? And would FOP let the officer go to the vet on the non-scheduled police time? I like the idea a lot better if the officer is going to the vet on their time and not when they could be out patrolling the streets. Chief Nuesse said the way they were proposing was by giving them an hour a day time for the care of the dog and that would include any vet, those activities that take place. Discussion ensued. Mr. Stahl asked do you have any idea how much the cost would be for the vet, redoing of the car, ongoing food cost, annual cost, not with police staff, but ongoing cost of the dog? The vet I think I read \$1,000, how much is the food? Chief Nuesse said those are the ongoing costs that I was talking about earlier, the food and the vet bill average between \$700 and \$1,000 roughly. That's what we're finding among police agencies and that's what we would pay for out of a special account, which would mean that the dog would be self-supporting. Discussion ensued.

Mr. Waddington said I'm looking at this a little differently. A K-9 dog could actually save an officer's life if we looked at this responsibly, and it could actually save time. In the event they go in a house, the dog could go into the house. That would save time and it could save someone getting shot. So the dog is actually a cheap insurance policy instead of maybe losing an officer and saving time on investigations. Chief Nuesse said there is actually validity to Mr. Waddington's statements. We found that the K-9 have been shown to use less use of force because the presence of a K-9 can be a great deterrent and a preventative factor. Having the dog there can reduce officer injuries when you're dealing with violent suspects. There is a lot of value to having a Police K-9 and I would like to say that it is an important tool. It is not a replacement for an officer, but it does help the officer do their job better.

Mr. Edmon asked did we ever check out [lawdogs.com](http://lawdogs.com) to see if it was true that they would actually pay for municipalities to have a dog or not? Chief Nuesse said no we did not. We had researched the law dogs through a K-9 Handler or trainer for law enforcement and they do not recommend having a pit bull for a police dog. So that was never a consideration because of the liability issues.

Mr. Edmon asked what is the City's liability if the dog bites somebody that isn't doing anything criminal? Mr. Icsman said liability, just as if a policeman would make an error, as the Chief said, we would have insurance. Chief Nuesse said but I would point out that a lot of that would be avoided by proper training and proper selection of the dog and a proper handler. And that would be something that we would make sure would happen before we implement the program.

Mr. Crandall asked if an officer worked a 7:00 to 3:00 shift, at what point in time would he be compensated for training the dog? Chief Nuesse said the care and handling of the dog would be the additional hour per day that he would be given. Training is separate. It would be the initial training that would possibly occur with the dog and the handler before they would ready to even be implemented. And then there are ongoing training that's up to the individual agency. What I've seen most successful is at least once per quarter, allowing the K-9 Handler to have some type of ongoing training with other handles, because then the dog is being professionally trained. It makes for a more effective program and reduces the costs.

Mr. Crandall asked would the officer live in the City? Chief Nuesse said yes. Well, ideally she or he would or what's most comfortable. I would not want the K-9 Handler to live too far away possibly. I don't know if you are aware that most of our police officers do not live inside the City limits. There's various reasons for that. Many of them personal and we can't dictate that by law as a preference, but we do have a few. And part of our selection criteria for a handler would be to look at someone who is close by or if possible in the City if he or she agrees to be a handler.

Mr. Crandall asked have the holding cells been fixed yet? Chief Nuesse said my understanding is that; the holding cells are fine. It's the fire alarm and that is in progress. The maintenance people are actively working on that with the alarm company. I hope within the next few weeks it would be operational.

