

**MAY 29, 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 Brett Fuqua, Dave Waddington, Craig Stahl, Dannie Edmon, Dan Kaman, Dennis Murray and Brian Crandall in attendance; as well as the Charter Officers of the Interim City Manager James L. (Don Miers), Law Director Don Icsman, Finance Director Ed Widman and the Clerk of the City Commission B. Joyce Brown; the Administrative Staff of the Assistant City Manager Gary Packan, Director of Engineering Services Kathy McKillips, Police Chief Kim Nuesse, Fire Chief Mike Meinzer, 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. 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, Waddington, Stahl, Edmon, Kaman, Murray and Crandall.

Mr. Waddington moved the **minutes of May 14<sup>th</sup> and 18<sup>th</sup>, 2007**, be approved as written and suspense with the formal reading of same. Mr. Crandall seconded, carried.

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

Reverend Thomas Darden, 1402 Wamajo Drive, said on the **Sandusky Cemetery Board and utilizing the Endowment Fund to pay seasonal staff**, The Endowment Fund was created to maintain the Cemetery without using General Fund dollars for that purpose. Presently being short two full-time employees, the need for seasonal staff is more severe. The only way to endure this cost is the need to carry a deficit in the Cemetery budget and make it up at the end of the year from the General Fund. In order to prevent this, the Board strongly recommends utilizing the Endowment Fund to pay seasonal staff and we sincerely thank you for your favorable consideration to this budget.

Mr. Kevin Zeiher, 925 Cedar Point Road, said I am favor of Item #2. I have served on the Cemetery Board with Reverend Darden for 20 some years. And over that period of time I have seen the City fund the operation of the Cemetery and they have turned that Cemetery into one of the proudest pieces of property owned by the City and one of the best cemeteries in the State of Ohio. Over the past several years, due to budgetary constraints, we have lost two full-time employees. And those full-time employees operate very accurately during the summertime to help maintain the Cemetery and keep it in the condition that we have all grown to expect. I am here to ask the City Commission to support utilizing Endowment Funds for that purpose to hire seasonal employees to assist in the operation of that Cemetery. And I would also appreciate your favorable consideration of that request.

## **PRESENTATIONS**

**Water Protection Project** - two Sandusky High School students

**Serving Our Seniors Annual Report** – Sue Daugherty, Director

**Land Reutilization** - Gary Packan/Carrie Handy/Amanda Keegan (Power Point)

President Kaman said thanks Mr. Paul, Erie County and other taxing districts for showing up tonight and showing their support for Erie Metro Parks. We need to do something to clean up our neighborhoods and I applaud you guys for taking an aggressive step. This plan, like our Code Enforcement, is going to be discussed and debated greatly in the City of Sandusky. We had people calling us from Cedar Point Chausee last summer, all the way to Meigs Street, McCartney Road, Monroe Street, I think everybody was touched by it. It wasn't a targeted area, it was everybody and that's the way this plan looks like it's going. That's what we need to do. Having a property that is close to my property that is not being upkept, my last resort was coming to the City. And you have to do that. And we need to clean up our City and turn this around and we need to clean up the neighborhoods to get this turned around. I think in two weeks before that comes up, you'll get some e-mails and

questions from the Commission and they will answer questions tonight also. I think we have to do it and I think the people that we know that aren't paying their taxes and aren't keeping up their properties I say, my own personal belief, just put it in the paper, publicize it. Let people know who these guys are that aren't taking care of their properties. They're not all out of town landowners. They're not all-absentee landowners. They're not all Metro Housing. That's not the case at all in most cases. So I applaud it and I look forward to it.

Mr. Packan said we're trying to eliminate more private parcels. Obviously specifically our Horticultural Services Department usually spends Friday mowing parcels. So that takes away our staff for maintaining our parks and for our community as a whole to maintain these private parcels. So we want to be able to utilize those people so we can do the improvements and enhancements to our park system and that can eliminate the additional strain on our staff.

Mr. Edmon said I would like to request a copy of whatever you guys were going to present, an explanation far in advance. So Friday when we normally get our packets to vote on it, I think that this is something very important that needs to be researched carefully to make sure that we're not going to be hurting certain people.

Mr. Murray thanked staff and stated this was another form of the regionalization taking place between the City and the County.

*President Kaman asked would this be legal in changing neighborhood zoning from when a house becomes for sale, that the zoning changes that it has to be made back into a single home instead of rental?*

**Ohio Bike Week** - John Lippus/Steve Ernst

**Parks and Recreation Master Plan** - Gary Packan/BG Clark, Pros Consulting (Power Point)

## **NEW BUSINESS**

Mr. Crandall said I will move to accept all communications as presented in our packets tonight. Mr. Waddington seconded, carried.

**ITEM# 1** – Communication - Gary Packan, Assistant City Manager

**Discussion** – Mr. Waddington said when this project is completed for the building, what I like is that it will meet the State of Ohio Green Building criteria for energy efficiency. And that the Kiwanis will invest 100% of the net proceeds to scholarship funds to provide scholarships for Erie County students with 50% of the net distribution from the earnings of that scholarship fund dedicated to providing for students from the Sandusky City Schools. Mr. Edmon said I'm happy our seniors will be able to live on a beautiful waterfront. In addition, I'm extremely happy these jobs are going to pay prevailing wage.

