

JUNE 9, 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 Dennis Murray, Brett Fuqua, (*Brian Crandall's-empty seat*), Julie Farrar, Dave Waddington, Dan Kaman and Craig Stahl 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, Fire Chief Mike Meinzer, Administrative Services Director Warrenette Parthemore, Economic Development Specialist Scott Schell, and Chief Planner Carrie Handy. The audience and the news media were present.

President Murray offered the **invocation** and everyone remained standing for the **Pledge of Allegiance to the Flag**.

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

Mr. Waddington moved to accept the **minutes of May 22nd, May 27th, May 29th, June 2nd, and June 4th** and dispense with the formal reading of same. Mr. Fuqua seconded the motion and it carried unanimously.

PROCLAMATION – “United States Army’s 233rd Birthday” – June 14 – 20, 2008

CURRENT BUSINESS

Mr. Waddington moved to accept all communications. Mr. Fuqua seconded, carried.

ITEM #1 – Communication – Matthew D. Kline, City Manager

BUDGETARY INFORMATION: Proceeds from the sale of these items will be placed into the Police Department General Trust Account, with the exceptions of the proceeds for the bicycle proceeds which will be placed in the City’s General Fund.

ORDINANCE NO. 08-048 - Dispose of Surplus Personal Property and Equipment as having become unnecessary and unfit for City use pursuant to Section 25 of the City Charter. 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: Murray, Fuqua, Farrar, Waddington, Kaman, Stahl, 6. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Murray, Fuqua, Farrar, Waddington, Kaman, Stahl, 6. Nays: 0. The Ordinance passed.

ITEM #2 – Communication – Jeffrey W. Rosekelly, P.E. Project Engineer

BUDGETARY INFORMATION: The revised project cost based on bids, including engineering, inspection, advertising and miscellaneous costs is \$655,416.70. The private assessment cost is \$131,322.52. The City portion of the project cost is \$328,754.18. The Water Fund expense will be \$75,354.37, the Sewer Fund expense will be \$6,590.22, and the \$5 License Fee Fund will be \$246,809.59. The Ohio Public Works Grant will fund \$195,340.00.

ORDINANCE NO. FIRST READING - Enter into a contract with Precision Paving, Inc. of Milan, Ohio, for the Monroe Street Resurfacing Project Phase III.

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 – Mr. Kaman said he was familiar with this company, but was this the first time they have worked with the City? Mrs. McKillips replied yes. Mr. Fuqua said he would have preferred that we used our local company. Thereupon the Clerk called the roll on the motion as follows: Yeas: Murray, Waddington, Kaman, Stahl, 4. Nays: Fuqua, Farrar, 2. Thereupon the Clerk called the roll on final passage of the Ordinance as follows: Yeas: Murray, Waddington, Kaman, Stahl, 4. Nays: Fuqua, Farrar, 2. **President Murray declared the Ordinance passed at first reading.**

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

BUDGETARY INFORMATION: There is no budgetary impact with this legislation.

ORDINANCE NO. 08-049 - Adopting the consent legislation submitted by the Ohio Department of Transportation for the Traffic Signal Battery Backup

Systems Project, PID NO. 83991, authorizing and directing the City Manager to sign the consent legislation and to execute any necessary contracts with the Director of Transportation to complete the Project. It was moved by Mr. Kaman and seconded by Mrs. Farrar 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: Murray, Fuqua, Farrar, Waddington, Kaman, Stahl, 6. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Murray, Fuqua, Farrar, Waddington, Kaman, Stahl, 6. Nays: 0. Ordinance passed.

ITEM #4 – This item was ordered in.