**Mr. Stahl said I would like to offer an amendment to the motion. The amendment I would like to offer is to proceed with this, but we don't have to proceed with it until the funding gap has been met by donations to the cost of the dog.** So then you can go out and find out how much you need Chief. And if the dog is \$15,000 and you have \$10,000 and you say you can get the donations and you know what the number is, we would pass this tonight based upon the knowledge that you would have. Give you the tools to go up and say as soon as I get this money, I can go out and buy the dog. So it gives you the flexibility. Chief Nuesse said this grant they're waiting for, either you accept it or not accept it and it is the second time that it has come back. I've already said you can't put these with funding programs unless it's fully funded and there's no attachment to the budget. But without the grant money, the approval of that they accepted, you know it would be hard for me to get the additional donations. They're waiting to see if this grant is going to be approved first before they give us money. President Kaman said further discussion. **Mr. Stahl said I made a motion. President Kaman said no one seconded it so it dies from the lack of a second to your motion.** The President asked the Clerk to call the roll please. The Clerk then polled the Commission twice, first on the motion and then final passage as follows: Murray, Fuqua, Waddington, Stahl, Edmon, Kaman, 6. Nays: Crandall, 1. The President declared the Resolution passed.

**CURRENT BUSINESS**

**ITEM #2** – Communication – Kathryn K. McKillips, Engineering Director

**BUDGETARY INFORMATION:** The estimated construction cost for the rehabilitation of the Mills Street Tank and the construction of the new Follett Street Tank is \$3,190,000.00, to be paid with Water Funds.

**RESOLUTION NO. 034-07R - Proceed with the Follett Street and Mills Street Elevated Water Tank 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. Murray and seconded by Mr. Fuqua that this Ordinance be passed under suspension of rules in full accordance of City Charter Section 14. **Discussion** – Mr. Edmon asked was that the total cost and were we in agreement with the County now? If we have to share our resources and everything else we are doing with the County, shouldn't they share in our expenses when we do something like this? Mrs. McKillips said this project was totally funded by that \$3,190,000. Per our agreement with Erie County the City is expected to spend a little over \$3,000,000 in cash for both water towers. So that's what we're doing. The County is not partaking in costs of doing the project. That's \$3.3 million.

President Kaman asked did we talk to the County about combining the bids? Mrs. McKillips said yes, I talked to Mr. Miars and he mentioned that he had discussions with their consultant, Burgess & Niple, and which I agree because they are bidding out three different types of towers and we're only bidding out one. And that they have run into some hesitation from contractors because they're bidding out multiple tanks, which they've done before and they're doing it again, they're bidding out two tanks. So possibly a different type of tank, at this point we decided not to go that route. President Kaman asked was there a reason we're going with a different type of tank than the County? Mrs. McKillips said they're doing two half million dollar tanks. We're doing one million-gallon tank. We looked at the three tanks that they're bidding out. We decided that the composite that is concrete based, had a steel bowl on top is the most cost effective initially and the lifetime of the paint. The composite there is one located out there by the turnpike and Route 4. They're bidding out a glass-lined bowl, which we looked at but that sits on a concrete slab with a million gallons on a concrete slab. Our consultant was a little weary about that and they're looking at all steel towers. They're looking at all three, which we also did look at all three, but we determined that lifetime costs beat composites.

Mr. Waddington asked in the near future would there be any rehab for the Cedar Point Tower? Mrs. McKillips said we're still looking at the capability of replacing the tower or just switching the waterline down Cleveland Road and on to the Chausee.

Mr. Fuqua asked would there be language in the contract for local hires? Mrs. McKillips said we will be including the local preference ordinance on this item and also in the digester as only City funds are being used to fund these projects.

Mr. Murray asked would the new tank or existing tank be secured from vandalism? Mrs. McKillips said we have included both tank facilities to take care of that.

