

President Dan Kaman opened the meeting at 5 p.m. after the **Invocation**, given by Dave Waddington, **and the Pledge of Allegiance**.

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

Upon motion of Pervis Brown and second of Dave Waddington, the Commission voted to excuse Kim Nuesse from the meeting. All Ayes. The President declared the motion passed.

Upon motion of Pervis Brown and second of Dave Waddington, the Commission approved the minutes of the May 10, 2010, meeting and dispensed with the oral reading. All Ayes. The President declared the motion passed.

A presentation was made by Kenny Martin who is working on a Troop 8 Eagle Scout project by re-landscaping Veteran's Circle at Oakland Cemetery & Memorial Park through plantings, gravel, mulching and the construction and placement of benches. He said his goal is to complete the project before Memorial Day and in time for the parade. Kenny Martin said the estimated costs for this project were \$680 and he has raised \$695 from various donors in the community.

John Hancock, Consulting Engineer for the City of Sandusky, provided **an update on the Sandusky Yacht Club's (SYC) proposed dock expansion plans which were initially submitted to the city in September, 2009.** He said at the time of submission, there were concerns about the turning movements for larger vessels along the Meigs Street Pier as well as concerns from the neighbors and stakeholders regarding the configuration. The plan was revised in February, 2010, and has been reviewed by all of the stakeholders.

The width of the turning area has been increased to 136' which is almost double from the initial plans and the dock expansion will include an area with forty 30' slips. Favorable responses to these changes have been received from the operators of the Goodtime and the Jet Express. Additionally, letters of support and/or documentation were sent to the U.S. Army Corps of Engineers from the Sandusky Area Maritime Museum, Battery Park Marina, and the Captain of the Brig Niagara - although the Captain stated the water depths may be constraining. John Hancock said an outside opinion was obtained from John Hull, Hull & Associates, who has experience in design and permitting of marinas. John Hull has concurred there is not enough water to accommodate the draft of some vessels, but is supportive of the new turning radius.

John Hancock said input has been provided by the SYC about maintaining the views at the end of Perry Street. They have offered to eliminate the chain link fence and replace it with an ornamental fence and to trim this area down to increase the view-ability. He said there will be more gates and increased public access in this area to better accommodate pedestrian access. In order to increase usability of the Meigs Street slip and allow boaters to access nearby businesses, 6" x 6" posts will be added. John Hancock said the SYC is willing to vacate the two end slips, when necessary, to allow for more maneuverability.

John Hamilton read a **Proclamation declaring May 22 – May 28, 2010 as National Safe Boating Week.**

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

Tim Schwanger, 362 Sheffield Drive, said since the city owns and controls the property at the foot of Perry Street, the city should erect the fence, level off the rocks and install 6" x 6" posts rather than the SYC. He said the Captain of the Brig Niagara wrote a letter of support, yet has never been to Meigs Street slip. He said the city has been generous to the SYC by vacating the Warren Street right-of-way for a private pool and approving an additional vacation. He said the two breakwalls attached to public area were installed by the SYC after considerable pressure. He said approval of the plans would be in direct conflict with a 2000 agreement between the city and the SYC which stated the SYC agreed to not broach further into the city's water rights. Tim Schwanger said it is not in the best interest of the public to help a private club with 70% - 90% of the members living out of town and that the City Commissioners have an obligation to look out for the citizens' best interests. He said this should not be approved without knowing the future of the Sandusky Bay Pavilion and said we should not give away water rights. He said at the recent KidsFest, the Goodtime I used 70% of the basin area. He said there are documents to support his position including the Parks & Recreation study, the 2006 Sandusky Bay Pavilion study, the 1996 Port Development Study and a Codified Ordinance that prohibits this type of activity along waterfront. There is also a State of Ohio public trust doctrine regarding visual and aesthetic quality.

Sharon Johnson, 1139 Fifth Street, said there is not an account number nor is there a Certificate from the Treasurer for the Comprehensive Analysis (Item #3). She said she understands the FirstEnergy money was placed into the General Fund and is one proposed means of paying for this study. She asked the City Commissioners to consider not approving this item. Sharon Johnson said she did not believe the marina for The Paper District could be approved with some permits still outstanding. She asked what would happen if one phase was completed and dollars were not available to do the next phase. She asked if Hoty's were going to manage the marina once constructed and Angelo Hoty, Hoty Enterprises, said this part of the contract has not yet been negotiated.

