

APRIL 10, 2006

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 Brett Fuqua, (*Dave Waddington-excused*), Craig Stahl, Dannie Edmon, Dan Kaman, Dennis Murray and Brian Crandall in attendance; as well as the Charter Officers of City Manager Mike Will, Law Director Don Icsman, Finance Director Ed Widman, and the Clerk of the City Commission B. Joyce Brown. It was an open meeting.

President Kaman asked that Mr. Fuqua 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: Fuqua, Stahl, Edmon, Kaman, Murray, and Crandall. President Kaman asked for a **motion to excuse Mr. Waddington**. Moved by Mr. Edmon, seconded by Mr. Crandall and carried.

It was moved by Mr. Crandall that the **minutes of March 13th and March 27th, 2006** be approved as submitted and suspense with the formal reading of same. Seconded by Mr. Fuqua and carried.

Under **Audience Participation on Agenda Items Only**, the ODNR Marine Patrol Area Supervisor of Erie and Ottawa Counties, Coast Guard Marblehead, King Baer and Catawba Island Patrol spoke in **support of Sandusky Marine Harbor Patrol**.

Mr. Fuqua read a proclamation proclaiming **"Fair Housing Month"** for April.

President Kaman declared a **PUBLIC HEARING** held on the **Petition for vacation of a portion of Decatur Street**. Mrs. Angela Byington, AICP Chief Planner, said Mr. President and Members of the Commission, Firelands Regional Medical Center is petitioning for vacation of a portion of Decatur Street to allow for implementation of their Master Plan for expansion. The portion of right-of-way proposed for vacation is 66 feet wide with an approximate area of .2 acres. The remainder of Decatur Street to the north up to Cooke Street has already been vacated, therefore there is no longer a public use of the portion of Decatur Street proposed for vacation. The Planning Commission recommends approval of the requested right-of-way vacation because it will not negatively impact any properties and will allow for hospital expansion, which will benefit the entire community. President Kaman asked the Commission for comments? As there were none, he asked the audience. Mr. Rob Moore, Attorney on behalf of Firelands, asked the Commission for questions? Mr. Fuqua questioned how this would affect the doctor's office between the intersection that's being vacated? Mr. Moore said the hospital purchased that facility and he had actually moved into the professional center too. And in turn hopefully, that building that is right now being used as a construction site for the plans of the engineers, potentially that would be taken down. As there were no comments forthcoming in favor or against, **President Kaman declared the public hearing closed and returned to the table.**

President Kaman declared **PUBLIC HEARING** on **Fiscal Year 2006 One-Year Action Plan**. Mrs. Mary Bird, Program Coordinator, said Mr. President and Members of the Commission, this is the second public hearing to inform citizens that the City of Sandusky is an Entitlement City in the U.S. Department of Housing and Urban Development's Community Development Block Grant Program. The City expects to receive an annual Action Plan that describes how the City will spend funds to meet its long-term community development needs. The third year Action Plan lists specific projects to be completed beginning July 1, 2006 to June 30, 2007. Projects are consistent with the 2004-2009 Consolidated Plan and will address the housing, community and economic development needs in the City of Sandusky. Tomorrow, April 11, 2006, will begin a 30-day public comment period on the plan. A copy of the draft One-Year Action Plan will be available for public review in Office of Community Development at the City Building and Sandusky Public Library. Citizens are encouraged to provide input into the type of projects that can affect financial or quality of life concerns. Written comments should be submitted to City of Sandusky, Department of Community Development at 222 Meigs Street, Sandusky, Ohio.

President Kaman asked the Commission and audience for questions? **As there were none, he declared the public hearing closed and returned to the table.**

PREVIOUS BUSINESS

ITEM#1 (This item was read at first reading on March 27th.)

RESOLUTION NO. 017-06R - Approving and authorizing the City Manager to execute a Calendar Year 2006 Marine Patrol Assistance Agreement with the Ohio Department of Natural Resources, Division of Watercraft. Moved by Mr. Fuqua, seconded by Mr. Crandall under suspension of the rules at **second reading** with City Charter Section 14. Mr. Crandall said he would support this passage, but this is a group of personnel that operates the Marine Patrol on a sign-up basis. He would ask Assistant Chief Lyons to explain the Dock Tax and the grant money that is used to fund the boat. They should note they are under the Fair Labor Standards Act where we must pay personnel in overtime and that is in addition to their already assigned duties. And with the funds derived from the Dock Tax and grants, he himself was taken aback with the amount of overtime that is expended. So with the amount of good that it has done with the offset of the grant, he certainly would encourage his fellow Commissioners to support this. And another question was brought up about the reserves operating the Marine Patrol and there's a course that needs to be taken for marine enforcement and right now we only have one reserve officer that is qualified to do enforcement on the Marine Patrol. Assistant Chief Lyons said this was a sign-up detail for off-duty work only and typically they have anywhere between 10 to 14 officers who will routinely sign up. In order to qualify you must do two things, pass a safe boating course and pass a Marine Patrol Officer's Course.