ORDINANCE NO. FIRST READING - Amending Part Three – Traffic Code, Title Nine – Pedestrians, Bicycles, and Motorcycles, by the adoption of new Chapter 379 – Golf Carts. Mr. Waddington said he would like this to not be passed as an emergency to give people the opportunity to discuss it. Mr. Icsman said by passing it at first reading you would have another reading and then 30 days. It was moved by Mr. Waddington and seconded by Mr. Kaman that this Ordinance be passed at first reading. **Discussion** –Mrs. Farrar said she still felt the carts were too dangerous. Mr. Fuqua said he did read the new language and it appears okay. He was going to vote yes, but he was still uncomfortable about the interaction between cars and golf carts and citizens. President Murray said they managed to survive with bicycles that are allowed to ride in the streets. And he thought we were in a new era and they needed to experiment with some things like this. They already see fuel prices knocking at \$4 and over that in some places. There were predictions that it would be \$5 or \$6 before this year was up. It does require safety inspections and they do have to be registered and other communities have been through this process and it was modeled after their legislation. They are street legal and not like average golf carts. It has been through some changes after the Ohio Department of Transportation has finished their objectives. Mr. Kaman said he wanted to make it clear to the public that they are not golf carts that are out at Mills Creek right now, but they are street legal with lights, turn signals and horns. Mr. Waddington said staff can use it in and around the Greenhouse and ballfields and we should look at them at a lot less costs with the gas prices. Thereupon the Clerk called the roll on the motion as follows: Yeas: Murray, Fuqua, Waddington, Kaman, Stahl, 5. Nays: Farrar, 1. **President Murray declared the Ordinance passed at first reading.**

ITEM #5 – Communication – Jeffrey W. Rosekelly, P.E. Project Engineer

BUDGETARY INFORMATION: This project has been budgeted by way of the Capital Planning effort and is consistent with the Strategic Plan. The total project cost including construction contract costs, administration costs, interest, and miscellaneous costs is \$257,019.00. The City's portion is \$44,649.00, while the private assessments total is \$184,370.00, and CDBG Funds will contribute \$28,000.00 for repairs made to the Tiffin Avenue Underpass.

RESOLUTION NO. 013-08R - A Resolution confirming the determination of the necessity of constructing, re-laying and repairing certain sidewalks and constructing certain curbs and gutters and approaches as a part of the City's 2007 Sidewalk, Curb and Gutter and Approach Program, and declaring an emergency. It was moved by Mr. Kaman and seconded by Mr. Fuqua that this Resolution 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: Murray, Fuqua, Farrar, Waddington, Kaman, Stahl, 6. Nays: 0. Thereupon the Clerk called the roll on final passage of the Resolution: Yeas: Murray, Fuqua, Farrar, Waddington, Kaman, Stahl, 6. Nays: 0. The Resolution passed.

Under the **City Manager's Report**, Mr. Kline said it was requested that **nine monetary donations of \$225 for the Friends of the Greenhouse be accepted and placed in the Washington Park Endowment.**

Mr. Kline said there were **two donations of \$45 for Sandusky Fire Department in memory of Evelyn Gundlachin from Geradine Lehrer and Jan Mitchel.**

Mr. Kline said there was **\$500 donation for a memorial tree at Madison School in honor of Mr. Biehl's retirement.**

Mr. Kline said there was a **\$4,000 grant check to cover costs at Sandusky Bay Pavilion from the Sidney-Frohman Foundation.**

Mr. Kline said there was a **\$1,500 grant check from the Ohio State Eagle's Charity Fund for the Recreation Division's Summer Playground Program.**

Mr. Kline said there was a **\$100 donation from the Sandusky Board of Education for the Sandusky Police Department's K9 Unit.** Mr. Kaman said he would make a motion to accept those donations. Mr. Fuqua seconded the motion and carried.

Mr. Kline said on the **Honeywell Energy Improvements Project we have instructed them to perform an audit on the City Building.** City staff is currently gathering utility billing information specific to the City Building for Honeywell's use. It is anticipated that Honeywell may be able to provide information on their Phase II timeline. At the next meeting he would keep them apprised. President Murray said that was fine, but did they have an estimate of when they would receive a report on the building that we're sitting in right now? Mr. Kline said yes, he was hoping that Honeywell would get back to them by the June 23rd meeting. Mrs. McKillips said she didn't think they had the full report, but they may be able to give us some information. Mr. Kline said the Building Department has given us their cost estimates on several items, including air conditioning and heating, most importantly windows and new doors. They have compiled that cost estimate. He had asked them to update that and make sure that those concepts were solid and he would let them know as soon as he heard.

Mr. Kline said in addition to that **Honeywell is currently working on finalizing information for the City to use to make a decision of whether or not to proceed with an automated meter reading system for sewer and water billing.**

Mr. Kline said he would remind everyone that **Ohio Bike Week** activities were scheduled in historic downtown Sandusky this Thursday through Saturday. He gave the road closures that would be in affect for the event.