Jan Carver Young, 4002 Maple Avenue, Castalia, said she was born and raised in Sandusky and taught at Jackson Jr. High, although she now resides in Castalia. She read a letter from State Representative Dennis Murray addressed to the City Commission regarding the SYC proposed Lease expansion. In this letter, Representative Murray applauded the city for supporting the SYC but said when it comes to giving up public control over the city's waterfront rights and the submerged land at Surf's Up, the limits of that support were already tested and established in the year 2000. This letter asked that the city respectfully recognize the give and take which has already occurred and the promise which the SYC made in return.

Jerry Garrett, Executive Director of the Sandusky Unit of the N.A.A.C.P., 158 East Market Street, read a statement of support from the N.A.A.C.P. regarding the ICMA's proposed Comprehensive Analysis for the Police and Fire Departments. He said the evaluation could be the very foundation upon which positive economic and community growth is built. Jerry Garrett said the ICMA proposal provides the tools and resources needed to make the critical decisions regarding our Public Safety Forces and implored the City Commissioners to approve the ICMA legislation.

Rob Pfanner, 609 Broadway Street, said he is speaking as a resident, homeowner and a taxpayer. He said the proposed ICMA study will actually cost the city \$5,000 extra because of travel expenses and urged the City Commissioners to vote no on this item. He also said the city should advertise for bids for this type of expenditure and stated he supports the Commission on Accreditation for Law Enforcement Agencies (CALEA) process.

Diedre Cole, 807 Hancock Street, asked Brett Fuqua if he had recommendations on any of the Agenda items as the liaison to the Planning Commission, Zoning Board of Appeals or the Human Relations Commission. Diedre Cole said local vendors are excluded from participating in Ohio Bike Week and the \$1,600 fee is exorbitant. Diedre Cole said she is against the SYC expansion project and the use of public areas for the benefit of a private business. She said this property is owned by all Ohioans and approval would devalue the Surf's Up property at a time when we cannot lose one single dime. She asked for consideration to be given for the ICMA study and stated accreditation and performance measurement are different from the ICMA analysis and questioned whether the Police Department would have enough staff to continue the accreditation process. Diedre Cole said she recently saw a Facebook page with the City of Sandusky's seal along with the statement: *"The society that makes war against its Police had better make friends with its criminals"*. She said Police Officers are valued and needed, but must be willing to work with members of the community. Brett Fuqua said the Human Relations Commission now meets quarterly rather than monthly, and a meeting has not been scheduled recently. He said issues have not come before the Planning Commission or the Zoning Board of Appeals which are part of tonight's Agenda, although the initial proposal from the SYC did go before the Planning Commission. Diedre Cole said the Planning Commission would probably have something to say about the SYC expansion and Brett Fuqua said the last time it came before the Planning Commission, it was unanimously denied.

Willie McCarty, 131 Meigs Street, representing the United Indians of Ohio, said the Surf's Up property belongs to the youth of the community. He said we are taking away from our kids with the SYC development and we should be investing in our kids. He applauded the city for building the Splash Pad in Huron Park but said there is still a lot of work to be done. Willie McCarty said he does a lot for the youth of Sandusky through Shining Waters and United Indians of Ohio and things should not be taken away from our children by people just because they have money in their pockets. He said he has no problem with the SYC, the jobs and income they provide for the community, but asked what has been done for our kids.

John Ginty, 5055 Providence Drive, said the evidence presented tonight regarding the agreement between the city and the SYC is legal and should be followed. John Ginty said he recommends accreditation rather than a Comprehensive Analysis for the SPD and SFD. He said the city does not have money to spend for a study that promises no savings and he said this item should be put out for bid.

