

**FEBRUARY 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 Dave Waddington, Craig Stahl, Dannie Edmon, Dan Kaman, Dennis Murray, Brian Crandall and Brett Fuqua in attendance; as well as the Charter Officers of the City Manager Mike Will, Law Director Don Icsman, Senior Accountant/Auditor Hank Solowiej and the Clerk of the City Commission B. Joyce Brown; the Administrative Staff of the Director of Engineering Services, Police Chief Kim Nuesse, Fire Chief Mike Meinzer, Assistant City Manager Gary Packan, Administrative Services Director Warrenette Parthemore and Economic Development Specialist Scott Schell. It was an open meeting with the news media present.

President Kaman asked that Mr. Waddington offer the **prayer** and requested that everyone remain standing for the **Pledge of Allegiance to the Flag**.

The Clerk called the **roll** with the following Commissioners present: Waddington, Stahl, Edmon, Kaman, Murray, Crandall and Fuqua.

Mr. Waddington moved that the **minutes of February 12<sup>th</sup> and 20<sup>th</sup>, 2007** be approved as written and suspense with the formal reading of same. Mr. Murray seconded, motion carried.

Under **Audience Participation on Agenda Items Only**, Mr. John Ginty, 5055 Providence Drive, commented and questioned agenda items.

Mr. Steve Ernst said Item #3 was authorizing funding for the Ohio Bike Week Rally. They wanted to thank the City for allocation of \$15,000 out of Strategic Plan money.

**PRESENTATION** – Lake Erie Coastal Ohio – Experience the Great Lakes on America’s Byways – Melinda Huntley

**PUBLIC HEARING** – Gary Packan – Development of Sandusky Bay Water Trail

**PRESENTATION** – NRPA Operation TLC2 (Background Check Program)–Michelle Hall

### **NEW BUSINESS**

*Mr. Crandall moved that all communications be accepted. Mr. Edmon second, carried*

**ITEM#1** - Communication by Jeffrey W. Rosekelly, P.E. Project Engineer.

**Discussion** – President Kaman asked where this project was placed on the University of Toledo Survey? Mrs. McKillips said in the top ten. There was a section rated Number 7 and a section rated Number 9.

Mr. Murray said the Commission was of one view on this issue, that government has an objective criteria that they used to determine the street approved to take any appearance of politics out of the selection of the streets that they were going to repair.

**RESOLUTION NO. 006-07R - Declaring it necessary to improve Monroe Street between certain termini by grading, paving, resurfacing, constructing curbs, gutters, sidewalk, driveway approaches and curb ramps, and adjusting manholes, catch basins and a water valve box to grade, all together with the necessary appurtenances.** Moved by Mr. Waddington, seconded by Mr. Crandall to be passed under suspension of rules in full accordance of City Charter Section 14. The Clerk called the roll twice, first on the motion, then final passage: Yeas: Waddington, Stahl, Edmon, Kaman, Murray, Crandall, Fuqua, 7. Nays: 0. Passed.

**ITEM#2** - Communication by Scott J. Schell, Economic Development Specialist.

**Discussion** – Mr. Waddington asked the Law Director to explain why he was abstaining due to possible conflict. Mr. Icsman said Mr. Waddington is related to one of the owners of Deep Water Marina and he didn’t believe there would be a conflict. And even though he can vote, it doesn’t mean you have to. Mr. Waddington’s concern is the appearance of propriety and that is a good road to follow.

Mr. Murray explained the funding and spoke on economic development. He stated that this was a critical piece for clean up in order to proceed with the successful development of the Paper District.

Mr. Crandall questioned having a written agreement with Water Tower Development for their portion. Mr. Will said we will be getting a developer agreement with them, but as the grant application goes in we do not have a current written agreement with them.

President Kaman commented favorably on this resolution and said that we have a good track record and to stop now would be short-sighted on our part and would hurt our chances of getting that grant. My concern was that they were not cleaning up this whole parcel and originally a couple of years ago the plan was to go further out and it doesn't show that on this map.

**RESOLUTION NO. 007-07R - File a completed grant application with the State of Ohio to participate in the Clean Ohio Revitalization Fund (CORF); to enter into an agreement with Partners Environmental Consulting, Inc., in Partnership with Hull & Associates, Inc. of Solon, Ohio, for assistance in preparation of the grant application for the Deep Water Marina Property as part of the Bayfront Paper District Redevelopment Project.** Moved by Mr. Murray, seconded by Mr. Crandall to be passed under suspension of rules in full accordance of City Charter Section 14. The Clerk called the roll twice, first on the motion, then final passage: Yeas: Stahl, Edmon, Kaman, Murray, Crandall, Fuqua, 6. Nays: 0. Abstain: Waddington, 1. Passed.

**ITEM#3** - Communication by Assistant City Manager Gary Packan, Economic Development Specialist Scott Schell/Downtown Development Manager John Lippus.

