

President Dan Kaman called the meeting to order at 5 p.m. after the **Invocation**, given by Julie Farrar, and the **Pledge of Allegiance**.

The Clerk called the roll and the following Commissioners responded: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse.

Upon motion of Pervis Brown and second of Dave Waddington, the Commission voted to excuse Diedre Cole. All Ayes. The President declared the motion passed.

City staff present: Scott Miller – General Services Director, Judy Nagy – Recreation Program Supervisor, Carrie Handy – Planner, Anna Enderle – Assistant Planner, Todd Roth – Engineer, Jim Lang – Interim Police Chief, Jim Green – Sandusky Fire Department Captain, Don Icsman – Law Director, Hank Solowiej – Finance Director, Kelly Kresser – Commission Clerk.

Upon motion of Pervis Brown and second of Dave Waddington, the Commission voted to approve the minutes of the November 22, 2010 meeting, and dispensed with the oral reading. All Ayes. The President declared the motion passed.

Dan Kaman recognized the **2010 Pride Results in Desirable Environments (P.R.I.D.E.) award recipients:** Kenneth & Tracy Leonard - 749 Curran Street, Martin & Julie Millott - 1210 Ogontz Street, Gary & Deborah Phillips - 1218 Columbus Avenue, Richard & Linda Howell - 1124 Wayne Street, Ann McGookey - 615 Columbus Avenue, Darlene Raymond - 913 Osborne Street, David Christian - 1407 Mills Street, Charles & Lois Pettis - 1929 Camp Street, Patrick & Diane Printy - 206 44th Street and Joseph & Krisan Dye - 502 48th Street. For commercial property, the 2010 award was given to Dr's. Scherger & Moran - 2102 Campbell Street. Dan Kaman thanked the Sandusky businesses which provided gift certificates for the winners: Sortino's Little Italy, Zinc Brasserie, Damon's Grill, Berardi's Family Kitchen, Port Sandusky Family Restaurant, The Lunch Box, East Side Café, Thirsty Pony, Daly's Irish Pub, Water Street Bar & Grille and Mr. Smith's Coffeehouse. Dan Kaman thanked the members of the Neighborhood Advisory Committee for their assistance with the awards.

Marc Fishel, Downes, Fishel, Hass, Kim LLP, presented **the investigation report concerning the proposed city sports complex (aka sportsplex, aka recreation center)**. Marc Fishel said the second page of his report provides an executive summary following numerous interviews and a review of documents. He said nothing was done illegally or unethically, but there are some things that probably should be addressed going forward. Mark Fishel said the city did not violate Ohio sunshine laws when it went into executive session to discuss land acquisition relating to the sportsplex on January 11, April 12 and August 26, 2010. He said while the Ohio Revised Code allows a legislative authority to go into an executive session, there are limited reasons for such, and discussions can occur so long as they are closely related to the reason for going into executive session. Mark Fishel said it is not improper to discuss other matters closely related to the issue in an executive session, e.g., financing for the project. Mark Fishel said the city commission should have approved a contract, by Ordinance, with JRV for the sportsplex project similarly to how the ice arena feasibility study was performed for \$15,000 (because it was in excess of \$10,000). He said the city knew the Frost Parker Foundation was going to reimburse the city for both studies but still should have approved legislation to pay for them.

Marc Fishel said neither Joe Hayberger nor JRV Management did anything wrong and they clearly earned the money which they were paid and is not the issue. He said in January there was discrepancy between what may have transpired but this is not because anyone was lying; he said there were honest disagreements. He said about six weeks before this the city had terminated its city manager, Don Icsman was serving as interim city manager and was bogged down with a lot of things. He said Commissioner Julie Farrar worked closely with Carrie Handy to move the feasibility study forward and there is some discrepancy whether this was discussed in the January, 2010 executive session. He said this went forward without the full authorization of the city commission, which is true of the whole project, up to this point. Mark Fishel said the city manager should have gotten involved and said the commissioners are the legislative body for the city. He said department heads also need to recognize that if a city commissioner contacts them directly about an issue, they need to let the city manager know. Mark Fishel said it was legal and appropriate for the Frost-Parker Foundation to reimburse the city for payments made to JRV and Joseph Hayberger and in this regard, the sportsplex was handled in the same manner as the ice rink study. He suggested, going forward, it is important to work with entities such as the Frost Parker Foundation whether being paid up front or reimbursed as if they say they will pay for something, they will. Mark Fishel said in the future, the city should require all vendors to provide more detail on their invoices. He said there are some questions that cannot be answered just by looking at the bills and this does not mean there is not a valid explanation, rather, there should be documentation

in the file. Mark Fishel said the city manager and/or the entire commission should have discussed whether the city would pay \$4,300 for the appraisals or seek reimbursement from the foundation. He said there are some commission members who believed the foundation was going to reimburse the city for this amount and who thought this should have been discussed by the commission first, or approved by the city manager who would have told the commissioners about it. Mark Fishel said he does not believe the city did anything to hide the fact that the \$4,300 was being paid. He said he read the public records request in the same way Hank Solowiej did and he did not believe this was part of that request. He said the emails referencing the \$4,300 appraisal cost were given in response to the public records request and there was no intent to hide anything.