Bob Warner, 1011 Third Street, said the Comprehensive Analysis (Item #3) could only be called progress if the recommendations made are followed once received. He said this would be a good thing, but the city cannot afford it and does not have the money to do it. Bob Warner said a Request for Proposals was prepared for the Paper District marina project one year ago and this opportunity was equally presented to everyone to put in their two cents. He said the City Commissioners are elected to make good decisions for everyone and hopes they vote yes for this item and those who are opposed are progress haters. He said this should be done and is good for everyone in the community.

Rob Pfanner, 609 Broadway Street, said he is the person responsible for the Facebook page and he purchased the shirt (with the quote) mentioned by Diedre Cole in Washington, D.C. at the annual National Police Officer Memorial gathering and 20,000 officers who visited know what it takes to fight a war. He said people go to this event annually to view the names on the memorial because they are dead.

Dennis Timple, 553 Bimini Drive, said there are a lot of senior citizens who cannot walk the Ohio Bike Week event area and said the city is obligated to keep Shoreline Drive open for all residents.

A.J. Oliver, 1112 Wayne Street, said it is okay to disagree and that consideration should be given to everyone while being civil about it.

Upon motion of Pervis Brown and second of Dave Waddington, the Commission voted to accept all communications. All Ayes. The President declared the motion passed.

ITEM #1 – Second Reading

ORDINANCE NO. 10-046: It is requested an Ordinance be passed authorizing and directing the City Manager to **establish terms and conditions for the presentation of Ohio Bike Week by Advantage Entertainment, LLC from 2 p.m. on June 9, 2010 to 5 p.m. on June 13, 2010, for the event area, and further authorizing the City Manager to take such actions as are deemed necessary and proper to implement the presentation of Ohio Bike Week in the city** in accordance with Section 14 of the City Charter.

Upon motion of Dave Waddington and second of Julie Farrar, the Commission authorized the passage of this Ordinance in accordance with Section 14 of the City Charter.

Discussion: Brett Fuqua asked about the passage of this Ordinance and Don Icsman said it is requested to be passed under Section 14 tonight as the actual event takes place prior to the next City Commission meeting. Julie Farrar asked if consideration could be given to local vendors for the costs associated with participating. Don Icsman said this Ordinance was modeled after one from Cincinnati and is used for large events to define the event area. He said the city cannot co-partner nor can it manage this large of an event and the Ordinance allows for the area to be turned over to the event promoter; he said the organizers pay for police and fire services although this provision is not included in the Ordinance. Dan Kaman said the organizers are responsible for securing the vendors and local merchants can sell products which they sell normally, not knockoffs or items sold by the event organizers.

Roll Call on the motion: Yeas: Dave Waddington, Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton and Julie Farrar, 6. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Dave Waddington, Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton and Julie Farrar, 6. The President declared the Ordinance passed.

ITEM #2 – Second Reading

RESOLUTION NO. 014-10R: It is requested a Resolution be passed **approving and accepting certain real property for acquisition into the Land Reutilization program.**

Upon motion of Julie Farrar and second of Dave Waddington, the Commission authorized the passage of this Resolution, under second reading, in accordance with the City Charter.

Discussion: Pervis Brown asked what constitutes an unbuildable lot and Amanda Meyers said the properties at Fourth and Wildman Streets are two connected parcels which cannot be built upon separately and are not combined. If combined, they would be buildable. Pervis Brown asked if we were

giving these properties away and Carrie Handy said they must be sold at fair market value. Dan Kaman said the neighboring property owner has offered to buy the lots.

Roll Call on the motion: Yeas: Dave Waddington, Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton and Julie Farrar, 6. The President declared the Motion passed. Roll Call on the Resolution: Yeas: Dave Waddington, Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton and Julie Farrar, 6. The President declared the Resolution passed.

ITEM #3

It is requested an Ordinance be passed authorizing and directing the City Manager **to enter into an Agreement for a Comprehensive Analysis of Police and Fire Services for the City of Sandusky with the International City/County Management Association of Washington, DC.**

Upon motion of Dave Waddington and second of Julie Farrar, the Commission voted for the passage of this Ordinance under suspension of the rules and in full accordance with Section 14 of the City Charter.