**Discussion** – Mr. Waddington thanked staff and said because this was a great idea and it was more and more events that we added to downtown. Mr. Crandall thanked Mr. Ernst for explaining the request for money and why this funding was needed.

*President Kaman expressed his support of a fun activity, but said his only concern was Jackson Street and he would like to have staff look into seeing if we were going to need to close Jackson Street because when all of those flags are down there, they may need that extra room if they keep getting those bikes they have gotten in the past and even more. And to hear now in Sandusky that we have gotten sanctioned, that's a big milestone for the City of Sandusky and I look forward for this continuing on for a while. It's a good event.*

Mr. Stahl said a good event, but his only concern was that they had some ongoing negotiations with the owners of the Goodtime and if we closed the Jackson Street Pier down that would adversely affect their business. Mr. Will explained that was the open lot that was on Jackson Street, not the pier. A discussion ensued.

Mr. Crandall said maybe staff could contact business owners on Water and Jackson Streets and work with them on road closures because I had some complaints. We want people to come into the City, but we want to keep the business owners happy to hopefully market their products. Mr. Fuqua said temporary signs would help with the traffic also. Mr. Packan said that Steve Ernst and John Lippus have been going door to door throughout the entire downtown's impacted area and talking about the challenges and the process and getting a lot of feedback.

**RESOLUTION NO. 008-07R - Authorizing and directing the City Manager and/or Finance Director to allocate and expend \$15,000 in support of a portion of the 2007 Ohio Bike Week, The Sandusky Downtown Festival/Block Party.** Moved by Mr. Fuqua, seconded by Mr. Murray to be passed under suspension of rules in full accordance of City Charter Section 14. The Clerk called the roll twice, first on the motion, then final passage: Yeas: Waddington, Stahl, Edmon, Kaman, Murray, Crandall, Fuqua, 7. Nays: 0. Passed.

**ITEM#4** - Communication by Gary Packan, Assistant City Manager, Mike Pisarsky, Horticultural Services Superintendent, and Tom Speir, Greenhouse Foreman.

**Discussion** – After a question from Mr. Murray, Mr. Pisarsky said these funds would be all endowment. They are specifically decided for certain things. This money would always be set aside for use at Washington Park and the Greenhouse.

Mr. Edmon asked if any part of this endowment contributed to the ongoing operations of the General Fund? Mr. Packan said the intention of the endowment is in the future to offset operating costs. Obviously it takes years to build up that endowment so we have a big enough return so we're not using the principle. So we need to get the principle to a certain point where it's earning enough interest that we can use that to offset park operations, specifically the Greenhouse and/or Washington Park. Mr. Edmon asked was there anything in this resolution to address

anything that you just said? Mr. Packan said I don't see it specifically in there, maybe in the attachments. Mr. Edmon said my concern is we have a number of endowments and we keep adding other developments and our General Fund seems to be shrinking constantly and none of this money ever seems to go to the General Fund. Mr. Stahl said this is for people that donate with the intention that it would go to that. So it really wouldn't be General Fund revenues. The fund accounting that we do, this would be handled by donations.

Mr. Pisarsky said within the next few meetings they would also be getting a resolution to change the expenditures of one of these such endowment funds from Oakland Cemetery. There's been a percentage of each burial of each sale of these grave lots going into an endowment for the future care of Oakland Cemetery, and by State law we have to maintain public cemeteries. However, we have found out that that endowment has grown to the point that we can now afford to pay our seasonal help out of that without adversely affecting it, without putting it into negative numbers. So that money alone will offset the cost of this going into the General Fund. I believe that endowments are very important for the future care and maintenance of public property because what you're doing is when you buy public property, by our own ordinances, we must maintain that public property. But as those costs go up in the future and you haven't built anything in to maintain those over the long term, then it becomes a greater burden on the public to maintain those over the long run. So when you create an endowment, you're creating a funding that is long term with interest rates and so the public property can be maintained at the higher level.

President Kaman said I think the endowment is a good idea, but my concern is we're coming up upon a time that if Mr. Stahl is throwing the correct flags, the Greenhouse as we may know it may not be able to survive with the budget cuts and budget things that we are going to have to do. There may come a time that private greenhouses are going to take over renting out palms and ferns and we're not going to be able to do that. If we do something like this, are we handcuffing ourselves to not be able to do something if we have to like close the greenhouse or curtail some of the things that we're doing there? I don't want to handcuff myself now voting on this and not knowing what the budget is going to be, I think we're a little ahead of ourselves. Mr. Icsman said I don't think it will. I think that the State law that authorizes it says that it's under your control. So if you were to take action to do some things you're saying, we would just repeal this endowment if there wasn't going to be anymore income, which I think one of the funding sources was the future income from the rentals. But then again as Mr. Pisarsky points out, there may be enough in donations. I look at it the reverse way that what you're trying to protect is donations that are specified from the General Fund, from things like reallocation, from numbers that people make specified donations for a purpose. This would help protect that. If it comes in the future and it would come to past that you would have to terminate this or take other action, you are not going to be locked into keeping this perpetually or not being able to eliminate this if you so choose to. It's authorized, but it's under your control. It's not mandated.

