

MAY 29, 2008

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 Craig Stahl, Dennis Murray, Brett Fuqua, (*Brian Crandall-empty seat*), Julie Farrar, Dave Waddington and Dan Kaman in attendance; as well as the Charter Officers of the City Manager Matthew D. Kline, Law Director Don Icsman, Finance Director Ed Widman and the Clerk of the City Commission B. Joyce Brown; the Administrative Staff of the Director of Engineering Services Kathy McKillips, Assistant Police Chief Charlie Sams, Assistant Fire Chief Paul Ricci, Administrative Services Director Warrenette Parthemore, Economic Development Specialist Scott Schell, Chief Planner Carrie Handy and Traffic Engineer Josh Snyder. The audience and the news media were present.

President Murray asked that Mr. Kaman offer the invocation and everyone remained standing for the Pledge of Allegiance to the Flag.

The Clerk called the roll and the following Commissioners responded: Stahl, Murray, Fuqua, Farrar, Waddington and Kaman.

Under **Audience Participation**, Mr. Ginty, 5055 Providence Drive, commented on agenda Items 2,3,4,5 and 6.

Mr. Don Schwanger, 726 Perry Street, commented on agenda Item 6.

Mr. Tim Schwanger, Sheffield way, commented on agenda Item 6.

**Eagle Scout Bryce Haase sought permission to construct a trail on the East Sandusky Bay Extension (Gateway Preserve). It was his Eagle Scout Project to have the trail next to Eagle's Point Park for Erie Metro Parks and the City of Sandusky at the former Drive In Theatre on Cleveland Road that is owned by the City.** It was just over one quarter mile and half would go through the wooded areas and the other half would be in open fields and prairie grass areas. They had not decided yet on putting woodchips on the whole trail or just in the wooded areas. They would have scouts, leaders and volunteers and litter would be picked up. They would start in August clearing the trail and put in woodchips. They would have signs on the trail and educational information put up by the middle no November.

*Mr. Waddington said he would move to support this project and do what they could as far as staff. And he could put him down as a volunteer when he got to that point. Mr. Kaman seconded the motion and it carried. Mrs. Farrar said they could have an actual dedication ceremony when it was finished.*

*Mr. Waddington moved to accept all communications. Mr. Kaman seconded, carried.*

**ITEM #1** – Communication – Carrie R. Handy, Chief Planner

**ORDINANCE NO. 08-043 - Amending the official Zone Map of the City of Sandusky to rezone Five (5) parcels from "P" – Automobile Parking District, "R1-40" – Single Family Residential District and "R1-60" – Single-Family Residential District to "LB" - Local Business District.** It was moved by Mr. Kaman and seconded by Mr. Stahl that this Ordinance be passed under suspension of rules in full accordance of **Section 13** of the City Charter. Thereupon the Clerk called the roll on the motion: Yeas: Stahl, Murray, Fuqua, Farrar, Waddington, Kaman, 6. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Stahl, Murray, Fuqua, Farrar, Waddington, Kaman, 6. Nays: 0. **President Murray declared the Ordinance passed, effective after 30 days.**

**ITEM #2** – Communication – Josh Snyder, P.E., Traffic Engineer

**BUDGETARY INFORMATION:** The original construction contract amount with Kelstin, Inc. of Shelby, Ohio, was \$177,239.00. The revised contract amount including the First Change Order in the amount of \$16,482.95 is \$193,721.95. The estimated engineer's cost was \$211,650.00. The Ohio Public Works Commission will contribute \$94,698.48 and the City's Sewer Fund will pick up the remaining \$99,023.47.

**ORDINANCE NO. 08-044 - Approve the First Change Order for work being performed for the Venice Road Lift Station Rehabilitation Project in the amount of \$16,482.95 to be paid to Kelstin, Inc. of Shelby, Ohio.** It was moved by Mr.