Discussion: Julie Farrar said she is against this study as a Request for Proposals was not done and because the city does not have \$68,500 to spend. John Hamilton said we should be looking for a City Manager first and that currently we have an Interim Police Chief and we do not know the status of the Fire Chief. He said this should be put off for now and then bid out and he said he would like to see the results of the census first. John Hamilton said he does agree that someone on the outside should look at this, but does not believe now is the time. Pervis Brown said he is not against the study but is concerned about the procedure and the timing. He said we have to organize ourselves and we currently have an Acting City Manager, an Acting Police Chief, a questionable Fire Chief and others who have been laid off. He said he believes we should decide where we are going first and then talk about a study to determine what we are going to do and how we are going to do it. Dan Kaman said the timing is not right for this although he believes an outside study should be done.

Roll Call on the motion: Yeas: Dave Waddington, 1. Nays: Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton and Julie Farrar, 5. The President declared the Motion failed. Roll Call on the Ordinance: Yeas: Dave Waddington, 1. Nays: Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton and Julie Farrar, 5. The President declared the Ordinance failed.

ITEM #4 – Submitted by Amanda Meyers, Paralegal & Carrie Handy, Chief Planner

Budgetary Information: The cost associated with this Purchase Agreement is the total amount of the title examination, title insurance policy, deed preparation and escrow fees charged by the title company acting as escrow agent for the sale and purchase transaction. Any such costs shall be included in the sale price of the non-productive land and will be recouped by the city upon sale. The purchasers shall pay the real estate transfer tax, if any, and recording fees upon purchase. Residential development of this non-productive land will enhance property values in the Southside Acquisition Zone and the taxing districts will once again begin collecting real property taxes.

ORDINANCE NO. 10-047: It is requested an Ordinance be passed **declaring that certain real property owned by the city as part of the Land Reutilization program identified as Parcel No. 58-00061.000, located at 2123 East Forest Drive is no longer needed for any municipal purpose and authorizing the execution of a purchase agreement with respect to that real property;** and declaring that this Ordinance shall take effect under suspension of the rules as contained in and in accordance with Section 13 of the City Charter.

Upon motion of Pervis Brown and second of Dave Waddington, the Commission voted for the passage of this Ordinance in full accordance with Section 13 of the City Charter.

Discussion: John Hamilton said at the last meeting, one of his concerns was about building on this parcel and splitting the lots between the property owners. He said the improvement(s) will increase the tax value of the property and will add to the community rather than having a half empty street.

Roll Call on the motion: Yeas: Dave Waddington, Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton and Julie Farrar, 6. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Dave Waddington, Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton and Julie Farrar, 6. The President declared the Ordinance passed.

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

Budgetary Information: The Change Order No. 6 will increase the contract with Mosser Construction by \$9,581.76. The revised contract amount is \$16,717,026.50. The city's share of the change order is \$5,854.46 to be paid with Sewer Funds through the project's OWDA loan. Erie County's share is \$3,727.30.

ORDINANCE NO. 10-048: It is requested an Ordinance be passed authorizing and directing the City Manager to **approve the sixth change order for work being performed for the Wastewater Treatment Plant Expansion Project, Phase II in the amount of \$9,581.76 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 Julie Farrar, the Commission voted for the passage of this Ordinance in full accordance with Section 14 of the City Charter. Roll Call on the motion: Yeas: Dave Waddington, Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton and Julie Farrar, 6. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Dave Waddington, Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton and Julie Farrar, 6. The President declared the Ordinance passed.

ITEM #6 – Submitted by Judy Nagy, Recreation Division Supervisor & Scott Miller, General Services Superintendent

Budgetary Information: The agreements will not result in any additional budgetary expenses. The city will benefit from the added activities offered to youth of our community. The Ohio Rayos will provide their own equipment and transportation for such equipment, and will line and maintain their own field.

ORDINANCE NO. 10-049: It is requested an Ordinance be passed authorizing and directing the City Manager to **enter into a one (1) year License Agreement with the Ohio Rayos Community Soccer program for priority use of the grassy area located at Dorn Community Park for the soccer program beginning May 29, 2010 through June 26, 2010;** and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Brett Fuqua and second of Julie Farrar, the Commission voted for the passage of this Ordinance in full accordance with Section 14 of the City Charter. Roll Call on the motion: Yeas: Dave Waddington, Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton and Julie Farrar, 6. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Dave Waddington, Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton and Julie Farrar, 6. The President declared the Ordinance passed.