President Kaman said just the things they did this year with the rentals of the mounds brought in \$13,000 and it was a good move on their part. I applaud them. I'm just concerned that like some of the parks in our City, there are beautiful parks, but kids can't play ball there. We have to maintain those, but we can't use them for a skate park. I would hate to start another endowment where all of a sudden when the time comes and you have to do some drastic moves, but if you say that's not it. Mr. Icsman said by my way of background I can tell you, and maybe Ed (Widman) knows, but he's not here, I don't recall ever formally, I mean we have always taken the informal approach by motion, you have done this in the past. I think that lends that to itself a lot more deviousness than this is more formal. So it would take a formal action for you to undo it, because the others are simply motions and then that becomes as the years go by people don't even remember that there is an endowment or that it should be applied. I think that Ed has actually checked with the Auditor's on this. It is strictly under your control. It isn't mandated. They don't care which approach you take. The less formal one you simply make a motion or you can take this approach, but I have never prepared an ordinance like this before since I've been Law Director.

Mr. Pisarsky said even with the Lake Erie Byway many times Melinda Huntley brought up the fact that our Washington Parks are a tourist draw. If we would get

rid of those, would we be hurting the future of the City of Sandusky? So by instituting this, we have already had one person come forward and donate \$5,000 into this endowment and we have had many other people write checks for as little as \$15, \$30 and \$50. They think that the endowment has received from small and large donations a little over \$8,000 over the past year. So we're trying to make this official and get something going and try to develop a Friends of the Greenhouse organization so that we can have a public entity out there pushing and advertising what we're doing. And hopefully one day this can be somewhat self-sustaining and not be a drag on the General Fund anymore.

President Kaman said just to make it clear, I'm not advocating closing of the Washington Parks. What I'm saying is you may have to find the time and a way to put flowers in those beds cheaper than what we're doing it right now. Mr. Pisarsky said that's why we strategically worded this the Washington Parks/Greenhouse Endowment. So if at any time the Greenhouse can no longer be in use, we can still have people there and still maintain hopefully Washington Parks. I can assure you that if we don't grow our own plants, it will not be the same quality that it is now because some of the plants that we grow are not openly available and are very much more expensive than what we grow them for. So again, there would be a cut in what we do down there, but again this is a way of trying to look long term. If we had done this 30 years ago and put \$3,000 or \$4,000 a year that we're getting from palm rentals. And we used to do the mounds for free and about three years ago we decided we would try to charge for them and people are still filling them up. A discussion ensued.

Mr. Packan said back in March there was a motion to create an endowment and that's when the donations were put into it and this time we're asking for revenues to be generated from changing ideas that we saw in Greenhouse operations. I would love to go through them. About two years ago we were going through the budget process and we started talking about concerns of the Greenhouse. Staff tried to become proactive and determine ways that we could head towards self-sufficiency. Now that may be a long period from now. But one of the ideas was to create endowments. We started charging rental fees for our mounds, just \$500. We created the Celebration Mound where people could rent that by the week. It's something unique to us for \$125. We started promoting ourselves through Greenhouse Open House teaching people about the Greenhouse and its operations. This year we are going to be pro-actively scheduling tours in Washington Parks teaching people about the history of the parks, the trees, that type of thing. We've done small repairs to the Greenhouse in regards to energy efficiency, which has reduced our operating costs. And eventually we are heading towards larger long-term repairs. Reiterating that we started marketing ourselves just in regards to that facility that actually says Washington Parks. And Melinda Huntley talked about it earlier that we're actually going to have a map that is going to be distributed State-wide and nationally and it's going to have us on that map as a floral garden. We've looked at our rental fees for palms and ferns and we have increased those and changed them from non-residential. We have promoted ourselves at the boat show and we are in the process of creating Friends of the Greenhouse. So staff is trying to be pro-active and understands the budget challenges that we have and the challenges that face us so we continue a quality service that is unique in Sandusky. And another thing that we need to look where our niche is, and we have been doing floral mounds for over a hundred years. I've purchased postcards off e-Bay that have 1908 and 1901, and 1905 I think, it was in regards to our Washington Park. So we want to keep that long-standing history of having our floral gardens in Sandusky as much as we can. So staff is trying to proactively create a revenue source that's long-term that will help us preserve the Greenhouse and the way that you see it as today. President Kaman said and I applaud you for all of that.