**ORDINANCE NO. 07-024 - Ratifying the Community Reinvestment Area Agreement and Community Area Compensation Agreement with Viewpoint Senior Housing, LP, a Division of National Church Residences (NRC); authorizing the City Manager to execute the Community Reinvestment Area substantially in the same form attached to this Ordinance.** Moved by Mr. Murray, seconded by Mr. Waddington to be passed under suspension of rules in full accordance of Section 14 of the City Charter. The Clerk called the roll twice, first on the motion and then final passage as follows: Yeas: Fuqua, Waddington, Stahl, Edmon, Kaman, Murray, Crandall, 7. Nays: 0. The Ordinance passed.

**ITEM# 2** – Communication - James L. (Don) Miears, Interim City Manager

**Discussion** – Mr. Crandall said there are three individuals out there full-time and one individual can be hired at any time. I am concerned about the disruption of service because one individual can retire any day. With the shifting of personnel we should concentrate on keeping our full-time people and maybe supplementing a couple. How many seasonal positions will there be? Mr. Mike Pisarsky said actually there are three seasonal positions out there that we have had and we will maintain. Mr. Crandall said there was a concern with the safety issue with seasonal people or full-time that have been out there a number of years and getting the quality of service? Also I don't want to see a full-time guy let go from the Cemetery. That leaves two and we talk about customer service and no one is in the office. Mr. Pisarsky said it was not totally my decision to eliminate divisions as part of the economic times. I was told there had to be money saved in the budget when it rolled down to my division and I was told that we were going to have to look at possibly

eliminating three positions. Mr. Pisarsky gave an explanation of how his divisions were run and cross-worked to help each other.

President Kaman commented about the reallocation of the endowment and not using it for its intended purpose and he did not agree with it.

**ORDINANCE NO. - FIRST READING - Authorizing the City Manager and/or Finance Director to utilize a portion of the Oakland Cemetery Endowment Fund to pay seasonal employee wages and fringe benefits. Moved by Mr. Fuqua, seconded by Mr. Waddington to be passed under suspension of rules in full accordance of Section 14 of the City Charter.** The Clerk called the roll twice, first on the motion and then final passage as follows: Yeas: Fuqua, Waddington, Stahl, Murray, 4. Nays: Edmon, Kaman, Crandall, 3. **Ordinance passed at first reading.**

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

**Discussion** – Mr. Edmon asked what happened to the greenhouse blue print they were supposed to get? Mr. Packan said we provided that information a year ago. Mr. Edmon said it was presented to us, but Honeywell didn't agree, but we never got to look at it. Mr. Packan said no that's incorrect. Mr. Martin provided information in regards to the proposed energy efficient greenhouse that would be built from scratch, as well as costs associated with those. *I will put them in your packet.*

Mr. Edmon said I really have a problem with this kind of ordinance because basically what we're doing is we're getting one energy conservancy body to oversee somebody else who is doing energy conservancy. It's almost like McDonalds watching over Burger King and you wonder why Burger King is not successful. I don't see how a company like Honeywell is going to not provide themselves with business when someone else is going to be competing with them. We should allow people to work on their own merits and do it that way.

Mr. Waddington said for the greenhouse preservation, we are looking at the Kellogg Grant currently. And with monies or grant monies from foundations to set up an endowment for the greenhouse, with House Bill 300 money, can we use this if we partner? We're also looking at an option of partnering with maybe Metro Parks and the City of Huron, so would that take us outside of that scope if we did have to use this money by bringing in someone from outside? Mr. Icsman said I'm not sure that there is any flexibility in terms of if you're saying you may or may not want to include the greenhouse into this contract. I think that might affect all of the numbers. Mr. Packan said obviously we are exploring many opportunities in regards to the greenhouse. The Kellogg Foundation is one and Mrs. Hanck from Erie County Community Foundation expressed concern for their interest in the program. But in regards to the regionalization, some of these remarks are in the infant stages and we are hoping to have some sort of proposal for the City Manager and City Commission to review sometime in the late summer is our goal. An aggressive goal, but it's something we think we can provide at least for the foundation or concept. Original discussions would be that it would be primarily an operational joint partnership between entities and eventually tackle Capital Improvements down the road.

Mr. Stahl said I'm all for the greenhouse, but I personally think we should wait two weeks to vote. The reason, at the last meeting Mr. Murray asked for hard numbers and I don't think we've presented those. We figured 2006 revenues of \$13,000, expenses of \$244,000, overhead is about \$24,000, it's a 10% figure. So the greenhouse lost about \$255,000 in '06. Now we projected going forward from '07 through '17 and we would see just short of a \$3 million loss according to figures prepared today. I e-mailed Commissioners, Mr. Solowiej, Mr. Widman and Mr. Miars. So after scrubbing the numbers, it says this is a great thing if we merge it with Metro Parks and work together in a collaborative effort.