Mr. Stahl said he really believed in the Marine Patrol, but he had difficulty with the rate of pay on overtime at \$42 and \$44 an hour. A certified ODNR officer only makes \$20 to \$25 an hour. So he would make a motion to table this issue and that the Assistant Chief tries to redo this with straight time. Assistant Chief Lyons said what they would be doing was potentially violating the union contract. A discussion ensued on union contracts and also the Dock Tax Fund.

President Kaman said he felt this was duplication of services. We have the Coast Guard, ODNR and Sandusky Police Boat, none of which if he was correct on safety searches, you guys do not acknowledge the other department's safety stickers on the boats. So a boat could get searched in the spring and check out and he still could get pulled over three times just for a safety search. He don't like the way we pay it. Our overtime is done by seniority; the first people that sign up with seniority get it. We are down about six or seven police officers on streets, but yet we are going to pay overtime to be out on the water. Roll call on suspension, 4-2. Nays, Edmon, Kaman, 2. Roll on final passage, 4-2. Nays, Edmon, Kaman, 2. Resolution passed 4-2.

CURRENT BUSINESS

*Mr. Icsman said he didn't know if the Clerk had a chance to point out, but there was a little change. **The communications for Items #2-7, if the Commission so desires, they could see that they were now delineated from like they normally were and if someone wanted to make motion to accept all communications at once.*** **Mr. Fuqua said he would so move, seconded by Mr. Crandall and carried.**

ITEM#2 – Communication submitted by Angela Byington, AICP Chief Planner.

ORDINANCE NO. 06-038 - Vacating a portion of Decatur 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. Moved by Mr. Edmon, seconded by Mr. Crandall under suspension of the rules with City Charter Section 14. Roll call on suspension, 6-0. Roll on final passage, 6-0. Ordinance passed.

ITEM#3 - Communication submitted by Mary Bird, Program Administrator.

ORDINANCE NO. 06-044 - Accept a Consolidated Entitlement Grant in the amount of \$826,607.00 total Community Development Block Grant Funds for the program year of July 1, 2006, through June 30, 2007, and to submit to the United States Department of Housing and Urban Development a 5-year Consolidated Plan containing a One-Year Action Plan. Moved by Mr. Murray, seconded by Mr. Fuqua under suspension of rules with City Charter Section 14. Mr. Crandall said he would encourage citizens if there were major projects in their neighborhoods that need to be done, do write the City so they could be included in this plan. Roll call on suspension, 6-0. Roll on final passage, 6-0. Ordinance passed.

ITEM#4 - Communication submitted by Rosanne Bodner, Public Transit Administrator.

ORDINANCE NO. 06-040 - Enter into a contract with Double S. Industries, Inc. (d.b.a. Bay Area Bike Rentals), for the operation of a Bike Rental Business in a portion of the Jackson Street Pier. Moved by Mr. Fuqua, seconded by Mr. Murray under suspension of rules with City Charter Section 14. Mr. Edmon said they had discussed bike rental before and a major concern was what happens if the bikes aren't bought back or safety issues or who was going to monitor that process, and who are the people going down there operating this facility and how we can be liable because we gave the bikes to the entity that was going to operate them? And second there are a lot of questions that we haven't answered and he thought before they had turned down this bike rental because of those questions. Mr. Icsman said his recollection was because the City was thinking about doing this program and wanted to find a non-profit in the middle and that was exactly what we did. And all of the risks that he was talking about, if he looked at the agreement, it was transferred by the agreement so the liability was going to be on Double S pursuant to the contract. A discussion ensued. Roll call on suspension, 5-1. Nay, Edmon, 1. Roll on final passage, 5-1. Nay, Edmon, 1. Ordinance passed 5-1.

ITEM#5 - Communication submitted by Gary Packan, Assistant City Manager.

ORDINANCE NO. 06-041 - Enter into a contract with Fultz & Son, Inc. of Clyde, Ohio, for Refuse Collection and Recycling Services for period May 1, 2006 through December 31, 2008 in an amount of \$115,959.00 delineated annually for the period May 1, 2006 through April 30, 2007 (\$41,376.00) for the period May 1, 2007 through April 30, 2008 (\$41,376.00) for the period May 1, 2008 through December 31, 2008 (\$33,207.00.) Moved by Mr. Stahl, seconded by Mr. Fuqua under suspension of rules with City Charter Section 14. Mr. Edmon asked the percentage for local preference for our local haulers. Mr. Will said between 2% to 5%. Roll call on suspension, 6-0. Roll on final passage, 6-0. Ordinance passed.