Mr. Stahl said let's not confuse income from operations and donations requests, both are different things. I think what Mike (Pisarsky) is looking for is driving for his donation requests. And I think some of the confusion Mike is income from floral mounds is income from ongoing operations. Mr. Pisarsky said well, we're actually requesting that we use both. We want to create the stream by which the people can make the donations and also we are using the income from the floral mounds and from around the... Mr. Stahl interrupted and said I understand that, but the main focus of what your request is tonight is donations and requests. Mr. Pisarsky said correct.

Mr. Fuqua asked if there were any particular endowment that those funds have been earmarked for, is it possible to take money out of those and move them to the General Fund or someplace else? Mr. Icsman said the answer would be yes, I believe you can. Unless you establish a trust through the Revised Code, which is for larger sums of money, then you would be locked in and you would have to follow through. I haven't talked to the auditors, but the auditors have no position. You can do it informally by motion, which I think is the way the majority of these endowments were handled in the past or formally under a separate section of the Code, which I cited in the ordinance. But in either case, the authority is yours so I would respectfully disagree with Dannie (Edmon) that I don't believe your hands are tied. This will make it a little more clearer, a little more formal, but it will apply to both donations and this revenue stream that they have. A lengthy discussion ensued.

Mr. Crandall said I would like to make a motion to table this for further discussion and maybe staff clarify the issues that some of us may have. Mr. Waddington seconded the motion. The Clerk polled the Commission: Yeas: Edmon, Kaman Crandall, 3. Nays: Waddington, Stahl, Murray, Fuqua, 4. The motion failed.

Mr. Crandall called for the vote on the other motion on the ordinance.

**ORDINANCE NO. 07-011 - Authorizing and directing the City Manager and/or Finance Director to establish the Washington Parks/Greenhouse Endowment Fund, to transfer specific funds from existing accounts and authorize money derived from specified sources to be paid directly into the Washington Parks/Greenhouse Endowment Fund.** Moved by Mr. Waddington, seconded by Mr. Crandall to be passed under suspension of rules in full accordance of City Charter Section 14. The Clerk called the roll twice, first on the motion, then final passage: Yeas: Waddington, Stahl, Murray, Crandall, Fuqua 5. Nays: Edmon, Kaman, 2. Passed.

**ITEM#5** – Communication by the Ohio Department of Liquor Control.

**A transfer request of D1, D2, D3 and D3A Liquor Permits to C Yan LLC dba Cronins Tavern, 124 East Market Street, Sandusky, Ohio 44870 from C Yan LLC dba Cronins Tavern, 1119 W. Washington Street First Floor, Sandusky, Ohio 44870, Chester Yanushewski.** Mr. Waddington moved that they request that the Clerk notify the Ohio Department of Liquor Control that the City has no objections to this request. It was seconded by Mr. Murray and carried.

**ITEM#6** – Communication by the Ohio Department of Liquor Control.

**A new liquor request of D3A, D1, D2, D3 and D3A Liquor Permits to Lake Erie Island Cruises LLC dba Goodtime I, FED REG 5332040, Jackson Street Pier, P.O. Box 60, Sandusky, Ohio 44870.** It was moved by Mr. Fuqua that the Clerk notify the Ohio Department of Liquor Control that the City has no objections to this request. Mr. Waddington seconded the motion, and with the exception of Mr. Edmon voting "Nay", the motion carried.

Under the **City Manager's Report**, Mr. Will said I have a **\$35 donation from James H. Stark for the Greenhouse Endowment Fund.** Mr. Waddington moved for acceptance, Mr. Fuqua seconded, motion carried.

Mr. Will said I have **two floating docks at an approximate value of \$1,800 donated from Carl Wolfe on behalf of Battery Park Marina to be utilized at the Pipe Creek Canoe Launch Facility.** Mr. Waddington moved for acceptance, Mr. Fuqua seconded, motion carried.

President Kaman asked were there any questions of the Manager? **Mr. Edmon asked what the procedure was for getting a key to the City?** Mr. Will said it is not a procedure that is handled in my office. I think what we've been doing, I mean it goes through the Commissioners office, we have keys to the City go through there, and there's not been a formal policy and procedure on it as far as we have been able to tell looking back on it. So I think really it's just the application hadn't come up that much until just recently the past few weeks and we have been working through them on a case by case basis. Mr. Edmon said so we just give them out? Mr. Will said I don't know if we kind of just give them out as a way... Mrs. Joyce Brown said in the past people would call in for proclamations or keys to the City, they would request them in the past. That's how they were put out. President Kaman asked are we still doing it the same as in the past? Mrs. Brown said originally the proclamations came through me and the keys had been in the City Manager's office

and now I handle the keys also. So that was the way we did it before when I used to do it. Somebody would call in and make a request. Mr. Will said we can put a policy in place if you want us to fool around with that. President Kaman said I think there's more important things to do. Mr. Will said okay.

