

**JULY 28, 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 Dave Waddington, Dan Kaman, Craig Stahl, Dennis Murray, Brett Fuqua, Julie Farrar and Bob Warner 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, Interim Police Chief Charlie Sams, Fire Safety Inspector Rudy Ruiz, Administrative Services Director Warrenette Parthemore, Economic Development Specialist Scott Schell, and Chief Planner Carrie Handy. The audience and the news media were present.

Mr. Waddington 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: Waddington, Kaman, Stahl, Murray, Fuqua, Farrar, Warner.

Mr. Waddington moved to accept the **minutes of July 14<sup>th</sup>** and dispense with the formal reading of same. Mr. Kaman seconded the motion and it carried unanimously.

Under **Audience Participation**, Mrs. Sharon Johnson, Fifth Street, Mr. John Ginty, 5055 Providence Drive, questioned and commented on agenda items; and Mr. Bob Hagg, 313 E. Market Street, commented on the passage of legislation.

#### **PRESENTATION – Finance Committee – Financial Report for City**

**President Murray then declared the public hearing open for the 2009 Program Year Community Development Block Grant.** Mrs. Carrie Handy, Chief Planner, said Mr. President and Members of the Sandusky City Commission and audience, this was the second public hearing, which was intended to give the public and other interested parties an opportunity to provide input into the Community Development Block Grant Fiscal Year 2008 Action Plan and the proposed spending for that Action Plan. The City of Sandusky is an entitlement community and expects to receive \$804,479 from the U.S. Department of Housing and Urban Development. In order for activities to qualify for funding, the City of Sandusky must show that activities meet one of the three following objectives: benefit at least 51% low and moderate income persons; aid in the prevention or elimination of slum or blight conditions; or address urgent needs or at least the origins that there are no sources of funding. Examples of these would be something that happened because of a natural disaster.

Mrs. Handy said later in the meeting tonight they would be asking the Commission to approve filing the Action Plan and then accepting the funds from HUD. The deadline for this to submit the Action Plan was August 15<sup>th</sup>. The City would be accepting public comments on the Action Plan up until August 14<sup>th</sup>. A copy of the 2004 and 2009 Consolidated Plan was also available for the public to view. This was what they based our Annual Action Plan on and that was on the City's website and she also had copies available in her office. And citizens are encouraged to provide input into the types of projects that can affect the financial or quality of life concerns for all of our residents. She also had a list like she had at the last public hearing as well, a summary of all of the different types of activities and what our funds are being used for. She also had lots of copies back here of the actual Action Plan so that the public could view what they were proposing for projects.

Mrs. Handy said she would go over the projects real briefly. If they would turn to **Exhibit "A" in the Action Plan**, that was where they actually put dollar amounts on projects. They were spending approximately \$81,000 on **Administration**. These funds would be used to pay for our Grant Administrator position and our Fair Housing activities. We were spending a significant amount of money on our **Housing & Rehabilitation Program**, almost a million dollars there. This would include not only Rehabilitation of Owner-Occupied Housing, some Rental Rehabilitation, they would also fund our Demolition and Clearance Activities, as well as Code Compliance activities. They had also set aside some funds for Down Payment Assistance and for

New Construction of Housing. For **Public Services** we have a little over \$72,000 set aside for those services, which include Homebuyer Counseling, Recreational Programming provided by the YMCA, Scholarships for Youth for Recreational Programs and Emergency Housing & Utility Assistance. Under **Public Facilities** they proposed spending a little over \$600,000 on Neighborhood Improvement Projects for \$25,000. An Extension of the Sandusky Bay Path from the Municipal Boat Launch Ramp west over to Mills Street for approximately \$71,000. Rehabilitation of the Picnic Shelters at Lions Park for \$15,000. Resurfacing and new curbs and sidewalks on Hayes Avenue from the Hayes Avenue Subway north to Five Points, approximately \$473,000. Wayfinding signage they were supposed to start implementing a Wayfinding Signage Plan for \$10,000. And then ADA Improvements to the City Greenhouse, which is part of the Kellogg Grant Project for the Greenhouse of approximately \$10,000. And they also had a significant balance in our **Economic Development** portion as well; approximately \$1.1 million would be going towards different Economic Development Projects. And \$200,000 had been set aside for the Hotel Reiger Project as part of the agreement that we had for that project. Approximately \$542,000 would be available for businesses who need financial assistance in buying equipment or improving their buildings or things like that. They proposed about \$68,000 for administration that goes to pay our consultant Greg Sherman, who helps with all of our projects. They had \$50,000 set aside for our Micro-Enterprise Loan Program. These are small loans that are for businesses just starting out. And then they proposed to pledge \$98,000 of CDBG Funds and approximately \$225,000 of our RLF money towards our Façade and Code Compliance Program, which helps to upgrade those buildings downtown. She would be happy to answer any questions.