Mr. Stahl said but we still don't have and nor have I seen an RFP of what it would be if we sent these flowers out. Have we sent that out and do we have responses from that RFP? Mr. Packan said no, Tom (Ott) actually has intentions of working on that and he's in the middle of planting. He's trying to get that done as quick as he can. He talked to private sector greenhouses in regards to preparing documents so they can give him prices on that. Discussion ensued. Mr. Murray said I too want to see us save the greenhouse, but this is a marquis item for the City and is one of the things that citizen's love and it attracts people to the area. So I think it's important to keep it and I think it's an important financial investment and I would be more comfortable knowing precisely what the costs of flowers are. Mr. Stahl said just so I'm crystal clear, I want the greenhouse. I think it is a cost that we need to spend as

a body and as a City it is a very important part of our foundation. But I also think we need to have all cards on the table and it would not be responsible for us to handle this any other way. **Mr. Stahl said therefore, I would make a motion to table this issue for two weeks.**

President Kaman said I have been concerned about the greenhouse for quite a while also, but this legislation I feel tonight, the greenhouse is just one part of it. There're other buildings that are talked about. There's other cost savings to talk about that we have been talking about for at least three years getting energy efficient, doing different things throughout the City. So as much as I want to scrub those numbers on that greenhouse, I think this encompasses the whole City. By passing this legislation tonight, we are not saying the greenhouse will not be looked at. We're going to still continue to keep on these people, staff, to make it energy efficient, to make improvements to do that. Also by passing it this time, it will give us the time and the momentum to go for the Kellogg Grant, go for other things that we can do to keep that greenhouse and to try to explore to see if it is feasible to do it. By not passing this tonight, you're going to lose two weeks and you're going to lose the time and effort that was put into this the last three years actually working on this.

Mr. Stahl asked does the Chair recognize my request for an additional motion? President Kaman said it didn't get seconded yet.

Mr. Crandall said the thing that bothers me the most about Honeywell was that they were told not to include the current facility we're sitting in now. And I believe this facility should be included because then maybe I can find out why there's still heat coming out of the register back here with the air conditioner still on. I think things need to be looked at, and purposely it was left off and to me that is an inexcusable. **Mr. Crandall said but as far as Mr. Stahl's motion, and certainly Mr. Icsman made the comment, I would second Mr. Stahl's motion.**

Mr. Waddington said as far as preservation, it is a historical landmark and next year is a 100 years. I have had a lot of calls. I too would like to see them talk to Mr. Packan and indeed this is an educational center. Why couldn't it be a job creation area also for horticultural? Ehoove School has that and there are a lot of jobs.

Mr. Packan said the Kellogg Grant deadline is July 1<sup>st</sup> so we are in a short timeframe and obviously it's critical and very important discussion. I think they are interested in seeing results of some sort of discussion from the City Commission and I think their concern would be to fund something that would be eliminated long-term. So I think they would love to see the greenhouse move forward and would provide funding.

Mrs. Hanck, Erie County Community Foundation, said we have an opportunity to apply for the proposed grant money from the Kellogg Foundation. It's up to as much as \$700,000 and about \$400,000 can be used for Capital Improvement of Facilities and about another \$150,000 goes into a permanent endowment fund of the Community Foundation. It's doesn't seem like a lot of money initially, but if we raise about \$6,000 a year, that's the beauty of endowments, letting them grow. As the grant deadline is July 1, I would like to have a vote today, but I appreciate scrubbing the numbers and everything else and the responsibility of being good community stewards. A lot of times I turn in my grant applications the day before it's due. So if you need two weeks and I can work on the grant and give you that extra two weeks, I would be writing it at the very last minute. I don't want to put pressure on you. I do want to say that we service the community. In B.G. Clark's presentation, there were so many things in there that we also heard from our group. I couldn't agree more with everything that he had to say. The difference between what B.G. was looking for and what we were looking at, we were talking with people about accessibility for handicap people. And so we learned a lot of the same things that he did, but we also learned about our handicap population. Sue Daugherty told you that there were about 6,000 senior citizens in Erie County. That number is expected to double in the next 15 years. The biggest issue for our senior citizens is mobility. Hearing loss may be the second largest group of single people. What we liked about the greenhouse is that it is an indoor facility, it can be open year around. It's manageable for people with all different kinds of disabilities. If you have immobility, it's not too long a distance for you to go. If you are blind, you can still smell the flowers. If you have any other kind of impairment, you can pretty much find something to do at the greenhouse. We've had a lot of meetings with non-profit organizations to talk about programming ideas and it was an idea that just sort of took on a life of its own and everyone was very enthusiastic about it. So please take your time if you need more

time, but I absolutely have to have your decision in two weeks. If not, I won't be able to apply for the money for the greenhouse. It is a great opportunity and we will help you get it if you want it. President Kaman asked for questions from the Commission.

*Mr. Stahl said I would just like to make a comment. If my amendment to the motion is seconded, I will volunteer to by next Friday to have a proforma with and without the Kellogg Grant done. I will sit down with the City staff in the next week and a half with Mr. Miears, which I know is a real numbers person. And Ed Widman whose worked on this thing, Hank Solowiej, I'll get everybody together and I will have a proforma ready for you Ms. Hanck by next Friday.* Ms. Hanck said thank you.