Mr. Edmon said it has been my experience when we have projects that cost this much and then we have a lot of change orders. So if a change order would happen to go over \$3.3, are we then going to the County and ask them to kick in their share? Mrs. McKillips said I don't believe so. Well, I think according to the contract it was 3.3 in cash. Anything over that we can do financing. Mr. Murray said it is my recollection, the issue that was negotiated was a spend-down in the cash surplus for certain capital projects. And I think that once we get to the spend-down, and obviously we have to spend it in a reasonable and appropriate way, the balance of that really ends up being absorbed to costs to the Water System. Because they said if we go over that \$3.3 million, that is budgeted through debt and that eventually is recovered by all of the users of the system in an apportionate way. Mr. Widman said I would add, depending on where we're spending the money and what type of improvements we're making, I do think the tower is largely perceived as the City's responsibility in more so trying to make the Treatment Plant. Mr. Murray said it's been a little while since I looked at that contract, but I believed that the engineering study supported that agreement that allocated parts of the capital that we have in our Water System to things that benefit the City and things that benefit the system as a whole. I don't remember what the percentage was, if any, for that water tower. The Clerk polled the Commission twice, first on the motion and then final passage: Yeas: Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, Kaman, 7. Nays: 0. The President declared the Resolution passed.

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

**BUDGETARY INFORMATION:** The estimated cost to clean and inspect the digester is \$35,000.00, to be paid with Sewer Funds.

**RESOLUTION NO. 035-07R - Declaring the necessity for the City of Sandusky, Ohio, to proceed with the Wastewater Treatment Plant Digester Cleaning 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. 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. The Clerk polled the Commission twice, first on the motion and then final passage as follows: Yeas: Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, Kaman, 7. Nays: 0. The President declared the Resolution passed.

**ITEM #4** – Communication – Warrenette Parthemore, Administrative Services Director

**BUDGETARY INFORMATION:** The cost of testing will be charged proportionately to each department based upon number of employees in each and will subsequently be divided between Water, Sewer, General, Traffic and Court. Testing is expected to be completed by mid-November and billing would be received in November or December.

**ORDINANCE NO. 07-084 - Make payment to Firelands Corporate Health Center of Sandusky, Ohio, for the 2008 Employee Health Screenings for the Wellness Program in an amount of \$11,000.00.** 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. **Discussion** – Mr. Murray asked would this be subjected to bidding? Mrs. Parthemore said we did not bid it out. However, we did negotiate a rate with Firelands Corporate Health. We do work with them with all of our Workers' Comp and health issues. If you wish for us to look at other labs and compare costs for next year, we would be happy to. Mr. Murray said part of this entails the question of whether or not that is copasetic. I think that it is underneath our Charter, but the total cost is over \$11,000. Are we required to have competitive bidding or is it because this is a service it is not required? Mr. Icsman said it could be either, it just depends on the facts. A specialized service, as you know with attorneys, accountants and engineers, just provide specialized personal services is exempt from competitive bidding. The trigger, the amount that we anticipated to be over \$10,000, it is not at this point. So rather than be sorry later, we wanted to be safe and come to you now. As far as whether it should be competitively bid, one of the advantages is to get you a better price and the best service, which negotiations did establish a good price. They would also see if these funds were not federal or state funds, but the preference ordinance would apply to this as well. I think the key when this started, Mrs. Parthemore did not know and this is more of a safeguard, it may not be over \$10,000. We can certainly competitively bid and go through that process, but it can sometimes add cost when you do. The Clerk polled the Commission twice, first on the motion, then final passage: Yeas: Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, Kaman, 7. Nays: 0. The Ordinance passed.

**ITEM #5** – Communication – Kathryn K. McKillips, Engineering Director

**BUDGETARY INFORMATION:** Funds for the purchase of Bulk Rock Salt are routinely included in the Traffic Services Operating Budget each year.

**ORDINANCE NO. 07-085 - Purchase Bulk Highway Deicing Rock Salt for the Division of Traffic to be used in the Calendar Year 2008 from Morton International, Inc. Morton Salt Division of Chicago, Illinois, in an amount of \$50,000.00.** 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. The Clerk polled the Commission twice, first on the motion and then final passage as follows: Yeas: Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, Kaman, 7. Nays: 0. The President declared the Ordinance passed.