He said the most important point is the proper role of the commission vs. the administration. He said in the city manager/commission form of government, the city manager is the executive authority who is responsible for the day to day operations and the department heads are appointed by the city manager. He said the primary role of the commissioners is to act as legislators and unless it is an extreme situation, items of concern should be brought to the city manager and not taken directly to the department heads. He said, likewise, department heads should not be reluctant to talk to the city manager about issues brought to them directly by a city commissioner. He said the exception would be when there are issues or allegations made on the part of the city manager. Mark Fishel said there is a balance and there are not hard and fast rules which will apply in every situation.

AUDIENCE PARTICIPATION (*Agenda Items only*)

Tim Schwanger, 362 Sheffield Way, Save Our Shoreline Parks, asked if the city was going to receive \$15,000 from the Sandusky Yacht Club for the vacation of the Warren Street right-of-way (Item #14). He said it was previously suggested this money could be used for erosion control at Shoreline Park.

Wesley Poole, 1939 East Oldgate, said he does not believe the EPA is mandating the hiring of a person to manage the NPDES program (Item #1) and asked the commission to consider tabling or not approving this item.

Upon motion of Pervis Brown and second of John Hamilton, the Commission voted to approve all communications. All Ayes. The President declared the motion passed.

ITEM #1 – Submitted by Kathryn K. McKillips, Engineer

Budgetary Impact: The initial annual amount for continuing to participate with the Erie County NPDES Phase II program is \$10,000.00. This amount will be reviewed on an annual basis and adjusted as needed to accommodate program objectives. The annual cost will be paid with sewer funds.

THIS ORDINANCE WAS TABLED 11.22.10

ORDINANCE TABLED - It is requested an Ordinance be passed **authorizing and directing the City Manager to enter into a Memorandum of Agreement with the Erie Soil & Water Conservation District and the Erie County Board of Commissioners for participation in the Erie County National Pollutant Discharge Elimination System (NPDES) Phase II program;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dave Waddington and second of Pervis Brown, the Commission voted to table this Ordinance.

Discussion: Dave Waddington said he met with Todd Roth and Kathy McKillips today and said changes to this agreement were submitted by the county. He suggested giving the city some time to look into this further before voting. Todd Roth said he would like to look into this further and provide answers to some of the questions asked.

Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed.

Don Icsman proposed making one motion to approve each of the Ordinances under Item #2 (contracts 1 – 15) for the chemicals used to operate the City of Sandusky, City of Huron and Erie County water plants during 2011 under suspension of the rules and in accordance with Section 14 of the City Charter. **Upon motion of Dave Waddington and second of Kim Nuesse, the commission voted to approve contracts 1 - 15 listed in Item #2 under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed.**

ITEM #2 – Submitted by Kathryn K. McKillips, Engineer

Budgetary Impact: Funds for the purchase of these items are routinely included in the operating budgets of the water and sewer plants.

CONTRACT #1/ORDINANCE 10-128: It is requested an Ordinance be passed **authorizing and directing the City Manager to purchase 7 tons, more or less, of potassium permanganate from Marubeni Specialty of Tampa, Florida, for use at the Big Island Water Works plant during the calendar year 2011;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Kim Nuesse and second of Dave Waddington, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

CONTRACT #2/ORDINANCE 10-129: It is requested an Ordinance be passed **authorizing and directing the City Manager to purchase 45 tons, more or less, of liquid chlorine from JCI Jones Chemicals of Barberton, Ohio, for use at the Big Island Water Works plant during the calendar year 2011;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dave Waddington and second of Kim Nuesse, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

CONTRACT #3/ORDINANCE 10-130: It is requested an Ordinance be passed **authorizing and directing the City Manager to purchase 200 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 2011;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Julie Farrar and second of Dave Waddington, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

CONTRACT #4/ORDINANCE 10-131: It is requested an Ordinance be passed **authorizing and directing the City Manager to purchase 8.75 tons, more or less, of sodium fluorosilicate from Sal Chemical of Weirton, West Virginia, for use at the Big Island Water Works plant during the calendar year 2011;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Kim Nuesse and second of Dave Waddington, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

CONTRACT #5/ORDINANCE 10-132: It is requested an Ordinance be passed **authorizing and directing the City Manager to purchase 5 tons, more or less, of powdered activated carbon from PICA USA of Columbus, Ohio, for use by the City of Huron at the Water Treatment plant located in the City of Huron during the calendar year 2011;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Discussion: Julie Farrar said the City of Huron will be paying the vendor directly for these chemicals.