Mr. Widman said if I could point out a couple of things having heard some of the discussions about the greenhouse and the ordinances. I talked with the lawyers that assured that the ordinances that they prepare, would be prepared in a way if the Commission were to change its mind about a particular piece of the project they could basically go forward. The ordinances are both designed at a not to exceed, but if you choose to not do part of it, you are pretty much still looking at the greenhouse. One of the issues in talking with Randy at Honeywell is the interest rate that they've guaranteed us at this point. The things that are procrastinated on the interest rates have risen. I even checked on the people that do our notes and bonds, the fact was with the rates that you were doing this with conventionally, your notes and bonds would have interest rates that would probably be higher. And I don't know if we delay action for another two weeks, if the interest rate would go up and we would pay more over the next ten years. If you pass what you have, but let staff know and Mr. Roys know that you do not want what's in it for the greenhouse for at least two weeks, I don't think I'd kill the rest of the project because pretty much everything else is a no brainer. It's less than ten years overall. If we do look at just the greenhouse, that was always a concern that I had in talking with the City Manager. I told him it's not a stand-alone project. It wouldn't qualify for House Bill 300. It depends on other savings if you could pull it below the ten years. That's something when we were working on the formality of all this. We didn't want to lose the interest rate, didn't want to lose the savings elsewhere because I know that we've been trying to work with the numbers on the greenhouse. And I think the RFP on the outside prices is what we had to go through. Mr. Stahl said last Friday the Finance Committee met in open session and we talked about interest rates being the unpredictable thing and the Federal Market Committee had met a couple of weeks ago. And they would not meet for a couple more months and interest rates would actually drip down in the short term. And we were actually looking at refinancing possibly the Library Fund and possibly the Fire Station commitment because of lower interest rates. So I will say that they can go up, they can go down, and this guy doesn't like buying a car and handing me the check and looking at it for two weeks. So it might as well still be a no because let's just do it and do it all correctly in two weeks Mr. Widman. Mr. Widman said it was just an option and it would give you flexibility if you wanted locked in savings. Discussion ensued.

Mrs. McKillips said piggybacking on what Mr. Widman said, what we're doing here with Honeywell is entering into a partnership with them hopefully for a long-time coming. And this \$1.5 million that we're looking at pursuing is just the first stop towards becoming an energy conservation that will be saving money for future savings to our facility. You know if we decide to postpone work on the greenhouse that could be Phase II. I know Mr. Crandall mentioned why wasn't this facility (City Hall) included. Well because of the whole issue of not knowing what we're doing with the facility. We're setting that aside and that will be either Phase II or Phase III. Several communities that work with Honeywell continue to work with Honeywell. I mean it's going to take us every day to know because it's changing constantly and in another few years there is going to be new technology out there that may advance us, the possibilities or opportunities to save more money in different buildings, different facilities. So I think we're not just looking at these specific items, it's really kind of a long-time relationship and you know if we decide you may in this building, it may be another phase because I know components of this building will eligible for House Bill 300 Program. So we're not looking at just this. This is specifically geared towards items that are listed in this itself, but we're looking at partnering with Honeywell for a long time coming. So there's other issues that'll come up.

Mr. Stahl said if this thing goes it's a bigger component of this thing, and if two weeks makes a difference in the way we operate this City, then we better have a meeting next Monday.

President Kaman said okay Mr. Stahl, you have two motions you've made. You need to rescind your first motion. Mr. Stahl said it's done. President Kaman said and there's a motion on the floor to table it and it was seconded, Mrs. Brown poll the Commission on that motion please. The Clerk called the roll: Yeas: Fuqua, Stahl, Edmon, Crandall, 4. Nays: Waddington, Kaman, Murray, 3. **The President declared the motion passed to table these two items.**

Mr. Stahl said I want to make good on my promise working with Mr. Widman, Mr. Solowiej for a **proforma with everything included** and hopefully the staff will take on a spirited discussion in the way that it was meant and we all work together and get this thing done to be ready in case it passed on that night. President Kaman said I need you to make that same motion then on the second. Mr. Stahl said it's so moved. Mr. Crandall seconded the motion. The Clerk called the roll: Yeas: Fuqua, Stahl, Edmon, Crandall, 4. Nays: Waddington, Kaman, Murray, 3. **The President declared the motion passed.**

**ORDINANCE NO. TABLED** - Authorizing the execution of an agreement for the acquisition and installation of Energy Conservation Measures and Facilities.

**ORDINANCE NO. TABLED** - Authorizing the execution of a Lease-Purchase Agreement and related Escrow Agreement in connection with the acquisition and installation of Energy Conservation Measures and Facilities.

Under the **City Manager's Report**, Mr. James L. (Don) Miers said it's been a busy two weeks and I don't have much of a report, however we did receive contributions. I have a **\$44 donation from Dave Waddington for a flag and flag pole for the Canoe Livery** to be accepted. Mr. Edmon said so moved, Mr. Crandall seconded, carried.

Mr. Miers said we got **\$150 from George Shepherd for the Green Fund**. Mr. Edmon said so moved, Mr. Crandall seconded, accepted.

Mr. Miers said they received **\$150 from Scott and Patricia Stroub for the Memorial Tree Fund at Oakland Cemetery**. Mr. Edmon said so moved, Mr. Crandall seconded, accepted.

Mr. Miers said we also received **\$20,536 for the Marine Patrol Assistance Grant through the Ohio Department of Natural Resources**. Mr. Edmon said so moved, Mr. Crandall seconded, accepted.

Mr. Miers said as they know **Bike Week** is coming up and there are going to be some street closures downtown and those were in the paper and passed out here.

Mr. Miers said we made arrangements with **Battery Park Marina to open up the handicap restrictions** and we are going to have driving down on the pier. It will be limited and we did start work and we will send out details later.

Mr. Miers said the **Amvets League** is satisfied and they will play ball this year. At the end of the year we'll have a wrap-up meeting with all of the representatives from each league, along with our Recreation Department staff. They will be required to comply with all the regulations as set forth going forward until the year 2008.