**ITEM #6** – Communication – Carrie R. Handy, Chief Planner

**BUDGETARY INFORMATION:** The cost of this contract is covered by administrative dollars allocated in the Revolving Loan Fund Program and monitoring fees collected by the Enterprise Zone Program. A portion of the cost of the contract is also covered by administrative dollars received in conjunction with the Community Development Block Grant (CDBG) Economic Development Grant/Loan Funding. There will be no impact on the General Fund.

**ORDINANCE NO. - TABLED - Enter into a Consulting Contract with Gregory E. Sherman for Calendar Year 2008, a copy of which is attached to this ordinance.**

It was moved by Mr. Murray and seconded by Mr. Fuqua that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter.

**Discussion – Mr. Stahl said I would like to table this issue and bring it back.**

And the reason I would like to table it and bring it back next week was so that we could sit. And I would be happy to sit down with you and the City Manager and Don Miers, and sort of from a functional standpoint, I know Don's available to help us with some special projects. We're telling you Greg (Sherman), that the people on this side of the table have a real comfort level with Don (Miers) helping us on those projects. We've got to know Don. We know Don better than we know you and we trust him, inexplicitly. Not that we don't trust you. Part of the RLF Fund, you know I worked with you and enjoyed working with you. I think that part of what you do you do extremely well, but I would like to more properly define who does what. Does that make sense to you? And I think the only way we can appropriately do that is to sit down before one of these meetings and bring that back to the City Commissioners. So I would be more, I would personally feel better if we had a chance as a member of the RLF and the Economic Development liaison to the City, sit down and work that out before the next meeting. **Mr. Murray said I will second that motion.** Mr. Greg Sherman said Mr. Stahl as you said this is a conversation that I have had with Mr. Miers to try to find what everyone's role is and it does need some refining. It's been a little free form from time to time. I have been doing this for nearly 20 years and I've filled in on whatever's needed. But I have no objections certainly to sitting down and going over everything that I do with you... Mr. Stahl interrupted and said and certainly not that we don't want to work with you Mr. Sherman because we do. I just think it's the appropriate time to more accurately define things and I would like to do it before the next meeting. Mr. Murray said I am perfectly comfortable voting on it tonight or taking a little bit of time. Again if four or more of my colleagues want a little time to study something a little bit further before we vote on something and there isn't a reason that it needs to be passed this week as opposed to in two weeks, I'm okay with it. Mr. Stahl said it's too late for Mr. Murray to read the note and it's probably not a very official thing for me to say, but you concur with my thought process? Mr. Murray said I do. Mr. Stahl said thank you so much. Mr. Fuqua asked which motion, just for clarification? President Kaman said to table it. **The Clerk polled the Commission on the motion as follows: Yeas: Murray, Fuqua, Waddington, Stahl, Edmon, 5. Nays: Crandall, Kaman, 2. The President declared that the motion passed, tabled for two weeks.**

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

**BUDGETARY INFORMATION:** Funds for the purchase of these items are routinely included in the Operating Budgets of the Water and Sewer Plants.

**ORDINANCE NO. 07-086 - Purchase 12 tons, more or less, of Potassium Permanganate from Sal Chemical of Weirton, West Virginia, for use at the Big Island Water Works Plant during the Calendar Year 2008 for \$49,680.00.** 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. Murray asked do we periodically look at alternatives that are part of the bid package that go out that if there is a cheaper chemical we can use, if so propose that to us? Mrs. McKillips said no, it's not through the bidding process, but we're currently in the process of bidding a chemical study at our Water Plant, which is doing basically what you're saying. There is a new chemical that we're bidding out this year, which is the Ferrous Chloride for our Wastewater Treatment Plant. In the long run it is more effective and odor controlled than the treatment that we have been using of Alum. Our staff keeps up on technology. The Clerk polled the Commission twice, first on the motion and then final passage: Yeas: Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, Kaman, 7. Nays: 0. The Ordinance passed.