Kaman and seconded by Mr. Waddington that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. Thereupon the Clerk called the roll on the motion: Yeas: Stahl, Murray, Fuqua, Farrar, Waddington, Kaman, 6. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Stahl, Murray, Fuqua, Farrar, Waddington, Kaman, 6. Nays: 0. President Murray declared the Ordinance passed.

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

**BUDGETARY INFORMATION:** There is no budgetary impact.

**ORDINANCE NO. 08-045 - Enter into a Utility Easement over, under, and across the property as described in the grant of a Permanent Utility Easement Agreement between the City of Sandusky, the Board of County Commissioners of Erie County and Erie County Cablevision, Inc., a copy of which is attached and marked Exhibit "1".** It was moved by Mr. Fuqua and seconded by Mr. Waddington that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. Thereupon the Clerk called the roll on the motion as follows: Yeas: Stahl, Murray, Fuqua, Farrar, Waddington, Kaman, 6. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance as follows: Yeas: Stahl, Murray, Fuqua, Farrar, Waddington, Kaman, 6. Nays: 0. President Murray declared the Ordinance passed.

**ITEM #4** – Communication – Kathryn K. McKillips, Director of Engineering Services

**BUDGETARY INFORMATION:** The estimated cost for the Construction Materials Testing Services with TTL Associates, Inc. is \$13,618.00 to be paid with Water Funds.

**ORDINANCE NO. 08-046 - Enter into a contract with TTL Associates, Inc. of Toledo, Ohio, for Construction Materials Testing Services for the Follet Street and Mills Street Elevated Water Tank Project.** It was moved by Mr. Waddington and seconded by Mr. Kaman that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. **Discussion** – Mrs. McKillips said in response to Mr. Ginty, \$3,800 was transportation costs and it was 5,160 miles. And we had already talked to TTL and they believed we could cut that cost daily. Thereupon the Clerk called the roll on the motion: Yeas: Stahl, Murray, Fuqua, Farrar, Waddington, Kaman, 6. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Stahl, Murray, Fuqua, Farrar, Waddington, Kaman, 6. Nays: 0. President Murray declared the Ordinance passed.

**ITEM #5** – Communication – Kathryn K. McKillips, Director of Engineering Services

**BUDGETARY INFORMATION:** The revised project cost based on bids, including engineering, inspection, advertising and miscellaneous costs is \$31,647.00. This project will be paid with Sewer Funds and is included in the approved WPC 2008 Operating Budget.

**ORDINANCE NO. 08-047 - Enter into a contract with Wagner Enterprises, Inc. of Hazel Park, Michigan, for the purchase of a Ferrous Chloride Tank for use at the Water Pollution Control Plant.** It was moved by Mr. Kaman and seconded by Mr. Fuqua that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. **Discussion** – Mr. Waddington asked what was the rationale to this? Mrs. McKillips said alum was used in the past as a coagulant. Last year they did a pilot program with ferrous chloride and the results were pretty good, which was an odor inhibitor. Thereupon the Clerk called the roll on the motion as follows: Yeas: Stahl, Murray, Fuqua, Farrar, Waddington, Kaman, 6. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance as follows: Yeas: Stahl, Murray, Fuqua, Farrar, Waddington, Kaman, 6. Nays: 0. President Murray declared the Ordinance passed.

**ITEM #6** – Communication – Kathryn K. McKillips, Director of Engineering Services and Scott J. Schell, Economic Development Specialist

**BUDGETARY INFORMATION:** At this time since the City of Sandusky is approving the application for a submerged land lease for City owned property no negative budgetary impact will occur at this time.