Under **Old Business**, Mr. Waddington said on the **Community Roundtable the YMCA Teen Dance and Sandusky Transit, YMCA, Boys & Girls Club and a myriad of churches would provide free transportation** to that function. They had designed several parks such as Huron, Lions, Foxborough, Farwell, Sprau, Scott May Court as pick up and drop off areas in the City. And Whitman/Wieber gave \$600 to STS to help and their Foundation gave \$200 and Mr. Kaman and myself each gave \$100, and Mr. Stahl and Mr. Murray each gave \$100. So thanks to them.

Mr. Edmon said in Sunday's paper there was an article talking about the **Marina District Boat being just an advisory and not being valid**. I'm really concerned and what kind of wording can you put in to change that? Mr. Icsman said yes as to the advisory question, I apologize if everyone did not know that. The question I would ask was whether it was legally binding and it is not. But it is not legally binding on anyone else's web. So anyone that might be against it or on the other side would also not be bound and would retain all of their rights to referendum, to go to court. And that's kind of the discussion that I remember any ways centered around it because of the cost and because it's use, it can not be binding by its very nature. It used to be illegal until about 1991 or 1992. The Supreme Court would not allow you to do that, but in a case involving the City of Bedford, they allowed them to ask that question. They created that right out of home rule powers that cities enjoy under the Constitution. So you would have a right to ask that question or any question to the

voters and from a political sense, from a moral sense, it is binding and these were all things I talked to the newspaper about, personally about, that didn't appear. And I also told them that knowing all of you the way I do, I wouldn't imagine that you ever would not honor the will of the people. The public would retain the right to referendum and let's say it would pass and you would then pass the development agreement, anyone out there would retain the right to file a referendum to do a referendum petition on the approval of that irrespective of the vote. Again, that's a legal explanation. That isn't moral and financial and political or that it's done for fair play. Discussion ensued. Mr. Icsman said politically and morally I can't imagine, unless the voters would say no, anyone with the same mind would never want to pass it. Mr. Edmon said if we didn't have precedent, I would agree with you. Mr. Icsman said I would like to point out, that's a good example of when the law does make it mandatory, is when Dannie circulated the petitions for the change of government. The Commission at the time, I believe it was 6-1 or 7-0, did not want to pass that on to the Board of Elections. But in essence because it was a Charter change. The Charter in Section 82 said that if 10% of the electors signed the petition, that the City Commission shall forward it to the Board of Elections. So they really had no choice. I advised them they could not vote no. Mr. Edmon said Mr. Icsman I had forgotten about that one, now there's two of them I know about. Mr. Crandall said just for the record, however it goes, I will be behind it a 100%.

Mr. Waddington said I attended both Sunday and Monday for the **Service to be held at the Erie County Veterans Memorial Park and Monday at Ohio Veterans Home.**

Mr. Murray commented on the **legacy of Mike Will** and a job well done.

President Kaman said Wednesday, June 6<sup>th</sup> from 4:00 p.m. to 7:00 p.m. there would be a **public meeting on the overpass, West End Grade Separation at the City Service Center.** ODOT, the railroad and the City will be there.

President Kaman said several weeks ago I brought up the **right turn on red at Sycamore Line for the curb lane only by the Cancer Center** that is now closed. Josh Snyder, the Traffic Engineer, agreed and assured me we can change it back if a business moves back in and the Commission voted to wait. ***I would like to make a motion now to advise staff to make that intersection a right turn on red. Mr. Waddington seconded the motion, and with all Commissioners voting "Aye", the motion carried.***

Under **New Business**, Mr. Waddington said I would like the **Commission in the future to consider buying hybrid cars and trucks during new replacements.** It's obviously fossil fuel loss and financial woes that we're in. At the June 11<sup>th</sup> meeting we will have Mr. Tom Kiser to speak on energy costs and where to seek out alternative jobs. Discussion ensued.

Mr. Edmon commented he had calls from people on their **water bills on the south end of town stating their sewers were high and he wondered how did we track that?** Mr. Widman and Mrs. McKillips gave an explanation and discussion ensued.

Mr. Waddington said the **dedication** was this Saturday at 1:00 p.m. for the **East Sandusky Bay Water Trail.**

Mr. Fuqua said a **resident of the Hubbard Building were complaining about the noise level at Daly's** and discussion ensued.

Mr. Fuqua said a **lawn was about two or two and a half feet high at a house on Buchanan Street, how are we handling these?** Mr. Miars gave an explanation of properties being empty or for sale and discussion ensued.

Mr. Edmon said I move for an **executive session on land acquisition.** Mr. Waddington seconded. The Clerk called the roll: Yeas: Fuqua, Waddington, Stahl, Edmon, Kaman, Murray, Crandall, 7. Nays: 0. The motion passed.

Mr. Edmon said I move for an **executive session on Collective Bargaining.** Mr. Waddington seconded. The Clerk called the roll: Yeas: Fuqua, Waddington, Stahl, Edmon, Kaman, Murray, Crandall, 7. Nays: 0. The motion passed.