**ORDINANCE NO. 07-087 - Purchase 42 tons, more or less, Liquid Chlorine from JCI Jones Chemicals of Barberton, Ohio, for use at Big Island Water Works Plant during the Calendar Year 2008 for \$21,000.00.** 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 polled the Commission twice, first on the motion and then final passage: Yeas: Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, Kaman, 7. Nays: 0. The Ordinance passed.

**ORDINANCE NO. 07-088 - Purchase 250 tons, more or less, of Sodium Hydroxide Liquid from JCI Jones Chemicals of Barberton, Ohio, for use at the Big Island Water Works Plant during the Calendar Year 2008 in an amount of \$110,750.00.** 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. The Clerk polled the Commission twice, first on the motion and then final passage as follows: Yeas: Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, Kaman, 7. Nays: 0. The President declared the Ordinance passed.

**ORDINANCE NO. 07-089 - Purchase 22 tons, more or less, of Sodium Fluorosilicate from Univar of Bunola, Pennsylvania, for use at Big Island Water Works Plant during the Calendar Year 2008 for \$15,950.00.** 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 polled the Commission twice, first on the motion and then final passage: Yeas: Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, Kaman, 7. Nays: 0. Passed.

**ORDINANCE NO. 07-090 - Purchase 45 tons, more or less, of Powdered Activated Carbon from Norit Americas of Marshall, Texas, for use at the Big Island Water Works Plant during the Calendar Year 2008 in an amount of \$63,900.00.** 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 polled the Commission twice, first on the motion and then final passage as follows: Yeas: Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, Kaman, 7. Nays: 0. The President declared the Ordinance passed.

**ORDINANCE NO. 07-091 - Purchase 750 tons, more or less, of Aluminum Sulfate Polymer Blend Liquid from General Chemical of Parsippany, New Jersey, for use at Big Island Water Works Plant during Calendar Year 2008 for \$195,000.00.** It was moved by Mr. Fuqua and seconded by Mr. Waddington that this Ordinance be passed under suspension of rules in full accordance of City Charter Section 14. The Clerk polled the Commission twice, first on the motion and then final passage: Yeas: Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, Kaman, 7. Nays: 0. Passed.

**ORDINANCE NO. 07-092 - Purchase 313,080 pounds, more or less, of Ferrous Chloride Solution from Kemira of Lawrence, Kansas, for use at the Water Pollution Control Plant during the Calendar Year 2008 in an amount \$89,227.80.** 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. The Clerk polled the Commission twice, first on the motion and then final passage as follows: Yeas: Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, Kaman, 7. Nays: 0. The President declared the Ordinance passed.

**ORDINANCE NO. 07-093 - Purchase 25,000 pounds, more or less, of Ferrous Chloride Solution from Kemira of Lawrence, Kansas, for use by Erie County at the Wastewater Treatment Plant located in the City of Huron during the Calendar Year at 2008 for \$7,125.00.** 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. The Clerk polled the Commission twice, first on the motion and then final passage: Yeas: Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, Kaman, 7. Nays: 0. The Ordinance passed.

**ORDINANCE NO. 07-094 - Purchase 175 tons, more or less, of Aluminum Sulfate Liquid from Univar of Bunola, Pennsylvania, for use by Erie County at the Wastewater Treatment Plant located in the City of Huron during the Calendar Year 2008 in an amount of \$41,300.00.** 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. The Clerk polled the Commission twice, first on the motion and then final passage as follows: Yeas: Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, Kaman, 7. Nays: 0. The Ordinance passed.

**ITEM #8 – Communication – Josh Snyder, P.E. Traffic Engineer**

**BUDGETARY INFORMATION:** I determined that there was a real and present emergency regarding this work which necessitated the City taking action without the complete process of formal competitive bidding and advertisement. The engineer's estimated cost for this section of the project is \$366,916.25. Quotes were solicited to several local marine construction companies, and four (4) were received. Three of the companies quoted prices based on the engineered design, the fourth submitted work beyond the design parameters. Of the three allowable designs, Huffman Equipment

Rental & Contracting, Inc. of Eastlake, Ohio, came in at \$353,287.25, Shoreline Contractors of Westlake, Ohio, came in at \$296,220.00. Geo. Gradel Company of Toledo, Ohio, was determined to be the lowest and best bid at \$274,590.00. The TIF will fund the project and will be paid for via the real estate taxes on the development.