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

Budgetary Information: The construction and design cost is \$3,083,994. Phase I will cost \$2,106,332 and Phase II will cost \$977,662. This project will be paid with the remaining CORF grant (\$1,056,055.68), tax increment financing, and possible grant funds through the Ohio Department of Natural Resources (City applied for \$661,943.50 in grant funds which pertains to Phase II work).

ORDINANCE NO. 10-050: It is requested an Ordinance be passed authorizing and directing the City Manager to **enter into a design-build contract with Hoty Builders, LLC, of Sandusky, Ohio, for the Paper District Marina Project;** 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 John Hamilton, the Commission voted for the passage of this Ordinance in full accordance with Section 14 of the City Charter. Roll Call on the motion: Yeas: Dave Waddington, Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton and Julie Farrar, 6. The President declared the Motion passed. Roll Call on the Ordinance: Yeas: Dave Waddington, Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton and Julie Farrar, 6. The President declared the Ordinance passed.

ITEM #8 – Submitted by Kelly 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 new C1 and C2 Liquor Permit to Stefani L. Williams, dba Nans & Paps, 2900 Venice Road, 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 Julie Farrar and second of Pervis Brown, the Commission voted to request the Clerk of the City Commission to notify the Ohio Department of Liquor Control that the city has no objections to this request. Roll Call on the motion: Yeas: Dave Waddington, Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton and Julie Farrar, 6. The President declared the Motion passed.

CITY MANAGER'S REPORT

Upon motion Dave Waddington of and second of Pervis Brown, the Commission voted to accept a donation in the amount of \$367.50 from the Friends of the Greenhouse to the Friends of the Greenhouse Expense Fund. This amount includes donations received at the Earth Day Mall Show and the Arbor Day Open House. All Ayes. The President declared the motion passed.

Upon motion Pervis Brown of and second of John Hamilton, the Commission voted to accept a donation in the amount of \$195 from the Friends of the Greenhouse to the Friends of the Greenhouse Endowment Fund. These are donations received at the Earth Day Mall Show and the Arbor Day Open House. All Ayes. The President declared the motion passed.

Upon motion Brett Fuqua and second of Pervis Brown, the Commission voted to accept a donation in the amount of \$15 from Dave Waddington to be used for the 2010 Ohio Bike Week cleanup. All Ayes. The President declared the motion passed.

Don Icsman requested **authorization for the Sandusky Erie County Community Foundation (SECCF) to proceed with the foundation restoration at the city greenhouse.** These private dollars have been received by the SECCF and the work will be done by a reputable contractor. **Upon motion of Pervis Brown and second of Dave Waddington, the Commissioners voted to approve performing this work. All Ayes. The President declared the motion passed.**

Don Icsman said a request has been made for a **loan subordination agreement for the owners of Markley's Restaurant.** He said the owners have expended a lot of their own funds and it should be opening soon; approval will allow them to secure the necessary financing from Key Bank and for the city to take a second position. He said the city is still protected beyond what is normal for these types of RLF loans. **Upon motion of Pervis Brown and second of John Hamilton, the Commission voted to allow this proposed subordination. All Ayes. The President declared the motion passed.**

Don Icsman said a request has been made for a **loan modification agreement for Port Sandusky Restaurant.** He said the details are self-evident and he concurs with the recommendation to allow the city to take a second position to the owners' financing with Citizens Bank. **Upon motion of Julie Farrar and second of Pervis Brown, the Commission voted to allow this proposed modification. Ayes: 5. Dave Waddington abstained from the vote.**