Mr. Edmon said I move for an **executive session on Personnel, Charter Officers.** Mr. Waddington seconded. **Mr. Murray asked for discussion.** Mr. Murray said if I understand it correctly, the issue for discussion is the manner in which we go about

searching for a replacement City Manager. And I understand that the desire to have a complete frank discussion, but it seems to me that that's an issue that is quintessentially one of public interest. And I'm struggling trying to understand how it is that that was appropriately a part of executive discussion. I'm sorry to bring it up in this way, but I didn't learn about it until the meeting started. Maybe it was even after the meeting started. So I would put that to Mr. Icsman for your advice. Mr. Icsman said the City Manager is one that we can have them in an executive session. I have to tell you that I was not aware of that either until you just made the motion or asked for discussion. I'm wondering about it as well. When you get down to taking someone, that's certainly is appropriate hiring a person or considering a pool of applicants. Certainly it is talking about that procedure. I honestly have not thought about it. I knew about the other two. President Kaman said I asked for it to be an executive session right before the meeting when I found out that there were questions on these people that are going to serve on this committee instead of throwing out the names publicly. Like we had for the Police Chief and Fire Chief Committee, we'll have a committee for this one. And if this is the way the Commission decides they want to go and if not, we then will go a different way. Discussion ensued. **The Clerk called the roll: Yeas: Fuqua, Waddington, Stahl, Edmon, Kaman, Murray, Crandall, 7. Nays: 0. The motion passed.**

President Kaman said I have an appoint for the **Housing Appeals Board**. The City Manager's office has applications if someone is interested in serving. **Mrs. Pauline Mackey is to serve a the regular member.** Mr. Crandall moved, Mr. Edmon seconded, carried. President Kaman said **Mr. Daniel Dicks would take the alternate position.** Mr. Crandall moved, Mr. Edmon seconded, carried.

President Kaman said I would like the **Commission and staff to consider for the next two weeks of starting to meet every week.** Because these meetings are going on 8 o'clock and start at 5 o'clock, and sometimes with three executive sessions, we haven't been getting out here until 9:00 or ten o'clock at night. I hope we can cut the meeting times down some, cut the agenda a little bit and get it real condensed.

Mrs. B. Joyce Brown, Clerk of the City Commission, said the **Sandusky NAACP will be hosting a community forum with the Ohio Civil Rights Commission on May 30<sup>th</sup> at the Fire Station on Market Street, which is a Wednesday and a Community meeting with actual hearings on Thursday, May 31<sup>st</sup>.** They will answer questions and it is open to the public.

**Mr. Murray said I would make a motion to retain the Circuit Rider Management Group to assist us in this process. Mr. Waddington seconded. Discussion –** President Kaman said first of all I would like to say when the whole thing started with Mr. Will, I heard daily from Mr. Murray and Mr. Waddington, different ideas. I had several different groups contact me about finding search committees and professional people that do that, and in all of that I talked to Warrenette about facilitating that. I decided to, I put Mr. Murray and Mr. Waddington in charge of this total operation of how we're going to do this. Whether we're going to do it in-house or if we're going to have an outside firm, who we're going to get, names and facts of information. So that's where we're at tonight. We were going to discuss it and move on to the objective and with pretty much with the full conception from the Commission that yes we do want somebody in by September if possible.

Mr. Stahl said you and I have had various long discussions on this on a daily basis. We've got a great hard working temporary Interim City Manager here who is available to us, but I think we'd want to make sure that we don't rush this situation and make a bad mistake. If it takes an extra two weeks, so be it if Mr. Miers is willing to stick with it and help us out. So I think it's a good process and I think the other part of this process that has been so described. Warrenette thank you for all of the reading over the weekend, the nice thing about being in the printing business. We have to take our time and bring it down to four or five. I like the committee idea. I like this idea. Then I think we are all elected to serve the citizens of the City of Sandusky. That makes it imperative for each of us to get the opportunity to get to know all of these candidates, to see the arena that they work, see what their responses are in the communities that they work in, to get a good feel because this is a major decision. And we need to get down to the four or five, and I know you Mr. Waddington and I had some conversations on it. I think it's a wonderful thing. I think as a group

collectively seven of us is too many to work on it. I think if you get it down to four or five, then we can go out to see them, but one thing I want to be very cautious of Mr. Kaman, is we don't set a date on this thing. Because if you read these things, as I'm sure you have and all of us have done, there's a timeframe in here to take three or four months to do that. We have to do this right. We have to find the good fit for this. And these candidates will want to come in likewise and find out if they're a good fit for Sandusky. You know they may want to come in and go to one of our candidate's forums for example in September to find out what the political lay of the land is here in Sandusky. It's just as important for us to find out about them, it's important for them to find out about us. The door swings both ways. I think the way that you have done it is absolutely wonderful. I will vote yes and I think it is a great deal and I admire your thought process. President Kaman said first of all, the research firms all said three to four months. So that's how I came up with September, even after September.

Mr. Edmon asked was there going to be another way for an application to be submitted other than these search firms? President Kaman said yes, they can send a resume to the City of Sandusky. Mr. Edmon said I mean I was curious because it sounds like we're going to bend most of decisions based on what the search firm gives us. And I'm afraid we're going to be missing out on opportunities for those people who decide they don't want to go through an executive company in order to find a job. President Kaman said no, the search firm will screen their applications, accept the resumes as Warrenette will continue to do here in-house, but they will do all the background checks and they will do the initial thing. They will take people that aren't even close to what we're looking for and weed them out so they don't have to go through 50 applicants that aren't even qualified. They will slim it down to the qualified people that reach our criteria. Mrs. Warrenette Parthemore said the first thing the search firm will do will be to meet with you and create a profile of the ideal candidate. That way if you have criteria for them to use to narrow down the search and they will get input from all of you as you redirect them from your committee, from department heads, from the community, whoever you direct them to, and they create the profile. And from that profile they can narrow it down and weed out all of the people who don't meet the profile and give you the candidates that are actually going to meet the criteria that you want.