**ORDINANCE NO. 07-095 - Approving the North Breakwater Emergency Work at the Chesapeake Property, ratifying the award of the contract to Geo. Gradel Company; and authorizing and directing the City Manager to execute the contract in relation thereto in an amount of \$274,590.00.** It was moved by Mr. Murray and seconded by Mr. Stahl that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. **Discussion** – Mr. Waddington said I'm glad to see this getting done. Mr. Murray asked if at this point we do not have a permit? Mr. Miers said we do not have the permit. We have a phone conversation scheduled for tomorrow at 1 o'clock that we have an agreement, as to whether it comes out or not. It was a gentleman's agreement to the agreement tomorrow. That going forward they will issue the permit after that conversation. If they're satisfied, we'll give them the information that they need to issue that permit. Hopefully that will be done. Mr. Murray said at this point, even if they deny that permit, they would not have objections to this emergency work? Mr. Miers said we have the permit to do this. This permit has been issued. It was issued as a Nationwide Permit. Mr. Murray said we had been talking about doing this as emergency repair work and that's how it's described here. So I thought this was outside of the permit for this project. Mr. Miers said we told them we were going to do the work regardless of whether we had the permit or not. They threatened us and we told them okay go ahead we'll take it under advisement, we're going to start the work because it needs to be done. And then we got the permit within two days.

Mr. Edmon said this process has been a long time coming. So I'm still kind of confused on why we didn't send out formal bids for this. Why didn't we do that? Mr. Miers said well, I guess I'll take the responsibility for that personally, but the word that we got was that the shore needed to be repaired. It needed to be done according to the blue print we had submitted in our application as well. And the work is going to be done according to that work that was specified in the application that we submitted in 2005. And I think in the bid process personally, I think that people are hungry. There's not much work going on and I think that's the reason you can see the variances in the bids here. I don't know. There was the instructions to Kathy McKillips and her crew, they were to get bids that we could accept so that we could get the work done within a short period of time and get it done before winter fell. That was the instructions. Mr. Edmon said and I understand that, but to me it looks real funny that we didn't allow it to go out for the normal bid process and allow people to respond back to us. It's not like we found out yesterday that that was in bad condition. We've known that for quite some time and we waited until we thought something was going on with the committee. And then we kind of half way sent out a bidding process and I just don't like the way it looks on who is going to wind up getting the job. So I'm going to be a no vote on this. Mrs. McKillips said a year ago we had bid out the work on the Chesapeake Building and this residency work was part of that project and that was Phase I of a two-phase project. And at the time we went out to bid we were told that we would have a permit within 30 days and of course to date, we still do not have the overall permit for the entire project. Last spring for as long as we could we got the contractor to hold their prices. We finally had to let them go because steel prices were increasing and the contractor couldn't hold their bid anymore. So we rejected all of the bids and basically started from scratch. We were waiting to a point that we were confident that we were going to get a permit in hand before we bid the entire project. But again you know as Mr. Miers said, we do not have that overall permit, although we're pretty close. But this work, this emergency work, the actual point that we had to get done, it couldn't wait. Because if we would have waited, bid the project out, they weren't going to do this work with a regular permit until next summer because of the "no in-water work" during spawning season. So this work needs to be done. So that's following the directions. We went ahead and received quotes for the work. This is just a small portion of the \$6,000,000 project. So the remaining work will be bid out competitively as an entire bid packet. These contractors will probably bid on it and we will have multiple other contractors that will look at it as well. Mr. Crandall said we also have pictures in our packet of the work that is to be done. Mr. Edmon said I'm not happy about the way we put it out there and it doesn't look good. We're

giving away money. It seems like we have a certain set of contractors that we're willing to work with and we won't even give others a chance to even bid. That's the problem. We're using public dollars and we're acting like we're a corporation.