Mr. Kline said on the **Gradel Property**, as the Commission has directed, **Hagg Environmental has started on this project, including the Wiki Map and gathering the data and information for the project grant.**

Mr. Kline said he has asked staff to do a complete **review of our fleet going green, including the use of, if not golf carts, gators** or of that nature for both the Greenhouse and other facilities.

Mr. Kline said recently the Commission has authorized the **water tower project on Follett Street** and he would give a **power point presentation** that he had printed up that gives a progress report of where they were at, the pouring of the foundation, removal of large stone and boulders, etc. If that would be encouraged by them, they would continue to update them on projects.

Mr. Kline said about the **grass/high weeds** that they experience every year, **they are behind.** He would remind everyone that the budget that they just passed this year, included not hiring approximately 20 part-time, temporary staff that usually help us to catch up and keep up on those items. It was a budgetary cut and we were working hard as possible to catch up on grass and high grass, but also plant our flowers. And those few temporary, seasonal employees that have been hired in the City are actually being paid for by Mainstreet in the downtown to maintain our flowers. And one is covering some our flowers and work that is being done in the Cemetery and that is being covered by the Cemetery Endowment Fund. It was encouraged and asked for by the Cemetery Board. President Murray said he would ask that within the next couple days that they should spruce up Columbus Avenue and the parks that we have because of all of the visitors that we will be having in town with Bike Week. *President Murray asked were there questions of the City Manager?*

Mr. Kaman said the local Bike Week is a big boom for our City and our area and our County. They are a little noisy, but they were coming back year around. So he would like to thank Roeder's for putting this on again this year.

Under **Old Business**, **Mr. Waddington said he would like to make a motion or move that they set aside the Murman Report that they all received, and have the City Manager sit down with the Police Chief Kim Nuesse, and try resolving our differences so that the City can move forward.** He felt the last six, seven, eight weeks has been stagnant and he can't go anywhere and he thinks we need to address or at least make an attempt to try to address this. **Mr. Kaman said he would second that motion.** **Discussion** – Mr. Stahl said at about 4:30 this afternoon Erie County Prosecutor Kevin J. Baxter stopped in his office. And he would read a letter on behalf of Mr. Baxter. It read, "*Commissioners for the City of*

Sandusky – Dear Commissioners for the City of Sandusky: Last Saturday morning the Sandusky Register ran a story headlined “Baxter blasts details in Murman report”. The headline and the story were taken completely out of context. The Editor himself, Matt Westerhold, called me and interviewed me for this story. I found this strange since that is traditionally a reporter’s role in the news reporting business. However, Matt Westerhold’s role in this whole matter has been strange, if not, somewhat bizarre. Based on editorial after editorial, story after story, there is an obsession that is unprofessional if not unhealthy. As to my letter to Don Icsman and City Manager Matt Kline, it simply brought to their attention inaccuracies of relatively minor points that probably did not affect the general context of my narrative statement. Since then, I have sat down with City Manager Kline and reviewed those points with him. Based on the limited times that I have spoken with Matt Kline, I have found him to be extremely professional and levelheaded. I am sorry that our community, through the Sandusky Register, has berated and personally attacked him over a personnel matter. In the wake of this constant badgering, I have found City Manager Kline to be unflappable and committed to doing what is principled and right as opposed to politically expedient. As difficult of a time this has been for you, it is a time you should embrace. It is times like these where you are able to see your true character and integrity. It is also a time when you learn much about others with whom you work through this challenge. Whatever your decision is, make sure that it is for you, the principled thing to do and something that you will be able to remember proudly. Very truly yours, Kevin J. Baxter, Erie County Prosecutor” Mr. Stahl said he had copies available and he had asked him to embargo this and so he read it. He would give copies to all of the Commission, everybody at the table and copies were available for the Sandusky Register and the Lorain Journal.

Mr. Stahl said he also had a statement on his own behalf. *“Mr. Chairman the statements received in the Murman Report should not be overlooked should not be overlooked since they are signed. In my mind, the personal statements carry an extreme amount of weight. I believe that if the signatures and statements are correct as written, some type of discipline might be in order. Once again I remind everyone that the City Commissioners are legislators not executives. Any personnel decision regarding the Police Chief is that of the City Manager. I stand behind our City Manager and have nothing but the highest respect to our men and women in blue and our staff.”* Mr. Stahl said he also had a copy of that ready for the Sandusky Register and the Lorain Journal.