*President Murray asked the Commission did they have any questions?*

Mr. Warner said on the Code Compliance Façade were the downtown businesses actually using that money? Did they know it was available for them and what they could use it for and what it cost? Mrs. Handy said she knew that the Mainstreet organization promoted it quite a bit. They (City) have also mentioned it at several meetings of the downtown property owners. They had she believed five projects going on right now. So she believed they are aware of it and they are using it and she got calls on it quite frequently. Mr. Warner said all they had to do was contact John Lippus and he could put them on the right track? Mrs. Handy said yes or herself.

Mrs. Farrar said she also noticed that they were going to have Code Compliance, would that take place within the year? Mrs. Handy replied yes, actually our program year started 5-5-2008.

President Murray said on the private resources, due to the common core in the plan if he was understanding correctly, a good deal of that is spending by the YMCA on their new facility in Sandusky. And that's about \$6 million of \$14.7 million, could she tell him where the rest of that is anticipated to come from? Mrs. Handy said a lot of it comes from matches, like on the Façade Code Compliance Program we were required to do a 50% match from the property owners. We also anticipate match on our regular RLF Projects. If someone comes in and needs equipment for expansion, they also put money into the project as well. The \$7.3 million for the special project, that is what is projected to be the cost of renovating the Reiger. The Micro-Enterprise Loan Program they also anticipate the actual business owner having match money as well. The \$240,000 for the Greenhouse, that's the Kellogg Grant that we were using for that project. And \$6,000 is from the Battery Park TIF Program, which is earmarked for economic development. We're using that for our signage. The \$113,500 for the Sandusky Bay Pathway is a grant from ODNR from the Recreational Trails Program. The demolition and clearance, sometimes the property owners paid for that and we were hoping for donations too. And Rental Rehab they also have to match our money for that program as well. *President Murray asked the Commission were there any questions regarding the Revolving Loan Program? As there were none, he asked the audience for questions? As there were none forthcoming, President Murray declared the public hearing closed and returned to the table.*

## **PREVIOUS BUSINESS**

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

**THIS ITEM WAS TABLED JULY 14<sup>th</sup>**

ITEM #1 – Communication – Lieutenant Phillip J. Frost

**BUDGETARY INFORMATION:** The total cost for the purchase of the software system and annual support, which does not include the costs for training, is \$42,154.80 and will be paid as follows: \$41,682.00 will be funded from two separate Federal "Edward Byrne Justice Assistance" Grants (one from 2005 for \$28,075.00 for "wi-fi" connectivity and one from 2006 for \$13,607.00 for NIBRS compliancy) and the remaining \$472.80 will be paid with funds from the 2008 Police Department budget. The total cost for training is \$9,714.60 and will be paid with funds from the 2008 Police Department training budget. It should be noted that the annual support fee will increase to \$10,220.65 (See page 3 of 3). The prorated fee, \$8,517.30 is part of the \$42,154.80 total cost. This annual support fee will be paid with funds from a currently budgeted \$12,000.00 computer line item.