Upon motion of Dave Waddington and second of Kim Nuesse, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

CONTRACT #6/ORDINANCE 10-133: It is requested an Ordinance be passed **authorizing and directing the City Manager to purchase 710 tons, more or less, of aluminum sulfate polymer blend liquid from Applied Specialties of Avon Lake, Ohio, for use at the Big Island Water Works plant during the calendar year 2011;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Julie Farrar and second of Kim Nuesse, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

CONTRACT #7/ORDINANCE 10-134: It is requested an Ordinance be passed **authorizing and directing the City Manager to purchase 313,080 pounds, more or less, of ferrous chloride solution from Kemira Water Solution of Lawrence, Kansas, for use at the Water Pollution Control plant during the calendar year 2011;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dave Waddington and second of Kim Nuesse, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

CONTRACT #8/ORDINANCE 10-135: It is requested an Ordinance be passed **authorizing and directing the City Manager to purchase 25,000 pounds, more or less, of ferrous chloride solution from Kemira Water Solution of Lawrence, Kansas, for use by Erie County at the Waste Water Treatment plant located in the City of Huron during the calendar year 2011;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Kim Nuesse and second of Julie Farrar, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

CONTRACT #9/ORDINANCE 10-136: It is requested an Ordinance be passed **authorizing and directing the City Manager to purchase 175 tons, more or less, of aluminum sulfate liquid from General Chemicals of Parsippany, New Jersey, for use by Erie County at the Waste Water Treatment plant located in the City of Huron during the calendar year 2011;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Pervis Brown and second of Dave Waddington, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

CONTRACT #10/ORDINANCE 10-137: It is requested an Ordinance be passed **authorizing and directing**

the City Manager to purchase 170,000 pounds, more or less, of liquid alum from General Chemicals of Parsippany, New Jersey, for use by the City of Huron at the Water Treatment plant located in the City of Huron during the calendar year 2011; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dave Waddington and second of Julie Farrar, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

CONTRACT #11/ORDINANCE 10-138: It is requested an Ordinance be passed authorizing and directing the City Manager to purchase 20,000 pounds, more or less, of liquid chlorine from JCI Jones Chemicals of Barberton, Ohio, for use by the City of Huron at the Water Treatment plant located in the City of Huron during the calendar year 2011; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Pervis Brown and second of Dave Waddington, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

CONTRACT #12/ORDINANCE 10-139: It is requested an Ordinance be passed authorizing and directing the City Manager to purchase 500 pounds, more or less, of zinc metaphosphate from Bonded Chemical of Columbus, Ohio, for use by the City of Huron at the Water Treatment plant located in the City of Huron during the calendar year 2011; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Kim Nuesse and second of Dave Waddington, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

CONTRACT #13/ORDINANCE 10-140: It is requested an Ordinance be passed authorizing and directing the City Manager to purchase 10,000 gallons, more or less, of liquid caustic soda from JCI Jones Chemicals of Barberton, Ohio, for use by the City of Huron at the Water Treatment plant located in the City of Huron during the calendar year 2011; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dave Waddington and second of Kim Nuesse, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

CONTRACT #14/ORDINANCE 10-141: It is requested an Ordinance be passed authorizing and directing the City Manager to purchase 17,000 pounds, more or less, of hydrofluosilicic acid from Bonded Chemical of Columbus, Ohio, for use by the City of Huron at the Water Treatment plant located in the City of Huron during the calendar year 2011; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Pervis Brown and second of Dave Waddington, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

CONTRACT #15/ORDINANCE 10-142: It is requested an Ordinance be passed **authorizing and directing the City Manager to purchase 2,000 pounds, more or less, of liquid sodium permanganate from Bonded Chemical of Columbus, Ohio, for use by the City of Huron at the Water Treatment plant located in the City of Huron during the calendar year 2011;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Julie Farrar and second of Kim Nuesse, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

ITEM #3 – Submitted by Kathryn K. McKillips, Engineer

Budgetary Impact: The change order No. 8 will increase the contract with Mosser Construction by \$25,206.00. The revised contract amount is \$16,764,134.19. The city's share of the change order is \$15,400.87 to be paid with sewer funds through the project's OWDA loan. Erie County's share is \$9,805.13.

ORDINANCE NO. 10-143: It is requested an Ordinance be passed **approving and ratifying the eighth change order for work being performed for the Waste Water Treatment Plant expansion project Phase II in the amount of \$25,206.00 to be paid to Mosser Construction of Fremont, Ohio;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dave Waddington and second of Kim Nuesse, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

ITEM #4 – Submitted by Kathryn K. McKillips, Engineer

Budgetary Impact: The total estimated project cost based on bids including engineering, inspection, advertising and miscellaneous expenses is \$739,502.00. The city received an OPWC grant for 35% of construction costs only. The water fund will pay for the remaining balance of the project cost. The current distribution based on the estimate is OPWC \$206,325.70 and water fund \$533,176.30.

ORDINANCE NO. 10-144: It is requested an Ordinance be passed **authorizing and directing the City Manager to enter into a contract with Fresch Electric, Inc., of Sandusky, Ohio, for the Cedar Point Road water main looping project;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Julie Farrar and second of Kim Nuesse, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter.

Discussion: Dave Waddington said pressure testing has been performed and the looping project has been completed, outside of the electrical work. Pervis Brown said it is nice to see local business getting some of these contracts.

Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

ITEM #5 – Submitted by Kathryn K. McKillips, Engineer

Budgetary Impact: Funds for this discharge fee are routinely included in the Wastewater Treatment Plant operating budget each year.