Mrs. Farrar said in regard to the **Murman Report**, a lady named Susan called her and asked her when she read it to look at it for certain things. And she did look at it, she read it twice, and the second time she read it she read it straight through without stopping and taking notes. And there were people that stated their problem with the Chief and there were people that said that they had a great relationship with the Chief and then there were people that were in the middle that were neither here nor there. So in reading that she thought that it wasn’t biased. And second, blasting the Murman Report, everybody who was interviewed, before you read their statement, it said, and she was going to use Chief Sam’s for an example, it says on 3-13 of ’08 the following signed statement was obtained as a result of interviewing Assistant Chief of the Sandusky Police Department Charles Sam. The following statement was reviewed, attested to and signed by Sams on April 3, ’08. So every person that gave their statement, they had to sign it to say yes that was true. So to her it wouldn’t matter if a fifth grader took your statement, if you read it after the fact and signed it and said it was true, then you’re saying it’s true. That’s her stand on the Murman Report.

Mr. Fuqua said he had no issue with Commissioner’s Waddington motion, if that’s what the City Manager prefers to do. And the reason he says that, and he’ll say what he said since the minute he walked in that door, we are a legislative body. The minute we start taking the power out of our staff’s hands to do what they’re supposed to do, then we’re no longer a legislative body. He didn’t want to be an administrator. If he wanted to be in administration down here, he would have applied for the job. He thinks that once we stopped supporting our staff, then we’re going to lose them and we’re going to lose some very good people. He’s said it before and he would say it again, the people sitting around this table are very good employees. This is nothing, absolutely nothing personal against Chief Kim Nuesse, absolutely not. If she comes back, and that’s what our City Manager chooses, he was okay with that. If he chooses to discipline her, he’s okay with that, but we are a legislative body. We

advise our staff on what we're supposed to do. If he wants to do that, that's fine, but he couldn't support that motion, because in his eyes it's taking the power away from our staff and away from administration. And he was a legislative employee with the City of Sandusky, not an administrator.

Mrs. Farrar said other than the Murman Report, that is her opinion. In her opinion her police chief in the city that she lives in, she should have the safety of herself and everyone in this room, and everyone in this city first in her mind. And through this whole thing and finding out everything that's going on, if a person feels that an administrative secretary is more important than putting another police officer on the street, she had a problem with that. We have five officers patrolling our streets in the daytime, we have six on second and six on third shift. If you do the math, you've got one police officer for about 5,500 people per shift. She had a problem with that. She also had a problem with, and this was her opinion and in her opinion, she had a problem with a police chief having, she didn't know why, but approving three day's administrative pay for one of her employee's for DUI School. She was sorry, but she didn't want her tax dollars paying anyone to go to DUI School because they should take responsibility for their actions and why should we pay for them to go there. Now from here on out, if a policeman wants paid for DUI School, if a sewer worker wants a payment for DUI School, if the secretary wants payment for DUI School, well bring them on, we might as well pay them all. She just don't agree with that either and that's just two things that give her burrs.

Mr. Stahl said he would just like to say that Mr. Fuqua is correct, and he wanted everybody to be crystal clear on this, they're legislators, not executives. This is the City Manager's call to make this call and he felt that they were infringing on his job. And he thought they were overstepping their bounds if they got involved in this as far as being an executor when they were legislators. That's not what they were hired to do. They were hired to give advice and counsel, not to run the City. If they were hired to run the City, they would all have desks down here, but they don't. President Murray said they weren't hired to run this City on a day to day basis, but they were elected to try and lead this City. And his concern is that this has been an extraordinarily contentious issue. And he thought when they had an extraordinary result, in an extraordinary situation, they needed to resolve it in an extraordinary way. He thought the proposal that Mr. Waddington made makes sense as a way to explore the possibility of sitting down and exploring how it is that we go forward. And he dearly wanted peace for the City. He thinks that this has really torn the community apart for a lot of different reasons and he supported the notion that they would sit down and have the City Manager have that conversation. Mr. Fuqua asked why would they need a motion for that? If they wanted to give him the direction to do that, they could do that without the form of a motion. President Murray said well a motion has been made and seconded.