Mr. Edmon asked does the search firm itself charge fees for people to find them jobs? Mrs. Parthemore said no, they do not. Mr. Edmon said okay.

Mr. Murray said what Mr. Stahl said I think that's absolutely right and that's part of what we would be doing with this firm, is designing the process and one of those designs would be how many people do you want them to come back to us with. I think that's absolutely right that the four to five range is a broad enough range that we do have a chance to go in there as Mr. Stahl put it and kick the tires. I hope we don't end up with this extending into the candidates forum's though. Because if one of them comes in, then we will scare them away, but hopefully we will have that buttoned up earlier than that. The other thing is that I agree with Mr. Edmon entirely. We want to make sure the process is as open as possible. I mean it's not going to be that they're going to just advertise a select market. I assume, but do not know at this point that we will have an advertisement on our web site. I assume, but don't know that we will have a local press release. There's a wealth of local talent from our own staff. There are many capable people on our staff who could fill this role to people like Andy White of Huron. There are all sorts of other people, all sorts of great people and so I think we want to keep the process wide open.

Mr. Waddington said on the pick I've talked to Dennis several times. I'd like their experience requisites, references that would allow Ohio cities in here. That we could get a hold of people, in here it looks like 15 to 20 cities and towns and villages in the State of Ohio that we could contact. And being from Ohio, I didn't want to check with an outside firm. So someone that we can get a hold of because we don't need to jump on a plane to talk to them. President Kaman said the motion was made.

Mr. Crandall said you know there's nothing that says that we cannot go into executive session and come back out and act on that. Mr. Waddington said if in fact we do that Mr. Crandall, if the Commission entertains this, we have tonight that we could talk about it and then get a jump on it and in two weeks start. Mr. Crandall said I guess what disappointed me is, I come in tonight and I hear this person has two names and this person has two names and this is going to be the committee. Because if I understood what was being said to me, I'm glad we're talking about this

in public now. Because quite frankly I think there's a couple over here that are talking like they don't have issues and it just seems like it's already a done deal. And quite frankly I want it to be a done deal. I want it to be just like everyone here said, out in the open. Anybody that knows me, I do everything in the open because I don't care. And you know it already seems like, you know that I was cut out of the process. That's just my feelings after what I heard prior to the meeting. Just prior to the meeting I might add. President Kaman said I haven't heard all four names yet, so that's why I want the executive session to throw the names out. I don't think it's right that we would bring the public names up. The same as we did for the Police Chiefs, I would like to see it the same way.

Mr. Stahl said Mr. Chairman I move to call the question as presented and discuss the names in executive session and then come out of executive session and issue those names to the press at that time.

Mr. Edmon said have we consulted the Charter on how to deal with this issue? There's some very specific things in the Charter that we are supposed to do as a Commission when hiring a City Manager and I don't know if we consulted the Charter and we're already talking about hiring an executive firm and everything else. Mr. Murray said I have and it's pretty wide open on this Charter and what we're doing with those provisions that apply. Our friend Mr. Icsman can always give us a legal opinion, but I have looked at that. Mr. Edmon said Mr. Icsman, my question was to you. Mr. Icsman said well, I'm not aware of what you have and have not done because I am not a Commissioner, but I would say that Mr. Edmon you might be thinking of the Police Chief. There's a thing that has to take place when the Fire or Police Chiefs get replaced, but I'm not aware of the direction that the Charter gives for the Manager other than as an employee. And those types of things, that's how you should be elected. I think it's Section 32 of the Charter. How you go about doing that is really up to you whether you do or do not hire a firm and that sort of thing.

Mr. Edmon said if we do get some kind of committee together to talk about how we're going to hire the City Manager, whose going to make that decision? Is that going to come from the committee or is that going to come from the Commission? I'd feel kind of slighted if I sat on the committee and I didn't have any say on how things were sort of progressing. It's that the whole thing is kind of bubbled up right now because some of the people being caught off guard with it. President Kaman said I think if memory serves and the reason for the Citizen's Committee, is you have four citizens who are probably any citizens we decide to get with on the committee. And that we don't have seven Commissioners looking over all these resumes. We as a Commission, if we hire an outside firm, we will give the parameters of what we're looking for and things like that, you will be involved as a Commissioner that way. You will be involved as a Commissioner when the search firm, if we hire one, comes back with the final cut. Whatever we decide to tell them what number we would like. You have your input there. I mean if you guys want six people on the committee that's fine. I personally didn't want six people on the Police Chief Search Committee City Commissioners, and I certainly don't want seven Commissioners on this committee either. That's why we did what we did.

Mr. Stahl said Mr. Chairman the reason I like this Circuit Rider one is they have a very, if you read things through, this is a three and a half to four month's process. And by the time you get a new Commissioner on board, you offer one and they give two or three week notice for wherever they're at, we're not going to get as much. Like we had Don (Miears) come in the next day. We're looking at a four-month deal realistically, it's four and a half before hiring them or maybe a little bit longer. This is a very detailed thing. And the reason I like this one versus the one I read from Texas or whatever it was from, they're going to have the City Commission very actively involved in this in every step of the way. This thing becomes the community component and I like that. Maybe because we will have also members of the community have been put on this also so it's just not the Commission. But my original feelings to you was because I volunteered to be on the committee, and quite honestly I was disappointed that you didn't pick me. But I felt very comfortable with the whole process after you and I talked about it, that the Commission would be involved and every step of the way. And my comment to you Mr. Mayor was that I was elected by the citizens of the City of Sandusky to represent them and I would have felt slighted had I not been elected. Although I did temporarily feel slighted. After I read this and reread these seven pages of this Circuit Ryder. We are going to be very much involved. I like the whole process. I think he did an excellent job. I

move that we call the question. Mr. Edmon said I know Mr. Stahl's in a hurry to call the question, but I still have more questions.