ORDINANCE NO. 10-145: It is requested an Ordinance be passed **authorizing and directing payment to the State of Ohio Environmental Protection Agency for the annual discharge fee for NPDES Permit Number 2PF00001 for the Waste Water Treatment Plant for the CY 2010;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion Pervis Brown of and second of Dave Waddington, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

ITEM #6 – Submitted by Kathryn K. McKillips, Engineer

Budgetary Impact: Funds for this licensing fee are routinely included in the Big Island Water Works operating budget each year.

ORDINANCE NO. 10-146: It is requested an Ordinance be passed **authorizing and directing payment to the State of Ohio Environmental Protection Agency for the renewal of the license to operate a public water system for the CY 2011;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Julie Farrar and second of Kim Nuesse, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

ITEM #7 – Submitted by Kathryn K. McKillips, Engineer

Budgetary Impact: This legislation has no budgetary impact.

ORDINANCE NO. 10-147: It is requested an Ordinance be passed **authorizing and directing the City Manager to enter into an amended geographical information system (GIS) 2011 – 2016 Cost Share Agreement with Erie County;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Pervis Brown and second of Kim Nuesse, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter.

Discussion: Dan Kaman said he supports this ordinance and would like to point out that by the end of the term of this cost share agreement (2016), the city's cost should go down as it is based upon census numbers and is per capita.

Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

ITEM #8 – Submitted by Kathryn K. McKillips, Engineer

Budgetary Impact: Mr. Waggoner and Mr. Mularoni will be paid at the rate of \$55.00 per hour for work performed up to a maximum of \$5,000.00 each. The cost of these contracts will be paid with the Building Division operating budget. A portion of the plan review expense will be paid by the collection of plan review fees by the Department of Planning, Engineering and Development

ORDINANCE NO. 10-148: It is requested an Ordinance be passed **authorizing and directing the City Manager of the City of Sandusky, Ohio, to enter into a consulting contract with Don C. Waggoner for CY 2011, a copy of which is attached hereto;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Kim Nuesse and second of Julie Farrar, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter.

Discussion: Julie Farrar said she hopes these gentlemen will help the Chief Building Official to look at some of the commercial properties in the city.

Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

ORDINANCE NO. 10-149: It is requested an Ordinance be passed **authorizing and directing the City Manager of the City of Sandusky, Ohio, to enter into a consulting contract with Scott J. Mularoni for CY 2011, a copy of which is attached hereto;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Pervis Brown and second of Kim Nuesse, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

ITEM #9 – Submitted by Kathryn K. McKillips, Engineer

Budgetary Impact: Funds for the purchase of bulk rock salt are routinely included in the Traffic Services operating budget each year.

ORDINANCE NO. 10-150: It is requested an Ordinance be passed **authorizing and directing the City Manager to purchase bulk highway deicing rock salt for the Division of Traffic to be used in the CY 2011 from Morton International, Inc., Morton Salt Division of Chicago, Illinois;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Julie Farrar and second of Kim Nuesse, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter.

Discussion: Dave Waddington said this contract represents an 18% decrease from last year's contract.

Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

ITEM #10 – Submitted by Hank S. Solowiej, CPA, Finance Director

Budgetary Impact: The cost will be an amount not to exceed \$28,000 for each year. The cost will be distributed to the general fund (\$14,000), water fund (\$7,000) and sewer fund (\$7,000).

ORDINANCE NO. 10-151: It is requested an Ordinance be passed **authorizing and directing the City Manager to enter into an agreement with the State of Ohio, Office of the Auditor, substantially in the same form attached hereto, for the preparation of the December 31, 2010, and December 31, 2011, Comprehensive Annual Financial Reports;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Kim Nuesse and second of Julie Farrar, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter.

Discussion: Dan Kaman thanked Hank Solowiej for bringing this item forward.

Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

ITEM #11 – Submitted by Amanda Meyers, Paralegal and Carrie Handy, Chief Planner

Budgetary Impact: The cost of this acquisition will be approximately \$1,900 in title fees, title insurance, escrow fees, deed preparation, closing costs and transfer fees, but upon sale the purchaser(s) shall be required to pay these costs and the city will recoup them. The taxing districts will not collect the delinquent taxes, assessments, penalties and interest currently due and owing in the amount of \$8,398.17, of which \$5,728.63 is owed to the city for assessments. However, by returning this abandoned non-productive land to tax producing status, the taxing districts will begin collecting approximately \$718.09 yearly in real estate taxes and assessments, which will eventually increase with development of the vacant lots.

RESOLUTION PASSED AT FIRST READING: It is requested a Resolution be passed approving and accepting certain real property for acquisition into the land reutilization program.

Upon motion of Kim Nuesse and second of Julie Farrar, the Commission voted to adopt this Resolution at first reading. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Resolution: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Resolution passed at first reading.