**ORDINANCE NO. 08-063 - Enter into an agreement with Cody Computer Systems of Pottstown, Pennsylvania, to purchase a Software System and Annual Support for use by the Sandusky Police Department, using Federal Funds from the Edward Byrne Justice Assistance Grants.** It was moved by Mr. Fuqua and seconded by Mrs. Farrar that this Ordinance be passed under suspension of rules in full accordance of City Charter Section 14. **Discussion** – Mr. Waddington said he hadn't heard anything back from the last meeting when they tabled this. On the background information it says, *"Lastly with the study being conducted for a countywide dispatch system the possibility exists there could be a change in systems in the next few years."* Now at the last meeting that was one of their concerns that they had not heard back from the County and as indicated in the last few days by the County they had not received back their information yet. He felt in limbo and we didn't know what we were going to do countywide and there was still an opportunity for the Perkins/Sandusky Dispatch. If this was voted on tonight he would have to be a "no" vote as it stands right now. President Murray said we have not yet heard back from Perkins, although he did write them and copy all of the Commission a couple of weeks ago. He didn't know what else to do. He had talked to the Trustees about it and written to them and didn't have a response. He agreed with him, but his preference would be to table it again until they had some clarification on what they were doing with the countywide dispatch. But he couldn't vote for this tonight.

Mrs. Farrar said her understanding; they were talking about a one-year contract with Cody. So if we are going to merge with anyone else, they all knew at this table with any kind of government it takes forever and a day. She thought they could get through one year to get these laptops back in the cruisers so our officers had this information at their fingertips when they pulled a car over and knew what type of person he was going to walk upon. It was a safety issue for her. They were talking about \$472.80 that has to be paid after the grants and everything else. It's a no brainer to get these computers back in our cruisers so that these ladies and gentlemen had the tools to do their jobs safely and efficiently. The computers have been out of the cars for over a year. We had to continue to pay Sprint for connectivity for computers that sat on a shelf to the tune of \$12,000 plus dollars.

Mr. Warner said he agreed and they needed to work on their dispatch system. If we upgraded our system and got the best and it was upgraded top notch, these other two systems that are out there, ours is probably going to be in better shape. What's to say they won't adopt our system? Our Police Department is almost as large as the Sheriff's, it was definitely larger than Perkins is, so we should be number one.

Mr. Fuqua said even if the software was upgraded from the other departments, the way that technology is right now we can make it compatible if need be. And on waiting for the study, the County didn't give us a timeline when they expected it. As far as Perkins, he would have to think that no answer pretty much answers where they want to go from here. And he was finding out grants don't last forever. If we keep tabling it and we don't get a report from the County, the grant disappears.

President Murray said maybe he could tell them how much longer the grant would be available and whether this was a safety issue or an efficiency issue. Interim Police Chief Sams said there were two grants there and one has to be spent by September or we lose it. It's both an efficiency and a safety issue. We already have Cody and were already under contract with Cody. All we did was add software to the system we already had so that we could put the laptops back in. We'll be under contract next year too unless a decision is made to switch and once that decision is made, then they will have to decide what software they were going to go with whether it be Cody, Emergitech or Tech. That's not going to happen overnight. This contract here for tonight is not going to be affected by this countywide dispatch. And he was in favor

of doing the countywide thing. They would work through that issue, but not having these laptops in the cars not only puts the burden on our dispatchers because they're answering the phones and doing things inside, then having to answer six or seven guys calling in on the radio. But it also assists the officers because if they pull over a vehicle with someone that's wanted in there or a stolen vehicle, they've already ran that themselves and have the information available right in their car. They can go right in and see a history of what this person has been involved in as opposed to calling into a dispatcher and saying can you run this plate. The dispatcher is on the phone, runs it five minutes, they've already got the person out and talking to them and don't know who they're dealing with. So in that way it's definitely a safety issue.

Mr. Kline said there was a county in Ohio that went countywide and their study with all of the jurisdictions, it took eight years to implement it once they made that decision. Once we get the report and once the decision is made to implement the Countywide Dispatch System, it would take them at least four or five years. Mr. Stahl said he didn't think it would preclude us from doing a joint facility with them. He thought they were talking two separate issues with the facility and/or dispatch with them. And he thought the dispatch would take a year. Finances are going to dictate when everybody regionalizes. He thought it was important for us to pass this issue to allow the women and men in blue to do their jobs.