ITEM#6 - Communication submitted by Jane E. Cullen, Engineering Technician.

ORDINANCE NO. 06-042 - Award a contract to Ed Burdue & Company of Sandusky, Ohio, for the Seneca Street Reconstruction Project for \$627,811.75. Moved by Mr. Fuqua, seconded by Mr. Murray under suspension of rules with City Charter Section 14. Mr. Crandall said just for clarification on streets, the \$5 License Plate Fee that is in this legislation, but actually the total cost is \$20. Mr. Widman said \$15 has been allocated by previous Commissions for contractual services for street repairs. There was an original \$5 License Fee enacted by the City and there was no restrictions on that so it goes to day to day operations. Mr. Crandall said an e-mail that he had forwarded to him said that every \$5 fee has normally generated about \$120,000 a year each and it looks here like it has been going to everything else, but the streets. President Kaman stated they stopped that practice a while ago, so now the License Plates Fee goes right straight to streets and streets only.

Mr. Crandall said his question was how much money do they have in that \$5 License Fee, because they call it a \$5 Fee but it's actually a \$20 Tax? President Kaman said it was certified at that rate twice, so he thinks it's a \$15 Tax total right now, not a \$20. Mr. Widman said after the Commission removed the restriction, the dollars always went into Street Funds and that's by State law. They have attempted to keep track by City staff as to how much we spent of those License Fees over the years on the different projects. That was one of those things that they had not been able to keep up with. He guessed it was up to the Commission how they wanted them to spend their time to track this. Mr. Edmon said he was confused, what is it? Mr. Widman said \$20. There's four permissive taxes that had been enacted by the City Commissioners over time that goes to the Street Fund. A discussion ensued. Roll call on suspension, 6-0. Roll on final passage, 6-0. Ordinance passed.

ITEM#7 - Communication submitted by Kathryn K. McKillips, Engineering Director.

RESOLUTION NO. 018-06R - Adopted pursuant to Section 1506.11 Ohio Revised Code finding and determining based upon the representations and application filed by the City of Sandusky, the use and development of the territory so described, a submerged lands lease may be entered into by the State's Director of Natural Resources. (233 Shoreline Drive). Moved by Mr. Crandall, seconded by

Mr. Murray under suspension of rules with City Charter Section 14. Roll call on suspension, 6-0. Roll on final passage, 6-0. Resolution passed.

ITEM#8

RESOLUTION NO. 019-06R - A resolution confirming the determination of the necessity of constructing, re-laying and repairing certain sidewalks and constructing certain curbs and gutters and approaches as a part of the City's 2005 Sidewalk, Curb and Gutter and Approach Program. Moved by Mr. Crandall, seconded by Mr. Fuqua to be passed under suspension of rules with City Charter Section 14. Roll call on suspension, Yeas: Fuqua, Stahl, Edmon, Kaman, Murray, Crandall, 6. Nays: 0. Roll on final passage, Yeas: Fuqua, Stahl, Edmon, Kaman, Murray, Crandall, 6. Nays: 0. Resolution passed.

ITEM#9

ORDINANCE NO. 06-043 - Enter into a Tri-Party Agreement on behalf of the City with Erie County and the City of Huron pursuant to the Ohio Revised Code Section 307.15; and authorizing the expenditure of funds. Moved by Mr. Stahl, seconded by Mr. Fuqua under suspension of rules with City Charter Section 14. Mr. Murray said this is where they stand currently with negotiations to the County and the City of Huron. They've looked at forming a 6119; a separate form of government that would own several plants in some of the distribution lines. They collectively concluded, representatives of the County, City and Huron and City of Sandusky, that it was more cost effective to proceed in this manner to have a Tri-Party Agreement than forming an additional layer of government. It was likely to result in lower borrowing costs for all three entities when it comes time for them to borrow funds to build various facilities. They've had very good discussions and everybody was working cooperatively and he thinks they should be able to reach an agreement, if not by the deadline that they had set for themselves in July of this year, hopefully soon thereafter. So what comes next is working to draft a three-party agreement, one lawyer and one engineering firm, to keep costs down for all three entities. So that's what they were seeking authority for Mr. Will to sign that contract.