Don Icsman said he would like to **modify and re-issue a policy which has been in effect since 2003 concerning the Sale or Lease of Real Property Owned by the City.** He said well meaning people and people with good intentions sometimes approach the City Commissioners. He said no more than three Commissioners can discuss the requests and the appropriate staff should work on projects which may be different than as portrayed. Dan Kaman said this will take it out of the Mayor's hands and put issues before all of the City Commissioners. Don Icsman said in the past, people have made presentations to this body and the devil is in the details. Revision to the policy would afford staff the opportunity to provide due diligence and find out how legitimate the proposal is. Dan Kaman said it is the job of staff to do this, not the job of a City Commissioner. **Upon motion of Brett Fuqua and second of Pervis Brown, the Commission voted to re-issue this policy according to the changes noted in the draft which has been distributed. All Ayes. The President declared the motion passed.**

Don Icsman asked for **approval to amend the current Intergovernmental Agreement for Maintenance with the Huron Fire Department to allow for additional hours for routine maintenance, service and repairs according to Provision 5 of the Agreement.** **Upon motion of Julie Farrar and second of Pervis Brown, the Commission voted to amend the Intergovernmental Agreement for Maintenance with the Huron Fire Department to allow for additional hours for routine maintenance, service and repairs.**

Discussion: Dan Kaman said this is a way for one city department to become more self-sufficient. Julie Farrar said she wished to reiterate her thought that city vehicles and equipment be repaired first.

All Ayes. The President declared the motion passed.

Don Icsman said he wished to state publicly while we are in "Interim" mode, **we do not lack for leadership**. He said he knows what his assignment is according to the Commissioner's direction and although acting as "Interim", the Department Heads care and he does not feel we are adrift anymore. He said 'we will say what we mean and mean what we say'.

Julie Farrar asked if Don Icsman could provide information about the **2000 Agreement with the Sandusky Yacht Club**. Don Icsman said we are at the point in the process for this project where we were in April, 2000. He said the letter that he helped write at that time was to memorialize a lot of things said at a presentation that were not put down in writing. It was written on April 14 at the beginning of the process and the public comment and/or public hearing process has not yet begun with the Army Corps of Engineers. He said the documents which were recorded and the Submerged Lands Lease and Sub-lease were not completed until November, 2001. The letter written in 2000 was simply a snapshot, at that time, and the process then moved forward. The Commissioners wanted to put their sentiments in writing at that particular time about what the SYC was intending to do but recognized the process was fluid and that things may change. They did not necessarily approve everything going forward if it were to change dramatically. Don Icsman said if the Commissioners are favorably disposed to the SYC's proposal, he would draft a Resolution to allow the State of Ohio to enter into negotiations with the SYC and move forward with an application to modify the Submerged Lands Lease. He said this is what is proposed and is not in conflict with the city's plans and will be the beginning of the (public) process; it does not mean the process will be over. The Army Corps of Engineers is also looking for the city's public statement on the modified plan. He said if you take a step back and look at the settlement which was negotiated as a result of the lawsuit, it was replete with references to the State of Ohio and there are no guarantees the state will approve it; he said we will entertain the plan and the plan is supposed to protect the Surf's Up property if we desire to put in transient docks. He said the turning radius was a main issue and part of the plan for the settlement of the lawsuit and has been addressed. This would not prohibit the placement of transient docks at the end of Surf's Up if the city decides to pursue this. He said there were no secret meetings, it is all happening here and this will generate many more meetings. **Upon motion of Pervis Brown and second of Julie Farrar, the Commission voted to bring this Resolution to the table at the next meeting.**

Discussion: Dan Kaman said he supports this. He said when factories have closed, people called to ask him what the city is going to do. He said the last factory which closed was similar to the SYC and was within \$10,000 for the amount of income taxes they paid, property taxes, and water and sewer bills (the SYC pays \$3,000 more). He said the SYC employees 20 full-time employees and up to 90 employees in the summer with an annual payroll of \$1.1 million. He said this is a business in Sandusky and this would not be a sale of water rights or property, it is a lease. He said we would be doing something to help a struggling business and looks forward to this going before other city boards and commissions. He said he does not know why Mr. Murray would be against another marina in our downtown.

All Ayes. The President declared the motion passed.