ITEM #12 – Submitted by Carrie Handy, Chief Planner & Enterprise Zone Manager

Budgetary Impact: This administrative action will not impact the city's operating budget. **RESOLUTION NO. 041-10R:** It is requested a Resolution be passed **accepting and approving the City of Sandusky Tax Incentive Review Council's (T.I.R.C.) recommendations regarding current taxation agreements;** and declaring that this Resolution shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dave Waddington and second of Kim Nuesse, the Commission voted to adopt this Resolution under suspension of the rules and in accordance with Section 14 of the City Charter.

Discussion: Julie Farrar said there was a deadline missed with one of the properties (K & T) and asked that steps be taken so this does not happen again.

Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Resolution: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Resolution passed.

ITEM #13 – Submitted by Carrie Handy, Chief Planner

Budgetary Impact: The construction estimate is \$162,350. The MPO will fund 80% of the eligible costs or \$129,880 (80% of \$162,350). CDBG will provide the 20% match of \$32,470.

RESOLUTION NO. 042-10R: It is requested a Resolution be passed **approving and ratifying the submission of an application to the Erie Regional Planning Commission Metropolitan Planning Organization (MPO) and authorizing and directing the City Manager to enter into the LPA Federal Local-Let project agreement with the Ohio Department of Transportation for the Lions Park Bicycle and Pedestrian Path project;** and declaring that this Resolution shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dave Waddington and second of Pervis Brown, the Commission voted to adopt this Resolution under suspension of the rules and in accordance with Section 14 of the City Charter.

Discussion: Dan Kaman said he is hopeful about this application being funded.

Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Resolution: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Resolution passed.

ITEM #14 – Submitted by Carrie Handy, Chief Planner

Budgetary Impact: The city will pay the costs (minimal) associated with recording the documents at the Erie County Recorder's Office from the Engineering Department's 2010 operating budget.

ORDINANCE NO. 10-152: It is requested an Ordinance be passed **vacating a portion of Warren Street right-of-way, north of Water Street, within the city, as set forth on the vacation plat, a copy of which is marked Exhibit "A", attached to this Ordinance and incorporated herein;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Kim Nuesse and second of Dave Waddington, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter.

Discussion: Don Icsman said this vacation was started in 2008 and the Sandusky Yacht Club (SYC) will be paying the City of Sandusky \$15,000 for the property. He said the vacation was delayed due to a lawsuit being filed. He said the SYC initially submitted the documents, but there was an error in the legal description which was corrected by John Hancock for the city. Don Icsman said when persons have questions about these types of things he hopes they would call him. Dan Kaman said the city implemented a policy and is not giving away anything. Tim Schwanger said at the agenda review meeting on Saturday, he was led to believe the city would not be paid for this parcel.

Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

ITEM #15 – Submitted by James F. Lang, Interim Police Chief

Budgetary Impact: The total amount of this expenditure is \$165,562.00 and will be paid with capital funds. Legislation regarding the possible financing of this purchase will be presented by the Finance Director at a future meeting in 2011.

ORDINANCE NO. 10-153: It is requested an Ordinance be passed **authorizing and directing the City Manager to purchase seven (7) 2011 Chevy Impala police vehicles through the State of Ohio Cooperative Purchasing program from Taylor Chevrolet of Lancaster, Ohio;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dave Waddington and second of Kim Nuesse, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter.

Discussion: Pervis Brown congratulated the recipient(s) of this purchase and said these vehicles are needed as soon as possible. Dave Waddington said some of the current police vehicles will be used as replacements for older vehicles in other city departments.

Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

ORDINANCE NO. 10-154: It is requested an Ordinance be passed **authorizing and directing the City Manager to purchase the necessary equipment for new police vehicles from Statewide Emergency Products of Van Wert, Ohio, for the Sandusky Police Department;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Julie Farrar and second of Kim Nuesse, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

ITEM #16 – Submitted by Scott A. Miller, Director of General Services

Budgetary Information: No general fund money will be required for this purchase. The total cost for this purchase is \$186,207.00 and \$93,103.50 will be paid with street funds. \$27,931.05 will be paid with state highway funds and \$65,172.45 will be paid with sewer funds. Legislation regarding the possible financing of this purchase will be presented by the Finance Director at a future meeting in 2011.

ORDINANCE NO. 10-155: It is requested an Ordinance be passed **declaring the 1997 Johnston street sweeper, V.I.N. 1FDXH81CAVVA34625-EQ3 as unnecessary and unfit for city use pursuant to Section 25 of the City Charter; authorizing and directing the City Manager to purchase one (1) 2011 Allianz VT650 series vacuum street sweeper from M Tech Company of Cleveland, Ohio, through the State of Ohio Department of Administrative Services cooperative purchasing program;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Pervis Brown and second of Dave Waddington, the Commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the City Charter. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed. Roll call on the Ordinance: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the Ordinance passed.

ITEM #17 – Submitted by Kelly L. Kresser, Clerk of the City Commission

A Notice has been submitted to the City of Sandusky from the Ohio Department of Liquor Control, requesting a transfer request of C2, C2X and D6 Liquor Permits from Revco Discount Drug Centers, Inc. dba CVS Pharmacy to Ohio CVS Stores, LLC dba CVS Pharmacy, 2609 Venice Road, Unit 1, Sandusky. It

is requested the Clerk notify the Ohio Department of Liquor Control that the city has no objections to this request.