Mr. Edmon said I for one am all for citizens making a decision in how they can choose who is leading our City. In fact, I think we should have a Mayor. That's not unknown. So I don't have a problem with citizens helping make the decision. However, how much is this search firm going to cost us? Mr. Stahl said I believe it is about \$18,000, which is about the normal rate. I will also say we're very fortunate that our Interim City Manager is working for \$1. So whatever the search firm is costing, our interim's generous donation to our City will more than offset the cost of the search firm.

Mr. Crandall asked does anyone here at the present time know any of the individuals involved with this search firm? Mr. Stahl said yes. Mr. Crandall said I guess my question's answered. Mr. Icsman said excuse me, but that's something that I need to know about if the answer is yes. You know let's talk. Can I talk Mr. President about the law around here? President Kaman said sure. Mr. Icsman said if when the Commission decides to participate, not if, but when, if it's more than four, then that's going to require a public meeting and adjourning appropriately into executive session. You can do it every step of the way. You can do it at the end. You can do it in the middle. You can do it whenever you want, but as you know from our past experience in hiring people, the Commission has used ad hoc committees, which is less than four, having some staff meet the citizens. There is a debate in the law about whether those have to comply with the Sunshine Law, but we've always taken the position that they don't because they don't have the decision-making authority. Think about less than the majority of the Commission and the whole City Commission makes the final decision. So that kind of thumbnails when and how you get involved, just so that you know. Four of you, that would require public meetings as we've done when you get down to the five or six. It would be interesting to know if anyone has a conflict about this, because what we do if you do, and I don't know because I'm just learning about this and I don't know what it is, but you put in jeopardy the vote of that person. And you put in jeopardy the action you take because you give someone, it's like we talked about your (Mr. Kaman) situation in the Marina. That's may say. Thank you for indulging me. Mr. Stahl said I just happen to know Mike Tann. I don't know what consideration he's made. If I see him on the street he'll say hi Craig and I'll say hi Mike and his wife's name Julie. I've never been to his house. You know I just know who he is. President Kaman said he's on the search committee of the search firm. Mr. Stahl said he works, he's on the staff of the search firm. And I did and I continue to do business with and will continue to as long as they want me to, with the City of Huron. So he serves in no capacity with the City of Huron other than the City of Huron made a very wise choice in 1978 hiring me as their printer. And I'm still there.

**President Kaman asked for further discussion, and as there was none forthcoming, he said Mr. Crandall do you want to make that vote to go into executive session first before we make that vote that you have to hire the search firm? Mr. Crandall said yeas, I think we should go into executive session. President Kaman asked the Clerk to poll the Commission with the following response: Yeas: Fuqua, Waddington, Edmon, Kaman, Crandall, 5. Nays: Stahl, Murray, 2. The motion passed.**

President Kaman asked the Law Director did he advise us that we should do that right now, clear the room and do that right now and come back? Mr. Icsman said that wouldn't be a bad idea if you're thinking about you're going to take some action. President Kaman said folks give us a couple of minutes.

At 8:17 the public, staff and news media left the room.

#### **An executive session was held on personnel, Charter Officer.**

At 8:38 p.m. the Commission returned to the table and regular open meeting.

**President Kaman said during executive session the Commissioners came to the conclusion that we will be appointing a Citizen's Advisory Committee, which will assist us on the City Manager's search.** There are three people that we'll name tonight and three will be named at the next Commission meeting. **The three tonight are Vickie Kaszonyi, Brian Kasper and Vincent Rhodes.** They will be assisting the Commission in their decisions and the group we will hire to do the search. We need

a motion to... Mr. Icsman interrupted and said please, I want to back track just a little to not discussion about these individuals, but just of the actual decision and decision-making even now is not made. **President Kaman said we need a motion to accept these three individuals. Mr. Fuqua said so moved. It was seconded by Mr. Waddington and carried unanimously.**

**Mr. Murray said there was a motion before we went into executive session to hire the search firm. President Kaman said to hire tonight Circuit Ryder. President Kaman asked the Clerk to call the roll. The Clerk called the roll: Yeas: Fuqua, Waddington, Stahl, Edmon, Kaman, Murray, Crandall, 7. Nays: 0. President Kaman said that motion passes.** Now what that means is we're going to hire this firm coming in to talk to the Commission, along with our Personnel Director Warrenette Parthemore, who will set up criteria of what we're looking for and they will get our input and they'll move on from there. And the Citizens Review Committee will be involved in the meetings and come back and update the full Commission as we go along.

Under **Audience Participation**, Mr. Ginty asked for clarification on the handicap access with the Pier. Mr. Miers, Interim City Manager, gave an explanation and Mr. Schwanger gave a historical explanation. At 8:50 p.m. President Kaman said we will take a 10-minute break and come back.

At 9:00 p.m. the Commission returned to the table and held an executive session on Land Acquisition.

An executive session was held on collective bargaining, AFSCME.

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

ATTEST:

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B. JOYCE BROWN  
CLERK OF THE CITY COMMISSION

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DANIEL J. KAMAN, PRESIDENT  
SANDUSKY CITY COMMISSION