President Kaman said I would ask that we go back and who ever we contacted, see if we can see about Shoreline Park erosion and Mills Creek erosion. We have talked about this for four years also and Mr. Packan was working on it when he was here, but we're getting no where with the Corps of Engineers on those projects. Mr. Stahl said I have a lot of contacts with the ODNR and I would be happy to contact them. President Kaman said good, I appreciate it. The Clerk polled the Commission twice, first on the motion and then final passage: Yeas: Murray, Crandall, Fuqua, Waddington, Stahl, Kaman, 6. Nays: Edmon, 1. The Ordinance passed.

**ITEM #9** – Communication – Matthew D. Kline, City Manager

**BUDGETARY INFORMATION:** This expenditure will not affect the City's Budget; the transfer is merely a pass through.

**ORDINANCE NO. 07-096 - Enter into a Termination Grant Agreement with the Frost-Parker Foundation and the Randolph J. and Estelle M. Dorn Foundation relative to the Downtown Development Manager, authorizing and directing the Finance Director to reimburse and redirect funds to the Sandusky Main Street Association.** 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. The Clerk polled the Commission twice, first on the motion and then final passage as follows: Yeas: Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, Kaman, 7. Nays: 0. The President declared the Ordinance passed.

Under the **City Manager's Report**, Mr. Matt Kline said it is requested a **donation** be accepted for **\$1,700 from Anne Sidner for the Horticultural Services Division to be utilized for landscaping at the boat sculpture located on the east end of Shoreline Park.** Mr. Waddington said so moved. Mr. Edmon seconded, carried.

Mr. Kline said the **City's Leaf Collection** efforts are still on schedule although we anticipate running approximately one day behind by mid-week because of the wet weather conditions. Residents are encouraged to follow the schedule outlined in the October issue of the Meigs Street Messenger, checking the City's website [www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us) or calling the Traffic Services Division at 419.627.5934.

Mr. Kline said we have discussing with **Buckeye Cable** the Commission meetings that are taped and shown on a schedule now. They were trying to **provide Video on Demand for customers.** They should know by the end of the week.

Mr. Kline said the past couple months we have been working with Vicki Welch from Erie Metro Parks & Dave Vasarhelyi from the Trust for Public Lands **on the purchase of property for the East Bay Extension.** The purchase incorporates the shoreline along the back of MHD campgrounds and the Griffing property and includes submerged land. The Seitz property, formerly The Sandusky Drive-In Theater, has an appraised value of more than \$1 million and is being purchased entirely with grant money. The City of Sandusky will close this Friday and take a \$150,000 check, which will be reimbursed to us from ODNR. Last year a resolution approving the action was passed and this will bring the acquisition to a close. Barnes Nursery is being paid by the Trust for Public Lands to remove the old theater screen.

Under **Old Business**, Mr. Waddington said tomorrow at 6:30 p.m. at City Hall we would have a **meeting for the tabled ordinance** from the last meeting, **Chapter 505 for Animals and Fowl.** Sandusky Veterinarian Mike Petroka, Penny Kelly from K&K Grooming, John Nicholson a City resident, our Law Director, myself, and I believe Mr. Crandall expressed an interest, will try to clean that up and bring it back to the table.

Mr. Waddington said Thursday Mr. Murray and myself would have an **Alternative Energy Task Force** meeting at City Hall at 7:00 p.m. We will cover our goals and objectives. In January we would have speakers that the foundation would pay for.