Upon motion of Dave Waddington and second of Pervis Brown, the Commission voted to have the City Commission Clerk notify the Ohio Department of Liquor Control that the city has no objections to this request. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed.

CITY MANAGER'S REPORT

Upon motion of Pervis Brown and second of Dave Waddington, the Commission voted to accept a donation in the amount of \$300.00 from George Mylander for the Sandusky Police Department to be used at the discretion of the police chief (Account #863 1010 485 00). All Ayes. The President declared the motion passed.

Upon motion of Dave Waddington and second of Pervis Brown, the Commission voted to accept a donation in the amount of \$150.00 from Klein Home Improvements LLC to the Green Fund (Account #863 3430 485 00). All Ayes. The President declared the motion passed.

Upon motion of Dave Waddington and second of Pervis Brown, the Commission voted to accept a donation in the amount of \$50.00 from Judith A. Pflieger to the Washington Park & Greenhouse Endowment Fund (Account #873 3482 485 00). All Ayes. The President declared the motion passed.

Upon motion of Dave Waddington and second of Pervis Brown, the Commission voted to accept four donations in memory of Jay Wagner, Jr. for the memorial planting endowment fund (Account #876 2660 494 07) as follows: Jean Holzaepfel, \$25.00; Suzanne O. Bacon, \$25.00; Joyce C. Leimbach, \$25.00 and Martha L. Barnhart, \$25.00. All Ayes. The President declared the motion passed.

Upon motion of Pervis Brown and second of Dave Waddington, the Commission voted to accept a donation from the Mylander Foundation in the amount of \$6,467.50 to be used for the maintenance and repair of the Schade-Mylander Plaza (Account #431 3440 485 00). All Ayes. The President declared the motion passed.

Don Icsman said an email was received from Mac Lehrer, Hoty Realty, requesting that the city consider approval to jointly market the properties each entity (city and Hoty Realty) has for sale on S.R. 6. He said this includes the former Ramone and Steuk properties and another parcel owned by Citizens Bank. Citizens Bank has already agreed to jointly market the parcel they own with Hoty Realty. Upon motion of Dan Kaman and second of Dave Waddington, the Commission voted to enter into an agreement, similar to the agreement between Hoty Realty and Citizens Bank, to market the former Steuk and Ramone properties. All Ayes. The President declared the motion passed.

Don Icsman provided a reminder of the special city commission meeting scheduled for Wednesday, December 15 at 6 p.m. for planning and projects in 2011. He said there will be a facilitator, Bruce Greenfield, to help out with this session. He said he sent an email out last week regarding the importance of having the department heads attend this session to provide input about projects for their respective departments and divisions.

Dave Waddington said he understood the **housing investigation** should be wrapped up by the end of this month/year, but there is still one house which needs to be completed. He asked where the city is with the insurance company and Hank Solowiej said the city is waiting for Mr. Saunders from the State of Ohio to perform a final review of the properties. He said he has been corresponding with him regarding the payout of any funds.

Dave Waddington asked Don Icsman to **set up a meeting with John Kniepper of the Avon Lake water plant to discuss rates** and asked that Dan Kaman, Pervis Brown and Dave Waddington be included. He said the city's water rate is \$1.26/Ccf and he believes Sandusky is 'middle of the road' with its rates and increases are not planned for the next six years. He said the rate study showed the city could have charged more. Dave Waddington suggested the county commissioners look at reducing the cost to their customers which are doubled from the wholesale rate charged by the city. He said he would like to look at an entity which produces water a lot cheaper than we do. Dave Waddington said when this was developed, everyone was at the table working together and the water rate has not changed, yet the county wants to get it cheaper. He said the city has debt at both its water and wastewater plants and

the city's responsibility is first as far as he is concerned. Dave Waddington said the city has been more than fair and would like to explore other options. He said the City of Huron charges \$2.86/Ccf to its customers while Sandusky charges \$1.91/Ccf to its customers. Dave Waddington said there are other things the city could look at with the state cooperative purchasing program and should also be exploring options with our water. He said the city takes an approximate \$200,000 loss each year on its water by keeping the wholesale rate at \$1.26/Ccf. He said Sandusky put up a new water tower, did the water loop project, and is getting a lot of work done. Dan Kaman said it would be nice to sell water to entities other than the county. He said if someone can come in and run our plant and sell water at a lower rate, the county may like this. He said Huron uses the same formula as Sandusky.