Mr. Kaman said he just wanted to voice his support for this motion. Kim Nuesse was brought on for change in this City. She was brought in when we had police doing things that shouldn't have been done, both in the police cars and the COPS Stations around town. We had people getting hurt while being arrested or questioned. We had minority groups coming to us often, claiming that we were targeting them, and racists. We haven't had any of that in the last year or so. Change is hard as he said before. She was brought in from the outside, which wasn't a popular decision, but it happened. Mr. Fuqua and he had both been union representatives before, and one thing that they had learned in union training is to document, document, document. He saw nothing other than this Murman Report as far as documentation in her file. That's where he was basing this decision. He's not making Matt Kline's decision for him. He trusts Matt to make that decision. But for the file of Kim being empty, except for this stack, weighs heavily on his conscious. So he will do what is right in his mind and his conscious and he will continue to support to keep Kim Nuesse and he will continue to support, in the same breath, Matt Kline to make that decision. But by supporting this motion, he's asking Matt to just look at the whole product. That's what he is asking for.

Mrs. Farrar said she also was a union rep for over six years where she worked, and documentation is the key. And as far as documentation, your documentation is in the file, a memo from Chief Nuesse to the City Manager, approving administrative leave for an employee to go to DUI School. So it's not like somebody told her that at the water cooler. It's documented. Mr. Fuqua said since the issue of documentation was brought up, Mr. Kaman is right. Actually he was a union rep for 10 years if they

were going to be specific about it. They also have documentation from between 15 to 20 officers. And he knew you guys (audience) applauded what he said, and that's okay, you're welcome to your opinion, but he cannot discount what 15 to 20 of our employees have said in the report. That concerns him and that's something that also needs to be worked out and that's also documentation.

Mr. Waddington said he just wanted, in his motion on this, is to have the report set aside and Matt and her sit down. That's all he's asking. He's not telling Matt Kline what to do. He understands legislative. He's heard this a thousand times, okay, and administrative he totally understands. We don't need to have that at the table. But that's all he wants to do is like a last ditch effort. He was sick of hearing about it. He also read his, his is going to go into a recycling bin okay. That's where his report is going. He read his also twice. And he's done with it and he's not going to look at it again. He struggled to look for answers and in his mind over and over and over again, and he just wanted one last ditch effort. And he thought that they owed that to the citizens who are his bosses and he had to listen to them. He's had more phone calls, e-mails. And he didn't need Kevin Baxter to tell him how to live.

President Murray said his concern was that this issue weighs on all of them. It weighs on the City administration and weighs on the Police Department. And it's consuming. His fear is that they will drop the ball on something else, and thus the reason that he supports the motion that they would sit down. They had a lot of very, very pressing issues in front of the City, the neighborhoods, budgets were in a bad place. We have people that were in great need in the City. He wished to get this issue behind them so that they could focus on those things. So he wouldn't say anything more about it, but he supports the motion. He asked for further discussion. **As there was none, he asked for a vote on the motion, and with Messieurs. Murray, Waddington and Kaman voting "Aye", and Mr. Fuqua, Mrs. Farrar and Mr. Stahl voting "Nay", President Murray declared the motion failed by a 3 to 3 vote.**

Mr. Kaman said asked for **updates on erosion, the Steuk Property, Pier Track, and paving of the Jackson Street Lot.** Mr. Kline said the Follett Street Water Tank they have been excavating one ton boulders that they have been taking to the Golf Course for erosion control. The staffing levels were low. And one of the recommendations given to them from ODNR has been that they wanted to remain consistent with going green with the natural vegetation along Shoreline Park. Mrs. McKillips said on the Steuk Property, as of 2:30 today they had been trying to get a hold of Mr. Hanawa. Mr. Kline said Pier Track he didn't know about. Mr. Icsman said they needed to come back to the Commission because staff was at a point where they needed further direction. Mr. Kaman said bring it back if it needs to come back because it had been going on since the early '70's, but he was ready to make a stand. President Murray said if they were at an absolute impasse, then they should set an executive session and discuss that matter. Mr. Icsman said correct. **Mr. Kaman said he would call for an executive session on pending litigation. Mr. Waddington seconded the motion. Thereupon the Clerk called the roll: Yeas: Murray, Fuqua, Farrar, Waddington, Kaman, Stahl, 6. Nays: 0. The President declared the executive session set.** Mr. Kaman said the Jackson Street Lot they were looking at getting that paved when Don Miers was here. Mr. Kline said he did not know about that, but he wholeheartedly concurred. He had talks with the business owners about possible expansion and/or businesses coming into town and they actually met in the Jackson Street area. They would look into that ASAP.