**RESOLUTION NO. 012-08R - A Resolution adopted pursuant to Section 1506.11 of the Ohio Revised Code finding and determining that based upon the representations and application filed by the City of Sandusky, the use and development of the territory so described, a Submerged Lands Lease may be**

**entered into by the State's Director of Natural Resources.** It was moved by Mr. Waddington and seconded by Mr. Kaman that this Resolution be passed under suspension of rules in full accordance of Section 14 of the City Charter. **Discussion** – Mrs. Farrar said Mr. Schwanger had a question about future access. Mr. Waddington said it was clearly marked on the map that it was going to remain City of Sandusky outer walk. Mr. Stahl said that is correct and it was just a culmination of a long process to allow the Sailing Club to get a lower fee for the submerged lands lease. Mr. Kline said it was really a housekeeping resolution. The ODNR said it was required and they had to attach the resolution to the submerged lands lease. Thereupon the Clerk called the roll on the motion as follows: Yeas: Stahl, Murray, Fuqua, Farrar, Waddington, Kaman, 6. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance as follows: Yeas: Stahl, Murray, Fuqua, Farrar, Waddington, Kaman, 6. Nays: 0. President Murray declared the Ordinance passed.

Under the **City Manager's Report**, Mr. Kline said it was requested **\$5,000 be accepted from the Wightman-Wieber Foundation to be used in the Sandusky Recreation Department (\$2,500 for the Playground Program and \$2,500 for events at the Sandusky Bay Pavilion).** Mr. Waddington moved, Mr. Kaman seconded, carried.

Mr. Kline said it was requested that a **\$100 donation be accepted from the Sandusky Board of Education for the Sandusky Police Department's K-9 Fund.** Mr. Waddington moved, Mr. Kaman seconded, carried.

Mr. Kline said the City received **43 donations totaling \$597.27 for the Friends of the Greenhouse Endowment.** Mr. Waddington moved, Mr. Kaman seconded, carried.

Mr. Kline said the **Red Wagon will be open for business beginning this Monday, June 2, 2008.** Representatives from United Way agencies will operate the wagon selling popcorn between 11 a.m. – 2 p.m., Monday through Saturday and during special events.

Mr. Kline said Citizens Bank has generously sponsored the **Lunchtime Gazebo Concert Series in Washington Park** for the past five summer seasons. **Although Citizens Bank plans to continue helping with expenses related to The Red Wagon, they will not be sponsoring the lunchtime concerts this year.** If any local business is interested in hosting these concerts, please contact the City Manager's Office at 419/627-5844 for details.

Mr. Kline said the **evening Gazebo concerts in Washington Park** will begin on Wednesday, June 11 and each Thursday evening after from June 19 – August 21. These concerts begin at 7 p.m.

Mr. Kline said the **Neighborhood Clean Up Day** would be divided up into five sections for the neighborhoods.

Mr. Kline said the **Development Agreement for the Marina Project** was a copy of the working draft and this was a culmination of hundreds of hours of negotiation and discussions that were not completed yet. It was about 85% completed and there were still issues that needed to be hammered out and considered. They made considerable progress. He got corrections back Tuesday to counsel. This was a general sense of where we were. Mr. Waddington said he was expecting this last month, but he knew Mr. Kline was not involved in the earlier talks.

Mr. Waddington said on the City Building costs, what is the next step in the process? What are we going to do with City Hall? Whether it is going downtown or staying here, what is the plan? It was a big thing during the November election. Mr. Murray said we need to know and work with the developer to see if they are going to take this part sooner or later. Three months ago we were going to decide whether to stay or go and whether the developer would take those two parcels earlier or later. He knew there were a lots of parts and pieces to work out, but we got to get this completed. Mr. Waddington asked was there anything they could do to help? Mr. Kline said that was part of their discussions, neither Mr. Eymann or himself could answer that question. It really depends, this is not Phase I, the City Hall is not part of Phase I. Phase I is Surf's Up property and where the hotel is going to be. It depends on the economics of how fast that part goes. They were still trying to run numbers. TIF financing had to be figured out. There are submerged lands leases to be figured out. The developer has to acquire the current lease with Battery Park and then create a new sub-lease to Battery Park that delineates the new area. And then we will be selling him property that is in the current area. And then a new

submerged lands lease has to be reconstructed and delineated. It was a long and arduous process. A lot of surveys have been completed at his expense. And do we keep all three parties together or separate them out of police, court and administration? An estimate for new City Hall was \$10 million and where is it located? Will TIF cover public improvements and costs of new City Hall?