Don Icsman asked John Hancock to provide **an update on the Tricor/Keller/Chesapeake properties**. John Hancock said there is some environmental work being recommended by the city's environmental consultants, Partners and Hull, regarding the No Further Action (NFA) order for these properties. He said Partners and Hull found there are some regulations that have changed which affected the Chesapeake building since the NFA was issued and the city's responsibility is for all three properties. John Hancock said some sub slab vapor testing needs to be performed in the crawl space under a portion of Chesapeake Lofts. He said the initial work will be approximately \$6,780.00, but will most likely result in also needing to have a risk assessment performed on the test findings; this will cost an additional \$5,920.00. He said this will be over the \$10,000.00 threshold and Don Icsman said legislation will be submitted at a future meeting for this work. John Hancock said the city will be under a 60 day timeline once the city receives the NFA response and he believes the work should be started as soon as possible. **Upon motion of Pervis Brown and second of Julie Farrar, the Commission voted to continue according to the contract in order to have this work completed. All Ayes. The President declared the motion passed.**

OLD BUSINESS

Julie Farrar said she is enthusiastic about **the new street sweeper purchase as well as for the purchase of new lights for the cruisers**.

Kim Nuesse said the **fire chief selection** committee met last week and is working on essay questions for the candidates. Applications are currently being accepted for the position.

Dave Waddington asked about **the placement of recycle bins at Kiwanis Park and the city service center**. Carrie Handy said she will follow up with the Erie County Solid Waste District tomorrow, but believes these should be in place before the holiday.

Dan Kaman said he would like to see one representative (each) from Firelands Regional Medical Center (FRMC), Cedar Point and the city's human resources department work with Julie Farrar, Pervis Brown and John Hamilton on the **city manager search committee**. He would like to see this group reduce the applicants down to five or seven, although any Commissioner would be allowed to look at any of the applications at any time. FRMC and Cedar Point have agreed to provide a staff person at the vice president level and Dan Kaman said he would like to be clear these persons will not actually select the new city manager, this will be done after interviews by all seven Commissioners. Julie Farrar said no one has yet been selected to be on this committee and there is no magic hat with names in it. Julie Farrar said she has received calls and emails from persons requesting to be on the committee. Dan Kaman said every decision the city makes seems to be questioned and this is just one idea.

NEW BUSINESS

Upon motion of John Hamilton and second of Pervis Brown, the Commission voted to have an Executive Session regarding Personnel, Police Department. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed.

Upon motion of John Hamilton and second of Kim Nuesse, the Commission voted to have an Executive Session regarding Personnel, Finance Department. Roll call on the motion: Yeas: Julie Farrar, Dave Waddington, Pervis Brown, Dan Kaman, John Hamilton and Kim Nuesse, 6. The President declared the motion passed.

John Hamilton said the city has talked about putting **power poles and park benches up for events near Battery Park, the skate park and the Sandusky Bay Pavilion area**. He said it is too bad this was not

discussed during the summer, but he would like to see the former wave action pool filled in, lined with plastic removed and frozen into an ice rink. He said this would not have destroyed the area and it could have been removed if the city wanted to do something else. He said another idea is to put up a graffiti wall by the skate ramp with speakers for music. John Hamilton asked if there was \$20,000.00 to \$25,000.00 available in the Battery Park TIF to do some of these things and Hank Solowiej said that is about the total amount of money generated per year. He said as of today, there are only a couple of thousand dollars left. John Hamilton said he did not realize the balance had gone down this much and Hank Solowiej said the TIF money was used extensively this year. Dan Kaman asked if costs could be obtained for these ideas and perhaps the city could budget some of them in for next year. Kim Nuesse suggested bringing these ideas up at the planning session on Wednesday.

Dan Kaman said he would like to see **a counter or some type of door/barrier put up in the personnel department** because currently the door is wide open and people just walk up to any desk and can see sensitive information which should not necessarily be out in the public view. Don Icsman said he agrees and there are sensitive things on the desks in this office and could be problematic. Dan Kaman said he would like to see this fixed as soon as possible.

Upon motion of Pervis Brown and second of John Hamilton, the Commission voted to approve the reappointment of Robert Egger, Martha Thompson and John Ginty to the ADA Advisory Board for a term ending December 31, 2012. All Ayes. The President declared the motion passed.

Upon motion of Dave Waddington and second of Pervis Brown, the Commission voted to approve the reappointment of Dan Moncher, Brian Allen and Jim Ruthsatz to the Audit/Finance Committee for a term ending December 31, 2012. All Ayes. The President declared the motion passed.

Upon motion of Dave Waddington and second of Pervis Brown, the Commission voted to approve the reappointment of Kevin Zeiher to the Board of Zoning Appeals for a term ending December 31, 2015. All Ayes. The President declared the motion passed.

Upon motion of Pervis Brown and second of Julie Farrar, the Commission voted to approve the reappointment of John May to the Civil Service Commission for a term ending November 22, 2016.

Discussion: Kim Nuesse asked Don Icsman whether she should be voting on this reappointment and Don Icsman said to avoid any impropriety, it would be a good idea to not vote. Kim Nuesse said she would abstain from voting, but said she would like to see another person appointed with more diversity.

Abstain: Kim Nuesse. The President declared the motion passed.

Upon motion of Pervis Brown and second of Dave Waddington, the Commission voted to approve the reappointment of Dan Fresch, Dan Hartleib, Kenneth Tunnell and Mike Yost to the Electrician Examining Board for a term ending December 31, 2011. All Ayes. The President declared the motion passed.

Upon motion of Dave Waddington and second of Pervis Brown, the Commission voted to approve the reappointment Dr. Marsha Cooper to the Erie County General Health District Board for a term ending December 31, 2015. All Ayes. The President declared the motion passed.