Under **Old Business**, Mr. Waddington said after last week's **Youth Roundtable meeting** on what could be done with our unsupervised youth and generally the youth in Sandusky, now I would like to ask this Commission tonight to have the support to look into existing staff or resources to appoint someone in-house to lead the direction of collaboration of the information from the City, the schools or faith community, possibly the creation of a teen web page to which all current events could be combined and updated and listed. I think this is vital. Tomorrow night at 6:00 p.m. we will have another roundtable discussion down here. I think if we have just one day out of the week where we can anticipate someone. I talked to Mr. Packan and Mr. Will about this idea. I know the waterfront's our current backbone and our future of Sandusky, but I want to try to do something. And Mr. Kaman can work with me on this and some of the other Commissioners, for the kids to come back I had found like 14. And I think everybody up here has kids and if we can network all the information from the faith community, the schools and the City and maybe have a website or webpage. And mostly over 90% of the kids today are computer literate. And within the next few weeks we're working with Mr. Packan on the Gospelwine with Park & Rec. I think the biggest thing is a lot of people are doing good things in our community, but we really don't know. We need to work and partner with all of these and get the information out where a kid can go on line on a Friday. If we don't do anything, a community center is not going to happen in the next six months. Parental involvement, we're going to have to really send that message out too and parents have to get involved. Mr. Murray said I want to thank you for your initiate and the clarity of your thinking in that regard. It's great what you are doing.

Mr. Crandall said on the **Waterfront Marina Project** in mid December I had asked Mr. Will through his secretary and subsequent conversations, and through no fault of his own, the information that I did receive was January 29<sup>th</sup>. *Because what I wanted was the **biographies and portfolios of the development gentlemen** that we are dealing with, what they have completed, the primary developers.* The information I received from one individual, he is an architect, but I see no where in the biography that he is a developer. The other item I researched was that there was no argument that he worked for that architectural firm and that he was a project architect. And the other individual that I researched is that he is a leasing agent with his own company. I guess I am looking at, and I wanted this noted now so they understand that I want the developments that they have specifically developed. Because I was under the impression when I first saw their presentation that they were heavily involved as far as developers and since that time I certainly have had my mind changed on that issue. So if you could notify them that I need the projects that they have been the primary developers on.

**Mr. Waddington said I forget to ask if we could have a voice vote to have staff look into if we have grants or monies or any researching we can get maybe one day weekend staff or get this thing (Youth Roundtable) kicked off?** President Kaman said we're just looking for someone to spend a couple hours a week as a coordinator for this from staff that they can take the information that the faith-based community gives us that they're doing something on Saturday morning and this church is doing something on Wednesday night, what age groups, what they're doing, and somehow incorporate that into our City things. So when we promote what there is to do in our City Recreation, here is all of these things that our faith-community is doing also. So when a tourist comes in and picks up our brochures for all of our different things, there's also in there the City's also cooperating and working with the faith-based community on the youth. What they can do. So it's not just about tourism. It's about what we do for our own here. Mr. Waddington said I think it'll take more than two hours. I would like to maybe see one day and I think we have some part-time people on staff.

Mr. Will said what I would add to that was that the people that would work on that, they were working on the same kind of initiative, just working on creating activities

for youth and kids. So if you take them away from that and then put them in organizer rolls and you try to do something over there, what we would like to have the flexibility to try to find a way to do it with rearranging the people that we have. But then if we can't figure it out in a way that gets us to what we all want here, I have the flexibility to go after some sort of grant support or something like that would help us put somebody in place. A discussion ensued. **Mr. Murray seconded the motion. The Clerk called the roll and with all Commissioners voting "Aye", the motion carried.**

Mr. Murray said we have been approached by a **potential developer in our community who has concerns about the consumer protection ordinance that we adopted a few months ago regarding advertising in the payment of prevailing wages.** Frankly I reviewed their concerns and I think they're misplaced and as a result of poor legal advice, but Mr. Icsman has suggested some language changes to our ordinance that would clarify that. In order to make certain that we are taking whatever steps that we can to encourage development in our community and at the same time provide the protection that the ordinance provides by consumers, I would make a motion to ask Mr. Icsman to prepare legislation that would modify that ordinance to clarify what the Commission's intent was. **Mr. Edmon seconded. The Clerk called the roll and with all Commissioners voting "Aye", the motion carried.**

Mr. Murray said I have a **second motion** to make, and following up with our discussions last week and discussions generally with our communities, **Sandusky and Perkins, regarding studying the possibility of creating a new Justice Center that would house both police departments and Municipal Courts or a modified County Court, I would like to make a motion to ask that we appoint four members of our Chief Selection Committee to that committee. They would be Janice Warner, Brenda Alexander, Ron Maschhari and Dick Brady.** All of those individuals have indicated that they would be willing to serve in that capacity. **Mr. Waddington seconded the motion.**

President Kaman asked for discussion. Mr. Edmon said before we set up this committee shouldn't we take a look at the Charter to see if this is even something that we can do in the City? Mr. Murray said that is one of the things that I developed an outline of for what we would be asking for the committee to review. I distributed that before the beginning of the meeting tonight. And I'm not asking for the Commission to specifically approve that, although if they wish, but it is one of the things it outlines is the task, a specific task that we're giving to the committee and among those is to study whether or not we would need changes to the legislation in Columbus or changes to the City Charter. Frankly I don't think that we're going to need changes to the City Charter, but it's a possibility. They would be coming back to us by September with some kind of report in terms of what their recommendations are or if they have encountered impediments that they simply can't overcome.