Mr. Crandall said he just wanted to make sure that when this project moves forward that they keep an eye on all the workers and all the plans and all the entities to make sure that they have no workers displaced in the course of the agreement that would be forthcoming also. Mr. Murray said to address that concern, and that has been an issue of paramount concern, this will continue with various plans of operating as they do currently. There will be no changes to the personnel or the contracts or where they work or anything like that. This is ultimately designed to have a mechanism to allow them to keep the best quality of water at the lowest price, but continue when producing production services that they do. Roll call on suspension, 6-0. Roll on final passage, 6-0. Ordinance passed.

ITEM#10 - Ohio Department of Liquor Control submitting a stock transfer request of D1, D2, D3 and D3A Liquor Permits to Yanushewski LLC, dba Dog House, 1002 W. Jefferson Street, First Floor & Patio, 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. Crandall seconded and carried.

ITEM#11 - Ohio Department of Liquor Control submitting a new request of a C2 Liquor Permit to Cedar Fair LP dba Camper Village Store, 1 Cedar Point Drive, P.O. Box 5006, Sandusky, Ohio 44870. It was moved by Mr. Crandall that the Clerk notify the Ohio Department of Liquor Control that the City has no objections to this request. Mr. Fuqua seconded and with all Commissioners voting "Aye", with the exception of Mr. Edmon voting "Nay", the motion carried.

Under **City Manager's Report**, Mr. Will said **\$500 from Columbia Gas was for the Green Fund.** Moved by Mr. Edmon, Mr. Crandall second, carried.

Mr. Will said a **\$700 donation from LEADS of Sandusky for the Underground Railroad Park improvements.** Moved by Mr. Edmon, Mr. Crandall second, carried.

Mrs. Margaret Rudolph, Director of Administrative Services, gave a presentation on Chapter 145 ordinance status on the **City of Sandusky Classification Project.** Mr. Edmon said this was the most logical step. This was an ordinance they have passed, but no one has managed to look at it. One of the things that sticks in his mind

immediately is that A-1 can actually make what an A-9 makes on the structure that we currently have in place. Our job descriptions are all across the board so we have to find a way to define things so they know where to go next. They've given out raises with just whatever percent that is union negotiated that has no consideration in the job that was performed by the individual that was doing the job. So these are things they want to look at and get Commission input to see what the next step is. They also noticed when they made comparisons to other cities, again we were all over the board. There was no consistency in his opinion to what they were doing currently.

Mr. Crandall said a while back in March there was a history from AFSCME Local 1519 when they gave a history of requests for a job audit. And the events started March of 2000 and without going into 2003 it would have consisted of March '03, April of '03, July of '03, April of '03, September of '03, January of '04, March of '04, June of '04, June of '04 again, July 15th of '04, August of '04 and August 19th of '04, a motion was made and passed at the Civil Service meeting that an in-house audit should be performed to all City jobs within an 18 month timeframe. Well that 18th month timeframe expired in March of '06. And he knows Commissioner Edmon and he has been working on this Section 145, but it's so disheartening to know that the union brought forth all these issues and it started in 2000 and here we are in 2006. It's been before the Civil Service Commission and AFSCME at that time was asking to have three jobs audited and they had legal opinions from the City Law Director dated from January '04. And he guessed certainly they needed to go forward on this, but he guessed his question is how are they going to resolve the issue with the AFSCME labor union that waited 18 months and now it's like the hell with you, this is what we're doing? Mr. Fuqua said they were finally getting what they want. Mr. Crandall said they had a labor union that has more than tolerated the issue. How are we going to resolve the issue at hand now concerning those job classifications? *President Kaman said he would suggest that he and Mr. Edmon, that are already on this committee, bring those AFSCME members to their committee and work on it from there.* Mr. Crandall said so when he gets home he will contact the AFSCME union President and Vice President and invite them to sit in on their next meeting so they can also take part on how they can resolve this issue.

Mr. Will said before they take any rash actions like that, he just wanted to point out that when you get a communication that is from AFSCME keep in mind that they were going to give you a point of view that favors however they want this thing to turn out. And then on that other communication they failed to mention a couple of points in there, and that there was some action taken on a couple of jobs that they were concerned about and it did not get the results they wanted. So naturally they were upset and they want something different to happen. And they were also not too interested in having a job classification done of all positions. They would like to just focus on just a couple and the primary reason is because they want higher pay for those positions, which is something that belongs in a negotiated part of the contract. In other words, they agreed to the pay for those positions that they were concerned about after their negotiations were complete the last time and they were whining in the middle of the contract to change what they agreed on. They don't want to do that. That is when the contract was up for negotiations. A discussion ensued.