Don Icsman said The **Paper District marina project**, as presented tonight, is the same proposal as was presented in July, 2009, after Mr. Hoty responded to the city's Request for Proposals (RFP). He said there was a presentation by all three companies responding to the RFP in Room 300 of Sandusky High School and there was an article in the Sandusky Register asking people to comment on the proposals. He said there was an opinion column in the newspaper about all three proposals. On August 10, 2009, there was a regular City Commission meeting during which a motion was passed authorizing the City Manager to negotiate an agreement based upon the proposal from the Hoty's. It was a very public, proper and lawful process and he likens this to a constructing a vehicle. All that has been done during the past few months, with Commission approval, was likened to putting the guts into the new car. He said the contract and the budget for the project have since been worked on so that the Commission would know what they are approving. He said previously we were not focusing on this and he (Don) was directed to do this and he believes it has come to a successful conclusion. He said he knows there are trust issues and we are trying to change this and to please give us a chance to build this.

Dan Kaman said according to the Employment Contract with Don Icsman, **the city must start its search for a City Manager by June 1**. He asked Julie Farrar, John Hamilton and Pervis Brown to form a committee to start the process for filling this position.

OLD BUSINESS

Brett Fuqua asked about information **regarding the proposed impound lot** and Don Icsman said he

provided a written report and it should be in his packet. Don Icsman said this is a status report, but it is not yet finished. Dan Kaman said there will be more follow-up with this information.

Dave Waddington said **he would like to keep the whole \$100,000 check (from John Eyman for the Marina District project)**. He said the signed contract was prepared by Squire, Sanders & Dempsey and asked about information he received that the wrong contract was signed. Don Icsman said he does not know why anyone thinks we have offered him (John Eyman) anything and he (John Eyman) knows this. The reality of litigation is that it is distracting, takes time away and burns up resources and even though our lawyer fees will be paid if we get sued, this is magnified as we downsize. Dave Waddington said the city has spent well over \$100,000 in legal fees. **Upon motion of Dave Waddington and second of Brett Fuqua, the Commission voted to *not* return the \$100,000 and to place it into the General Fund.**

Discussion: Julie Farrar said in conversation with two other Commissioners, they have come to the consensus that zero is the number. Hank Solowiej said the \$100,000 was initially deposited into the Capital Fund account last year and he is not sure of the mechanics of transferring this out of the Capital Fund and into the General Fund.

Dave Waddington amended his motion to leave the \$100,000 in the Capital Fund and Brett Fuqua concurred with amending his second to the motion. All Ayes. The President declared the motion passed.

NEW BUSINESS

Dave Waddington said he has a problem with **contractors who have been knocking on doors regarding work to repair damages to siding and roofs after the recent hailstorm**. He said he spoke with Becky Smith in the Building Department about permitting and there are 17 new roofers in Sandusky, but some are not getting licensed. He said there is not a work guarantee and suggested residents hire a local contractor if they need work done. Kathy McKillips said some of these contractors are trying to take advantage of work needing to be done here. Kathy McKillips said when she receives a mailing at her house, she checks to see if the company is registered or if they have a Solicitor's License from the city. She said contractors are required to be registered which ensures workers compensation protection, proof of insurance, and payment of a registration fee; we provide a listing of registered contractors to interested persons. She said we do not have the time to make sure contractors are actually legitimate or that they have a good work background if they come from another state. Citizens who are looking at using firms from outside of the area are urged to use common sense and do their homework by checking into these contractors. Brett Fuqua suggested no one sign anything as he understands some of the businesses soliciting have documents that say, in fine print, they (the contractor) would get a percentage of the fee paid if a resident chooses another contractor.

Dave Waddington said there will be a first **Block Watch meeting for the downtown area at Erik's Clothing on Thursday at 6 p.m.**

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

Upon motion of John Hamilton and second of Pervis Brown, the Commission voted to have an Executive Session regarding the Purchase and Sale of Personal Property. Roll call on the motion: Yeas: Dave Waddington, Brett Fuqua, Pervis Brown, Dan Kaman, John Hamilton and Julie Farrar, 6. The President declared the Motion passed.