President Kaman said I think the Perkins Committee is going to have to look at their rules and regulations also and we're going to have to look at ours and that is part of this committee's job. I think it's good that we have separate committees working together on this so that our staff, Perkins staff, our Commissioners, their Trustees are in on the beginning of it. This is a very good committee and they will ask questions and they will find answers. Discussion ensued. **President Kaman asked the Clerk to call the roll and with all Commissioners voting "Aye", with the exception of Mr. Edmon voting "Nay", the motion carried.**

Mr. Fuqua said regarding a letter on **Code Enforcement where a person was cited on a complaint, and a year ago I had suggested that we change how we notify people to make it a little more customer friendly.** According to this letter this person spent a lot of money on the changes that they did and the only things that were noticed were the things that hadn't been done. Do we express our thanks to these people that have taken the steps to correct the enforcement? Mr. Will said I do not know the particulars of the letter, but as far as procedure I don't think we have a thank you letter at the end of it. Mr. Fuqua said maybe that was something that we could look into. Mr. Murray said maybe they could be sent a copy of the letter that was sent out so that they could see if the tone was appropriate. I think it is terribly important that we continue with that program. It has an impact on how it is with the

safety of our community, on how people feel about coming to live in our community, how children and families feel about the safety of playing in the community. Discussion ensued.

Under **New Business**, Mr. Edmon requested an **executive session under personnel, union contracts**. Mr. Murray seconded the motion. The Clerk called the roll as follows: Yeas: Waddington, Stahl, Edmon, Kaman, Murray, Crandall, Fuqua, 7. Nays: 0. Passed.

Mr. Stahl said last Friday our **Finance Committee met and discussed the General Fund Revenue/Expenses for fiscal year 2007**. These numbers in our budget must be approved by the end of March. He gave information on the budget, how it was put out to the public and how they had a problem with revenues and expenses in the City of Sandusky. Mr. Murray gave pie-chart information about the budget crunch and how government accounting was distributed.

Mr. Crandall said Mr. Will can I be notified by telephone instead of e-mail for special or emergency meetings? And I will call back or also by a police officer dropping the notice off at my house. I will also give the Clerk a couple of numbers. Also with the news media not getting proper notice it gives the appearance that there is something to hide. President Kaman said I echo that and I feel the public needs to know when we're meeting.

Mr. Crandall said crews did a good job during the snow storm.

President Kaman said with the Great Lakes Seaway and our coal docks on the west end and with being a port city, *I would like Mr. Schell to look into the windmill/wind turbines because it was a growing trade for parts*. We had started something about a year ago and it lost momentum.

Under **Audience Participation**, Mr. Joe Thayer, Local 33 Sheet Metal Workers, 637 Perry Street, Vermilion, Ohio, said I guess I'm looking on a little bit of clarification here and I'm going to refer to two different newspaper articles. One that was in the Chronicle, not the Chronicle I'm sorry, but the Register, that would have been the week before Christmas, a couple of months ago here. And that stated when I had brought up a complaint about unregistered contractors and/or employees and how the City was tracking them. And my comment was that there were people working at the Chesapeake Building that you guys did not have, you know have accounted for in the way of paperwork and/or income tax, money that you guys may or may not be losing. Mr. Bob Davis believes that everybody working at the Chesapeake Lofts site was registered with the City and he then went on to just cite the ordinance and what not. Just this past Friday there was another article in there in regards to a lien that was filed by me on behalf of nine people including myself working on that project. We were not paid by the contractor, Precision First HVAC, which is a sub to MidStates. And in here the owner of Precision First states that we're not his employees, that we're subcontractors and he's asking for us to prove where our registration with the City is. So with that being said, I know what my stance is. What is the City's stance as to whether we're employees or not employees and where do we go from here? It's kind of by it's own admission that the City's in financial trouble. We have contractors whether they're local or coming from Cleveland or Pennsylvania or wherever they're coming from, and people are coming in and out of here doing work on projects. Whether it's to be someone's house on the street or something as big as Chesapeake, the issues that I'm presenting here, you guys are losing money. So where can we go to work together to try to figure this out?