Under **Old Business**, Mr. Fuqua said a gentleman fishing down at **Shoreline Park** said the **restrooms were still inoperable**. *Mr. Will said usually there is a portable restroom down there. He was not sure if it was up yet, but they could check into that.*

Mr. Crandall said on the status of the **overpass on the west end**, calls started coming after the fire on Venice Road. Mrs. McKillips said they were still looking at beginning construction the beginning of year 2009. Currently the plans are being transferred from our consultant, TranSystems, to ODOT's consultant. And they may get to a point where they start looking at right of away acquisitions some time in '07.

Mr. Crandall said a person asked how many delayed responses were there because of train travel? The Fire Chief said since the beginning of 2005 15 emergency delays.

Mr. Crandall said a resident he knew put a lot of work into his house. It was big and a multi-colored paint job and how did our employees look objectively at homes for when they cite somebody for peeling paint. He and his wife were considering downsizing because their kids were out of the house and they said they going to downsize right out of town. What was the appropriate action because with the amount of work that this individual put into his house it was pretty expensive to be painting his property? Mrs. Mockensturm said the majority of the **citations** they

gave out were for **peeling paint** and they had been giving residents the opportunity to complete it because of the weather conditions. A discussion ensued.

Under **New Business**, Mr. Murray said the citizens in this area in the **State of Ohio started voting already by absentee ballot**. Everyone should know that you are now allowed to take out an absentee ballot for no reason whatsoever.

Mr. Murray said he did want to encourage all those now that would be voting and would be voting in the primary to give consideration to **voting in favor of a renewal for the Erie County Metro Parks**. They are a wonderful asset for the entire area, they bring people to our area, which does bring jobs to our area. It's a low tax. This is simply a renewal and not a replacement.

Mr. Edmon asked for an **executive session on pending litigation**. Mr. Murray seconded the motion. The Clerk called the roll: Yeas, 7. Nays: 0. Passed.

Mr. Crandall commented on **school closings and selling of the schools?** Mr. Crandall said the street fees (**\$5 License Fee**), what would it take so they can keep track of how much money they have and what projects the street fees go to? Mr. Widman said he consulted with Mr. Solowiej and he thought they were complying with state laws the way that they were keeping track of the funding. He talked to Mrs. McKillips and she does not keep track after the project is completed. If the Commission wants them to provide potential records, it would be something that will grow and grow over time and become a monster. Mr. Crandall said it was important even on a yearly basis that this is how much money is coming in and what it was used for. *Mr. Stahl said they would report back the next meeting.* Also they would income statements and the fund balances available on line and here at the meeting.

Mr. Edmon said going back to the citizen that wrote the letter about the schools, the **citizens seem to be concerned over the fact that the schools made a decision without involving any public discussion**. The citizen makes a good point and he understands that they are two different bodies, but if the school system decides to close those schools, it affects what we were trying to do as far as fixing up neighborhoods and cleaning up and revitalization. So he'd like to write a letter to the school system telling them that they would like to be kept involved in what they are doing so that we know how we need to react as we move forward in the things that we are doing. *Mr. Edmon said that is a motion, Mr. Crandall seconded, carried that Mr. Will write the schools asking to be kept involved on building decisions.*

Mr. Kaman said it was brought to his attention that the **retention ponds** that they were building now in the City of Sandusky for our new businesses and our housing developments, they were causing some **concerns with some residents**. The small retention bonds like in front of the Portland House Nursing Home that was a small manageable one, but some of the ones that are being built now like Cold Creek Crossing and behind K&K Interiors are pretty big sized ponds and they have some safety concerns. He understands that those are state regulated on what size they can go? *Mrs. McKillips would look into and get back to them on what they could do.*

Mr. Crandall said the first of the year he complained about City Hall looking like a landfill, and he personally wanted to thank the guys that were taking care of the **City Building now, it definitely looked a 100% better**.

Under **Audience Participation**, Mr. John Sprau, Karl Ann Drive, commented on the peeling siding on a house on the corner of Jefferson and Camp Streets; lights on the subway that were still out and that they should maybe tax the coal and salt trucks.

Mrs. Audrey Schaefer, 450 Strouse Lane, commented there was a lot of information on the City's website including the State of the City Address; the City Manager should make a list of the accomplishments that they have completed because there were a lot of things that were done; the old dairy on W. Jefferson on the corner of Putnam and W. Jefferson the trash condition was pretty bad. She commented on the times that the Audit Finance Committee met and the cost of doing the City website.

At 7:15 p.m. an executive session was held on Pending Litigation.

At 8:40 p.m. President Kaman returned to the table and the meeting adjourned.

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

DANIEL J. KAMAN, PRESIDENT
SANDUSKY CITY COMMISSION