Pervis Brown asked about **information regarding the Lawrence Street property**. Don Icsman said there is some miscommunication or misinformation as no one from the city has talked to the owner about this for five years. He said the person was advised he did not need a variance to build a permanent structure made of wood but that a building permit would be necessary. If it was in the right-of-way, an encroachment would be necessary. Dan Kaman asked that someone contact him and let him know.

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

Tim Schwanger, 362 Sheffield Way, said Dennis Murray understands the importance of the Sandusky Bay Pavilion and the water rights. He said in 2000, there were documents signed and they should be

held to. Tim Schwanger said Dan Kaman stated the Paper District marina will not start until all of the funding and the permits are in place. Tim Schwanger said they are not yet in place and Dan Kaman said they **are** in place for Phase I. Tim Schwanger said if permits are not obtained for Phase II, we could end up with a big hole in the ground. Dan Kaman said what started out as a \$3 million change order became a \$7 million project and the city was told to slow down and get the permits in place. Tim Schwanger said the RFP included the construction and management of the marina because the city did not have resources. He asked how the city will proceed with managing this. Dan Kaman said there is more than one company which manages marinas and the city would like to bid this out. Tim Schwanger asked about starting all over with this project and Dan Kaman said we would like to build the marina and then find a company to manage it. Tim Schwanger asked if approvals were given for the Revolving Loan Fund (RLF) Agreements for Markley's and the Port Sandusky Restaurant. Dan Kaman said these RLF's were previously approved and the Commission voted tonight to take a second position in terms of the lien so that the banks are the first priority.

Sharon Johnson, 1139 Fifth Street, said the city should not be worried about John Eyman suing us over the \$100,000 check and it was stupidity on his (and his attorney's) part. She said he should have looked at that section before signing the contract. Sharon Johnson asked if the 17 new roofers would need to get a permit for the city to inspect their work and if the city has enough manpower to carry this out. Kathy McKillips said the city does inspect and does have the manpower. Sharon Johnson said she feels it is risky to not have everything in place first for The Paper District marina.

John Ginty, 5055 Providence Drive, asked about the dangerous chemicals at the former Meyers property on Campbell Street and if the SFD and the nearby property owners were notified about them. Paul Ricci said in 2004, the Fire Prevention Bureau was the lead agency in Code Enforcement and identification of violations at this location. He said a review of the reports was performed and we then proceeded with the legal process. In 2004, the plant officially closed and we were made aware of the storage of chemical drums. This led to the cleanup and removal of sixty 55 gallon drums on the outside of the property but there are still twenty-five 60 gallon drums which have been secured but are still on the premises. Paul Ricci said this property is on the city's list of abandoned and vacant properties and all who need to be aware that it is a potentially hazardous environment are. There have been several broken windows since the last inspection and we are attempting to get the property secured. Paul Ricci said in 2004, there was an article in the local media that there were hazards on the site and the information was made readily available to the public through the local HAZMAT team, the Emergency Management Agency, the EPA and the local media. John Ginty said an assumption was made that everyone reads the newspaper. John Ginty asked about the bad taste in the water and thought a charcoal dispensing machine was automated at the Water Plant and asked if it failed. Doug Keller, Water Services Manager, said the recent storm stirred up the lake and we did not have the usual turbidity. He said we did not know there were problems until this had worked its way through the plant when the chlorine was added. He said they started chlorinating but there were already 2MG in the clear well with bad taste and odor. They then started feeding carbon and pre-chlorination into the water and stated this was perfectly safe, just unpleasant. John Ginty asked to remind citizens about the city ordinance which prohibits blowing grass clippings into the roadways which cause a hardship for city employees.

Dennis Timple, 553 Bimini Drive, said the Sandusky Yacht Club's proposal is a challenge to the community and needs to be handled as a normal piece of legislation with three readings, not through an emergency. He said this could be taken to Referendum if necessary and we should not bypass the public's right to input.

At 7:11 p.m., Dan Kaman announced adjournment of the regular session for a five minute recess; an Executive Session was then held beginning at 7:18 p.m. At 8:25 p.m., the City Commissioners returned to the table and Dan Kaman declared adjournment.

Kelly L. Kresser
Clerk of the City Commission

Daniel J. Kaman
President of the City Commission