President Kaman said this is something that we have been battling for three years that I know of. Mr. Icsman or Mr. Will, I know we've talked about it what two weeks ago? How are we doing on this? It keeps coming up. Mr. Will asked are you involved in the middle of a lawsuit? Mr. Thayer said it's not a lawsuit. I filed a lien on a project. Mr. Will said okay. It's hard, it's really hard to answer your questions like this without having any advance information. It would be real helpful if you just stop in and talk to Scott Schell who was taking up... Mr. Thayer interrupted and said okay I'm sorry to interrupt you, but to respond to that, I sent a letter oh it was in December before I went on Christmas vacation and I was demanding that the City stop work on that project. The letter went to you (Mr. Will) as well as all the

Commissioners and all the way down the board through Zoning. I never received one, well actually Mr. Murray's secretary called me and we were going to set up a meeting and he had cancelled that. And pretty much the girl said that I should deal with Engineering, which Kathy I've spoke to her a few times and I've tried a few things with Mr. Icsman and that has not went anywhere. I've had a couple meetings with Special Investigator Prewitt with the Police Department. I presented him some information. Have not had much of a response. You know my credibility, is like you guys don't know, but you can call the City of Lorain, in the last year I've turned in about 100 contractors that started paying taxes and permits in the city. You know I'm not doing what I'm doing, whereas working for Ohio Building Trades Unions, you know doing it and you know performing these actions to stop a development. That's not what we're here for. We're trying to help you guys out and we just, you know we need to work together to get this big issue. One you guys are losing money. You know two, the law is the law. And three, what some of these contractors do, is not fair to the honest and legitimate contractors throughout trying to you know fairly bid, to not discredit the bidding process. Whether it's prevailing wage or not, it just not fair. So you know we got to stop it. Especially for clarification on the employee contractor issue, especially with Precision First on that job.

President Kaman said okay if we continue to look at January 22, '07, we asked about the Chesapeake job misclassifications and all of the items. We discussed it so Mr. Packan and Mr. Will are going to continue to work on it, keep us updated on what we're doing for these kinds of concerns to stop them... Mr. Will interrupted and said we're doing what we can. Gary just sent an e-mail today updating everybody on what we've been working on.

Mr. Thayer said well if I may, I will say this. With that article in the paper last Friday, I was at the project last Thursday and Friday and I believe it was Thursday when I came down and filed the lien with the Recorder. And with the Building Inspector on the site, I believe it was his car anyway, and at that time I got information and called and then personally came up to the Building Department here and turned in four more contractors. One that was not registered and had no permit that was required to, and three others that the City Income Tax Department did not have information on. So I can do that in five minutes. When the Building Inspector is on site, take a little notepad and write down the truck names and the information that you happen to see in the course of your job, bring it back up and check it. It takes five minutes.

Mr. Murray said Mr. Chairman, first of all I want to thank you (Mr. Thayer) for doing what you do for both the City and for the people that work here. That's incredibly important to provide a very valuable service to all of us. However, it's difficult in this forum here or for me on the telephone to gauge the merits of the claim you are making on your own behalf or on the staff's. And that's why it is essential that the information and the documentation be given to the City Administration. If they're not responsive or if there are some problems, you know sometimes people who don't mean to be, typically people don't mean to not be responsive. For one reason or another the information gets to the wrong spot or the wrong person or its at the wrong time or there isn't enough there or whatever the reasons that are. Without questioning the motives of why things don't work, what we do want to know is when you've made an approach and for whatever reason it didn't work out and that's exactly what you're doing tonight. So stay on them. You're a bulldog. Mr. Thayer said you know I appreciate it. I just look for word from you guys so that we can work through this together and that way it's a project that can proceed.

Mr. Thayer said and you know I want to also say that roughly a year and a half or so ago myself, other members of the Building Trades Unions, Mr. Icsman I believe was there and Mr. Will was there, I could go back in my notes and look, but we sat down with information we had on these contractors that were working at that site and essentially forecast the future and said to you guys, that this was going to happen. And now we're at that point, it is happening you know, and again all we're trying to do is help you guys out. That's all. I appreciate the time. Thanks.

President Kaman said thank you. We also look forward to the resolution for this. You know we'd love to have a project going on down there that doesn't make the paper until opening day. Mr. Thayer said that's right. So I agree. Thanks. President Kaman said thank you.

Mr. Crandall asked was there a way that every two weeks we can have a report on spot checking employees that are working at the construction site, specifically the

ones that Mr. Thayer had mentioned? Because then that way we'd know that someone's down there knocking on doors getting names, numbers? And see if they're registered and make sure everything works out, but without documentation to us we don't know what's being done or not. So in all fairness, I would like to see that happen. Does that need to be by motion or? President Kaman said that's your pleasure Mr. Will. Mr. Will said the problem is we don't have a spot checker. We don't have a position for spot checkers up here. And that's where when you're going through a time when you're reducing your staff and trying to get the most of the ones that you have, this may be an area where we need to rearrange some work wherever you can. And so it would be nice if we can try to figure out a way to do that. I don't know if we will.