Mr. Waddington said he supported the Marina District, but it was put in the slow lane with economic conditions, but he would not be a liar to the folks. He needed to give them an answer. Mr. Kline said all numbers have not been run yet. In the development agreement all public improvements, and this is just an architect's estimate, may cost \$6 million to \$9 million on the total of all 30 some acres. The question is do we do the total or sections of Perry Street and Meigs Street or both sides of the motel or half? How can we afford it? And to be able to say that they will be able to move City Hall within the next two years, he will say no. If that was the understanding when this first started several years ago was to move City Hall anyhow, in his mind he did not see how that would have been financially feasible. He did not want to get into a debate and he would not be a naysayer, but he came in after the election. He thought it was a good project and it was well worth it, but is it going to be able to move City Hall with those original ideas of no costs to the taxpayers' dollars, he didn't see how it would be feasibly done. Sorry, but he was telling the truth. He didn't see how that would work. He has seen the estimate that Engineering had to improve City Hall with new windows and that was \$300,000. He would bring somebody in to give them true costs on just improving the condition of this building and making sure we can capitalize on savings in energy costs so that it can make sense and how long that process will be. In fact, we have done it. He had not received that information yet.

Mr. Kaman said his advice to him is to go back and see how this was started. There were two committees formed for City Hall and Surf's Up. It was decided out of those two committees that City Hall should be redeveloped to the tennis courts and Surf's Up would remain as it was as far as using it now as an events complex. He didn't know how it morphed into all of this and City Hall got pushed back, but we are giving away our most beautiful property first. It seems time and time again the citizens are getting the short end of these projects.

President Murray said he thought we had a plan and then the energy crisis have changed the plans. What he was hearing is the developer needs to purchase it sooner or we push it back further so that we can make investments in this property. And by not making the decision to take the property earlier, the decision has been made. We have to save this building and reinvest in it and make it more energy efficient. Mr. Kline said he was hearing they wanted this site to be Phase I. Mr. Stahl said his opinion, Phase I and 2 was condos and the hotel downtown and Surf's Up and this site on the back burner and make sure this building was economically viable for this coming winter for the next 10 years. Get the agreement done and get Honeywell in here to work on this building under that House Bill.

Mr. Waddington asked could we get Honeywell to come back in? We have to have an idea of what this building needs. Mr. Icsman said that is correct and Mr. Kline's predecessor did not do this building. He thought it was done. Mr. Kline said he only met Honeywell when they did their initial report on the greenhouse and he asked them to get him a report. That was probably in March. Mrs. McKillips said she was still waiting on information for Phase II. *President Murray asked Mrs. McKillips to report back to them by e-mail tomorrow.* He asked were they bound to work with Honeywell. Mr. Kline said no we are not bound. He just assumed we had a relationship with Honeywell when we contracted with the greenhouse in doing a second phase that is why he asked them for a cost estimate on City Hall. Mr. Icsman said no, but they have merit with their expertise. *Mr. Waddington said he would like this researched, and at the next meeting get a hold of the developers. And Joyce Brown's office has a lot of bad windows and he would like the information back and make a determination that night.* Mr. Fuqua said this has been going on since March and if they can't get the job done, then go somewhere else. *President Murray asked were there questions of the City Manager?*

As there were none, President Murray questioned **grass cuttings in the streets**. Mr. Icsman said there was an ordinance stating it was illegal and also the grass clippings on the sidewalks were prohibited.

Mr. Waddington said the **Hagg's had been working on a map of all of the Brownfield sites for Sandusky and Erie County and they have asked for a letter**

**of support from the City to pursue the grant proposal.** President Murray said he would make the motion for Mr. Kline to submit the letter. Mr. Waddington seconded the motion and it was carried unanimously.