President Murray asked where were they in terms of the **Sewer Contract and the question of expansion** and did we anticipate hearing back from our counsel in the near future? Mr. Icsman said he believed that they had our counsel's opinion as to the sections in the agreement that may apply to the expansion. He thought it was then left up to the City Manager. The lawyers are not negotiating with each other, and just formally we haven't got this agreement yet. President Murray said so you're telling us that you don't think it's right to be able to bring that to a head and the County has a different view. Mr. Icsman said the City Manager would have to tell them whether or not he has received anything in terms of the billing process, but he has not been made aware by anyone. And if you have an issue under the contract, you can go to alternative dispute resolution. Mr. Kline said everything that has been submitted has been paid for by the County on their share.

President Murray asked did they have a meeting set yet with **MidStates**? Mr. Kline said as of three o'clock this afternoon, no. President Murray asked were we contacting them on a daily basis at this point? Mr. Kline said absolutely, and actually he had turned over that job and responsibility to Squire, Sanders & Dempsey. President Murray said right now we had a mess down there. We got rubble, an area that should have a marina in it. And he realized that it was indicated at the last meeting that, before he got on the Commission it started out as a discussion that it would be a private marina by MidStates. And then because of the available public funding, that was transformed into the notion that that would be a public marina. One way or the other, we needed advance with all of that, because he was not sure how much longer we can or should wait to take some other action. Did they need an executive session for this as well? Mr. Icsman said yes. **Mr. Kaman moved to hold an executive session on pending litigation. Mr. Waddington seconded the motion. Thereupon the Clerk called the roll: Yeas: Murray, Fuqua, Farrar, Waddington, Kaman, Stahl, 6. Nays: 0. The President declared the executive session set.**

Mr. Waddington said he would like to entertain turning their ballots into Mrs. Brown so that, he didn't know if they had a plan for the swearing in of the new Commissioner tonight or what the intention was. They all had their ballots. Mr. Stahl asked was it too late for them to say anything? President Murray said go ahead. Mr. Stahl said they had four wonderful candidates and he personally thanked all of them for their interest in serving the City of Sandusky. Tonight would be his distinct pleasure to vote for Pervis Brown, Jr. as our next City Commissioner. Prior to the last general election he asked Bob Warner to run and even offered on the weekend prior to the election to circulate, before the signing deadline, he offered to circulate petitions on his behalf. Bob would also be a good City Commissioner. Today they were picking someone to fill Brian Crandall's seat. In the 2006 Brian finished third and Pervis finished fourth. Since we have not held a contested election since that time, it only makes sense to him that Pervis Brown, Jr. be elected to the seat that he just missed out winning in 2006. In his mind, the seat is rightfully his and he hoped his fellow Commissioners joined him in voting for Pervis Brown, Jr. President Murray asked the Clerk for the results. **Mrs. B. Joyce Brown, Clerk of the City Commission, then stated Mr. Bob Warner.**

President Murray asked that Mr. Icsman swear in Mr. Warner. Mr. Icsman asked Mr. Warner to repeat after him as he read the oath; *"I, Robert Warner, do solemnly swear that I will support, protect, and defend the Constitution of the United States and the State of Ohio and the Charter and Ordinances of the City of Sandusky; That I will honestly, faithfully, and impartially discharge the duties of my office as a City Commissioner and not be influenced by any consideration except that of merit and fitness in the appointment or discharge of employees; That I am currently qualified to hold the office and during my candidacy and election I have not violated any provisions of Section 4 of the City's Charter and I shall continue to maintain all of the qualifications to hold office as a City Commissioner throughout my term in office (City Charter S4); That I will not be directly or indirectly interested in any contract, job or service with or for the City nor in the profits thereof nor in the expenditure of any money on the part of the City other than the compensation allowed by law (City Charter S43, S6); So help me God."* President Murray and the Commissioners congratulated Mr. Robert Warner on becoming a Commissioner filling an unexpired term replacing Brian Crandall.