Mr. Crandall said Mr. Will, if I may. It occurred to me that if the Building Inspector or the Plumbing Inspector or the Electrical Inspector, if they're down at that site, there's nothing that prevents them from taking out a clipboard and writing down the names of vehicles. There's nothing in my knowledge that prevents them from asking different employees who they work for, who they are and you know. If I'm wrong Mr. Icsman please correct me. But if we already have a Building Inspector, Plumbing Inspector down there, they can take names and numbers of trucks and get these people registered because it doesn't have to be one specific person. You know if this gentleman here can get out of his truck and write down names and numbers and then report for individuals or for a company or whatever he reported, and hopefully its followed up on. I don't know if it was followed up on or not. But the gentleman has a valid complaint. And my belief is if we have Building Inspectors it should be done whether they're Fire Inspectors, Building Inspectors, you know get out a pad and say hey what's going on here. And put this thing to bed because I brought up this time and time again, and it just seems we're treading water. So that was what I would like to see the Building Inspector or whomever is going down there, that every two weeks we get a notification on who they contacted. Mr. Will said it would just have to be, I mean I know you understand this Mr. Crandall, its got to be with the scope of the work. And if its not within the scope of the work, then you can run into issues that Mr. Icsman might have later, but also issues that we might have with employment practices. And that's what I really just need an opportunity to work through those things. Mr. Crandall said Mr. Chairman, I guess what I can't understand is if I'm in a City vehicle and I'm going down to do an inspection and I see some construction vehicles, and I just can't write their names down. And I bring them back here and ask people if these people are registered, why is that out of the scope of the job? They should be wanting to make sure that everybody is applying. And if Mr. Icsman has a problem with that, I would like to have Mr. Icsman say there's some type of problem, but I don't see any. Mr. Will said I don't know if there is a problem. I'm just saying this would be a nice thing to have some time to work through. There may be no problem with that. I know we've been in different issues like that, doing things with and outside of the scope, but there may not be in this case. Don't get me wrong, I'm 100% for finding this, well this is where we get our income tax from and we've been wrestling with this issue for a couple of years now and it's frustrating. It's frustrating not being able to get to having those issues resolved.

Mr. Edmon said Mr. Chairman, I find it odd that we can find a way to cite over a 1,000 houses for peeling paint, but we can't get enough people to find out who's not registered to pay income taxes.

Mr. Thayer said Mr. Chair, just to cite part of your Code, Chapter 1317.03(a), states "No person shall allow a contractor who has failed to register with the Building Division of the Department of Engineering Services perform work in the City." I think that the way I'm viewing it and certain taxpayers that I spoke to reviewing it, the City is in violation of their own law because of the information I've provided, which hasn't really been addressed. You know and I think we can all agree that we don't want to disobey the taxpayer's laws on this because that was discussed too. You know I think I should bring that to your attention that you know the more we can do now, address this now, the better off we'd be. But... President Kaman said thank you. Mr. Thayer said thank you.

Mr. Murray said Mr. Chairman if I may follow up on the last remark briefly. Mr. Will I guess I believe that what you're saying is that we may need to adjust some job descriptions in order to be able to say you're down there as a performing inspector,

you have the authority as a mandate, to go ahead. Take care of the contractor while you're there and a list that you know of registered and all who are there.

Mr. Will said I think that part of the bigger message is that it is a very awkward format to have this discussion. I mean this is where it encourages us to want to take action right away because we all want to address the issues, but in doing that we may have to consider all of the possible ramifications of that action. Mr. Murray said okay, I got it. Mr. Crandall said Mr. Chairman, I guess the possible ramifications are losing our tax dollars. You know. That's the way I view it. President Kaman said it's been three years. It's time to start doing something about it. It's been three years.

Mrs. Judy Corso, 1020 Cove Park Boulevard, applauded the Commission's approval of the Endowment Fund for the Greenhouse and Washington Park.

Mr. Ginty commented on Monroe Street and the near hit/mist accidents by being blocked on one side of Monroe Street by semi trucks and that they should sell some of the unused City land to Tsubaki for docking space.

Mr. Barry Riddle, 1338 Fifth Street, commented and questioned where the \$20 License Fee for streets go? President Kaman said the streets.

At 7:08 p.m. President Kaman said they would take a 5-minute recess and come back for the executive sessions.

President Kaman returned to the table and the Commissioners and Charter Officers were present.

**An executive session was held on non-union personnel.**

**An executive session was held on pending litigation.**

**An executive session was held on pending litigation.**

At 7:50 p.m. President Kaman returned to the table and only the Commission remained for the last executive session.

**An executive session was held on personnel, Charter Officers.**

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

ATTEST: \_\_\_\_\_  
B. JOYCE BROWN  
CLERK OF THE CITY COMMISSION

\_\_\_\_\_  
DANIEL J. KAMAN, PRESIDENT  
SANDUSKY CITY COMMISSION