Under **Old Business**, Mr. Waddington said he would like **the Law Department to bring back legislation for using Golf Carts or small electrical cars in the City of Sandusky** and making sure they were street legal with wind shields, seat belts, lights, signals, 35 mph, etc. and that our department will do inspections and regulate them. And contact the Ohio Department of Motor Vehicles and Wakeman, Ohio, for information and pursue pricing and gas pricing. Mr. Waddington moved, Mr. Stahl seconded, carried. Mr. Waddington said the second part of the motion would be for the City Manager to decide which three vehicles would be replaced, such as Rec & Park and Forestry. *Mr. Kline suggested that the motion add go green instead of electric, because it would give them more options to pursue.* Mr. Stahl seconded the motion and it carried unanimously.

Mr. Widman gave information figures on gas usage for last year was \$370,000.

Mrs. Farrar said on the **Enterprise Zone Agreement with Cedar Fair** she had asked Mr. Kline to send them a letter and they said they understood and would comply with the legislation. But she talked to several people there and they were not from the area. So who can we have do this? Mr. Kline said we don't have a prevailing wage inspector. If it was our project and we had the funds, then us, but Cedar Fair was a private entity. Mrs. Farrar said we should look into doing this, but she knew we were shorthanded.

**Mr. Waddington asked the Clerk to tally the ballot for the last four candidates. Mrs. B. Joyce Brown stated those candidates were Pervis Brown, Jr., John Jacobs, Paul Watson, Sr. and Bob Warner.** The consensus was to meet Monday, June 2<sup>nd</sup> at 5:00 p.m. They would have heads up questions beforehand.

Mr. Kaman said they should go a different direction with the **Rieger Hotel** so they wouldn't lose state funding or tax credits that another developer could use. Mr. Stahl said we are obligated until the end of 2009.

Mr. Kaman **Steuk's** and Mrs. McKillips said the contact person had until July 15<sup>th</sup>. Mr. Kaman asked of the **bollard at Meigs Street Pier**. Mr. Kline said it was done.

Mr. Kaman said **erosion problem on Shoreline and Mills Creek**. They lost 6" over the last six years at the Golf Course. Mr. Kline said they had a couple of options. They could put natural grasses or rock up to the point of the ODNR line. The problem is just the time to do it. Mr. Kaman said he would prefer rock.

Under **New Business**, Mr. Waddington said he would move to give a **letter of support for Senator Mark Wagner on House Bill #7 on Great Lakes Water**. Mr. Kaman seconded the motion and it carried unanimously.

Mr. Stahl said his **business of the meeting was Toft's Dairy**.

Under **Audience Participation**, Mrs. Sharon Johnson, 1139 Fifth Street, commented on the Marina District Project and TIF and asked for clarification.

Mr. Ginty, Providence Drive, commented on vandalism at Wightman-Wieber Park. Mr. John Sprau, Karl Ann Drive, commented on the Housing Department employee being on administrative leave and being paid.

Ms. Sue Daughtery, 1016 Third Street, commented on Chief Nuesse's situation and the Ohio Attorney General's Office.

Mr. Tim Schwanger, Sheffield way, commented on the condos, the original 60% green space for the Marina Project that was instead 12 acres.

Mr. Barry Riddle, Fifth Street, commented on selling Marina District parcels.

Mr. Don Schwanger, Perry Street, commented on the waterfront property being the best property over the City Building property for the Marina District Project.

At 7:07 p.m. President Murray returned to the table and entertained motions for adjournment. Mr. Waddington moved, Mrs. Farrar seconded, carried.

ATTEST:

B. JOYCE BROWN  
CLERK OF THE CITY COMMISSION

DENNIS E. MURRAY, JR., PRESIDENT  
SANDUSKY CITY COMMISSION