President Murray said he thought there might be another opportunity to apply for that grant. **Mrs. Carrie Handy said they applied for a Recreational Trails Program Grant from ODNR for the sidewalks along Cedar Point Drive, as well as extending the pathway from the Municipal Boat Launch Ramp to the west.** They funded the portion of that grant from the Municipal Boat Launch to the west. We have the grant for that. We're as well using about \$70,000 in matching funds from our CDBG Allocation to help finish that portion of the pathway. We have put a request in from the MPO, which involves not only sidewalks along Cedar Point Drive, but resurfacing or road improvements for that section of street. And as far as she knew that was still on the schedule to be done in 2010. There would be sidewalks on both sides as part of that MPO process.

Under **New Business**, Mr. Waddington said this **Friday, June 13th from 8:00 to 9:30 p.m. they would be having the first YMCA Teen Night this summer.** It would cost one can of food that they would be donating to Victory Kitchen. Mr. Kaman was supplying hot dogs and he was supplying all of the pop. It would be swimming, basketball and he would have a bench press competition. The age group was 13 and up to high school age. It was an opportunity for kids to get into the Y as they recently tried to partner with the Y, City and Sandusky City Schools, which they did do last year and it was a good thing for the community.

Mr. Stahl said he would like the **Finance Committee to do a presentation July 28th on the finances of the City** and that they be the only presentation given.

Mrs. Farrar said they received post cards from **Bob and Ruth of Haag Environmental** and they were giving a **seminar on Bid & Contract Games on June 27th.** She was very interested in going and would let our Clerk know and wondered if anyone else was. Mr. Dave Waddington and Mr. Bob Warner were attending.

President Murray said it was about time to **conduct the Charter Officers review again.** They have not done that in a little better than a year's time. He wanted to do that and would like Mrs. Parthemore to supply him a couple of different forms and they would have conversation at the next meeting on how to proceed.

Under **Audience Participation**, Mrs. Sharon Johnson, 1139 Fifth Street, questioned relocation of Surf's Up and whether or not the State approved and did we have an option on the land to buy for what prices? Mr. Kline said they don't know right now.

Ms. Sue Daughtery, 1016 Third Street, commented she was deeply disturbed at the motion that Mr. Waddington made in regard to the Murman Report. She asked Mr. Murray at the next meeting agenda to include the status of the motion to have the OAG's Office (Ohio Attorney General's) initiate an investigation with regard to Chief Nuesse. She commented on the objectivity to the Murman Report.

Mr. Eric Brady, 190 E. Main Street, Norwalk, commented on the Cedar Point Project and the contract they signed where they were to hire a percentage of people or to do their best to hire those people from this County and/or this City. And was the Commission going to hire someone to oversee this because he had a sheet full of carpenters in this County that are unemployed that live in this City?

Mr. Dan Miller, 606 Wayne Street, commented on the paving of streets and sidewalks for \$8,000 to \$10,000; and the Murman Report. Mrs. Farrar commented.

Mr. John Sprau, Karl Ann Drive, commented on the cops and going to bike patrol for neighborhoods and in the evening in the parks.

Mr. Ralph Gilbert, 614 Wayne Street, commented on Chief Nuesse's situation.

Ms. Deloris Ballard, 139 Huntington Place, commented on the DUI issue and Chief Nuesse.

Mr. Stahl moved to have an executive session on Personnel, Housing. Mr. Waddington seconded the motion. Thereupon the Clerk called the roll: Yeas: Murray, Fuqua, Farrar, Waddington, Kaman, Stahl, 6. Nays: 0. The President declared the executive session set.

At 6:43 p.m. an executive session was held on Pending Litigation

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

At 7:28 p.m. an executive session was held on Personnel, Community Development.

At 7:48 p.m. an executive session was held on Personnel, Housing.

At 8:00 p.m. President Murray returned to the table and entertained motions for adjournment. Mrs. Farrar moved, Mr. Warner seconded, carried.

ATTEST:

B. JOYCE BROWN

CLERK OF THE CITY COMMISSION

DENNIS E. MURRAY, JR., PRESIDENT

SANDUSKY CITY COMMISSION