Under **New Business**, Mr. Fuqua said I know that most of you probably read the article in yesterday's paper regarding the **alleged threat by Mr. Waldox to his renters.** That really bothered me and I was wondering if there was anything we could do as a City that would protect those citizen's rights, if that is in fact true. Again it is alleged and the letter is out there, but we don't know exactly what it states. I mean the landlord has a right to charge whatever I guess, as long as it's

within reason, but if there were threats made, I would like to see if there's anything we can do to protect those citizen's rights. President Kaman said I don't think we want to touch that. Mr. Icsman said I'm not aware. I did not read it and I don't know what it is we're talking about. It was kind of averted at the last meeting. Mr. Fuqua said apparently there was, and again an alleged letter out there that Mr. Waldock was going to raise the rates of the residents if they voted in favor of the school. In my opinion that is some type of threat. Mr. Icsman said if the Commission wants I could call him and talk to him. I happen to know him. President Kaman said my personal opinion is that it is a school board issue, not the City Commission. Mr. Murray said I think the levy passed and it is just time to move on to other things. I don't agree with sending that letter. It's wrong, but I think the letter was inaccurate, but the levy passed with overwhelming public support. And I think that residents shouldn't be pointing fingers, it's time to move on.

Mr. Waddington said I talked to most of the Commissioners today and the City Manager about **hiring Haag Environmental for a consultant to the City**. This would be contractual, because we need someone qualified on staff for environmental questions as they arise as we go into new development as a safeguard. And they were raised here in Sandusky and both were very, very sharp and work at NASA and they have done a lot of testing for them. I would like to bring it to the table tonight for a vote to have staff look into it. I certainly don't feel that anyone on staff right now environmentally would be qualified, and we would keep our money here locally. **Mr. Crandall seconded the motion.** President Kaman said I think probably in hindsight we should have had this four or five years ago with all the waterfront development we've been getting into. Mr. Murray said I think what happened was the RFQ's are written in such a way that they were inadvertently excluded from being able to qualify. I think it needed to change for the RFQ's to be open for them to participate in future projects. **President Kaman asked for a vote on the motion and with all Commissioners voting "Aye", the motion carried.**

**Mr. Stahl said I will make a motion, as keeping with past practices, to authorize Mr. Edmon's farewell dinner. Also we had an appreciation party for Mr. Miers, to make the payments on behalf of those two events. Mr. Crandall seconded. The President asked for a vote on the motion and with all Commissioners voting "Aye", with the exception of Mr. Edmon abstaining, the motion carried.**

Mr. Edmon said I would request an **executive session Pending Litigation, Sewer Plant**. Mr. Waddington seconded. The Clerk called the roll: Yes: Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, Kaman, 7. Nays: 0. The motion passed.

Mr. Edmon said I would request another **executive session on pending litigation**. Mr. Waddington seconded. The Clerk called the roll: Yes: Murray, Crandall, Fuqua, Waddington, Stahl, Edmon, Kaman, 7. Nays: 0. The motion passed.

Under **Audience Participation**, Mr. Jason Brake, 316 Lawrence Street, questioned when the new taxi ordinance would be passed to include all of the changes? And what was to keep the officer serving with the City once he's trained with that dog that is obedient to him from getting another job? Chief Nuesse said you run into that with all police officers. You can't restrict their ability no matter what assignment it is.

Mr. Don Schwanger, Co-Chairman Watchdogs, 726 Perry Street, asked had they reached a decision on who owned the Ogontz Street Pier Track right of way? President Kaman said there would be no decision on that tonight.

Mr. Tim Schwanger, 1345 Fifth Street, questioned how many units were sold, to whom they were sold to and how much income tax was earned? Discussion ensued.

President Kaman said they would take a five-minute break and return.

At 6:42 p.m. President Kaman returned to the table and held an executive session on Pending Litigation, the Sewer Plant; and the second session on Pending Litigation.

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

ATTEST:

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B. JOYCE BROWN  
CLERK OF THE CITY COMMISSION

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DANIEL J. KAMAN, PRESIDENT  
SANDUSKY CITY COMMISSION