Upon motion of Dave Waddington and second of Julie Farrar, the Commission voted to approve the reappointment of David Miller (regular member) and John Panzer (alternate member) to the Erie Regional Planning Commission for a term ending December 31, 2011. All Ayes. The President declared the motion passed.

Upon motion of Dave Waddington and second of Julie Farrar, the Commission voted to approve the reappointment of Lovey Leavell to the Fair Housing Board for a term ending December 31, 2015. All Ayes. The President declared the motion passed.

Upon motion of Dave Waddington and second of Julie Farrar, the Commission voted to approve the appointment of Gary Guendelsberger and the reappointment of Scott Mularoni to the Fire Prevention Code Board of Appeals for a term ending January 1, 2016. All Ayes. The President declared the motion passed.

Upon motion of Dave Waddington and second of Julie Farrar, the Commission voted to approve the reappointment of Carolyn Thomsen (alternate member) and Walt Matthews (regular member) to the Housing Appeals Board for a term ending December 31, 2013. All Ayes. The President declared the motion passed.

Upon motion of Dave Waddington and second of Pervis Brown, the Commission voted to approve the reappointment of Barbara Wagner to the Human Relations Commission for a term ending October 10, 2015. All Ayes. The President declared the motion passed.

Upon motion of John Hamilton and second of Dave Waddington, the Commission voted to approve the reappointment of Mark Dunn, John Luipold, John Zoellner and Dave Swander to the Plumber Examining Board for a term ending December 31, 2011. All Ayes. The President declared the motion passed.

Upon motion of John Hamilton and second of Julie Farrar, the Commission voted to approve the reappointment of Jackie Collins and Sherrie Waddington to the Recreation Board for a term ending December 31, 2013. All Ayes. The President declared the motion passed.

Upon motion of John Hamilton and second of Dave Waddington, the Commission voted to approve the reappointment of Dave Stein and the appointment of Rudy Ruiz to the Residential Building Code Board of Appeals for a term ending December 31, 2015. All Ayes. The President declared the motion passed.

Upon motion of John Hamilton and second of Dave Waddington, the Commission voted to approve the reappointment of Joe Viviano and Breann Hohman to the Sandusky Tree Commission for a term ending December 31, 2013. All Ayes. The President declared the motion passed.

Upon motion of John Hamilton and second of Pervis Brown, the Commission voted to approve the appointment of Karen Gerold to the Solid Waste Collection Review Board for a term ending December 31, 2013.

Discussion: Dave Waddington said two more members are needed to serve on this board. Dan Kaman said persons who are interested in serving on any board or commission can apply to fill any vacant seats which may come up during the year.

All Ayes. The President declared the motion passed.

Under **Audience Participation**, the following persons offered their comments:

Sharon Johnson, 1139 Fifth Street, asked if the sportsplex committee has regrouped and Julie Farrar said they have not met recently, but will be meeting soon since the investigative report was issued tonight. Sharon Johnson asked if invoices will still come through the city and Julie Farrar said she does not yet know the answer to this question. Sharon Johnson said the JRV agreement was signed before the invoices were submitted and asked who gave permission to sign it. Don Icsman said these questions should be answered in the report presented tonight and should be read before asking questions. Sharon Johnson asked if the interviews for the new city manager would be well vetted and Julie Farrar said she plans to do investigation for each of the final candidates.

Scott Hall, 2140 St. Clair Street, asked Chief Lang if the comments posted today on the *Regurgitator* website were true and Chief Lang said they were not. Don Icsman said it is not appropriate for city employees to respond to a source which is not credible. Dan Kaman said this website is strictly for humor and satire and is not factual information.

Gary Toll, 333 Cedar Point Road, asked about the drying facility at the city's property on Old Railroad and Todd Roth said this is a drying facility only and is not connected to a sanitary sewer. He said only certain materials can be taken to the site and are then properly disposed of in another fashion (i.e. land application). Gary Toll asked for clarification about raw sewage being taken to the site and Todd Roth said this does not happen. Todd Roth said there are EPA limits about what can be taken to this site and where it can be taken after drying. He said it is for short term storage only and the EPA did not require any public hearings to allow this.

Tim Schwanger, 362 Sheffield Way, said he tested the system by communicating with some of the commissioners and asking the question about the Sandusky Yacht Club for the Warren Street vacation and the response was that this question would be answered at the meeting today. Dave Waddington said he responded to Diedre Cole's email, but Tim Schwanger was not copied.

A.J. Oliver, 1112 Wayne Street, said he still has concerns about some properties not in compliance with the city codes and said these were turned into the housing department in April. Dan Kaman said to contact him if he (A.J. Oliver) has not hear anything back by the end of this week.

At 6:48 p.m., Dan Kaman announced adjournment of the regular session.

Two Executive Sessions were held beginning at 6:55 p.m. At 8:10 p.m., Dan Kaman declared adjournment.

Kelly L. Kresser
Clerk of the City Commission

Daniel J. Kaman
President of the City Commission