Mr. Kaman said Bob Warner talked to him before the meeting and he was pretty much a "no" vote. This was a year contract, but it bothers him how when all of this was going on Mr. Ferrell offered us within 30 days we could be dispatching out of the County at no cost. What happened to that deal he didn't know? And Acting Chief Sams said we could still use it, even if would go to the County sooner than a year. It was only a year contract and it may be worth doing it now. Thereupon the Clerk called the roll on the motion as follows: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, 6. Nays: Waddington, 1. Thereupon the Clerk called the roll on final passage of the Ordinance as follows: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, 6. Nays: Waddington, 1. The President declared the Ordinance passed.

***Mr. Kaman said he move they send a letter to Commission President Ferrell at the County and ask him where he's at on the dispatch problems and joining regional dispatch with the County. Mr. Fuqua seconded the motion. President Murray said he would be happy to send a letter and then asked for a vote on the motion and with all Commissioners voting "Aye", the motion carried.***

#### **THIS ITEM WAS READ AT FIRST READING.**

ITEM #2 – Communication – Kathryn K. McKillips, Engineering Director

**BUDGETARY INFORMATION:** The item has no budgetary impact.

**ORDINANCE NO. 08-064 - Amending Part Eleven – Planning and Zoning Code, Title Five – Additional Zoning Requirements, Chapter 1157 – Flood Control.** It was moved by Mr. Waddington and seconded by Mr. Fuqua that this Ordinance be passed at **second reading** under suspension of the rules in full accordance of Section 14 of the City Charter. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Waddington, Kaman, Stahl, Murray, Fuqua, Farrar, Warner, 7. Nays: 0. **The President declared the Ordinance passed at second reading.**

#### **CURRENT BUSINESS**

ITEM #3

**ORDINANCE NO. 08-065 - Levying special assessments for 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. 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 and the vote was as follows: Yeas: Waddington, Kaman, Stahl, Murray, Fuqua, Farrar, Warner, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance and the vote was as follows: Yeas: Waddington, Kaman, Stahl, Murray, Fuqua, Farrar, Warner, 7. Nays: 0. The Ordinance passed.

ITEM #4 – Kathryn K. McKillips, Engineering Director

**BUDGETARY INFORMATION:** The owner of the property at the time of the inception of the project petitioned for the public infrastructure improvements, including a detention pond. Pursuant to that petition, 100% of the cost of the project will be

assessed to the property. As the owner sells lots in the subdivision, the responsibility for the payment of a corresponding portion of the assessment is transferred to the new property owner. The total project cost of \$2,849,954.34 will be assessed to the current property owners for their corresponding portion.

**ORDINANCE NO. 08-066 - Levying special assessments for opening and improving as public streets Perkins Avenue Extension (also known as Ferndale Drive) and certain other designated streets between certain termini by grading, draining, paving, constructing curbs, gutters, water mains, water service connections, fire hydrants, sanitary sewers, storm sewers, sanitary and storm sewer laterals, catch basins and manholes, constructing, in certain locations as shown in the plans, sidewalks, curb ramps, drainage structures, a box culvert and a detention pond, installing street lighting and traffic control devices, and acquiring any necessary real estate or interests therein in connection therewith, all together with the necessary appurtenances thereto, and declaring an emergency.** It was moved by Mr. Fuqua and seconded by Mr. Waddington that this Ordinance be passed under suspension of rules in full accordance of City Charter Section 14. **Discussion** – President Murray asked Mr. Widman to explain how the assessment process works, how it is funded and how this then places a lien on the property. Mr. Widman said as he recalled, the City Commission was approached by the developer about five years ago. The City hadn't seen a subdivision development for quite a few years, maybe 50 to 60. The Commission was interested and this was one of two ways to get the infrastructure done. The other way was that the developer pays for it and rolls the cost of the improvements to the sale of the lots. But in this case this developer felt that he would give the purchaser another option. They could spread out the costs on the taxes. The Commission agreed to that approach. It was a note phase. Normally when you do a special assessment, much like a previous agenda item, when it is all done you do it. You assess, send the bill, if you don't pay it off, it then goes on your taxes. That was ten years ago since he bought the program for '07. This was a 20-year assessment. The property owners have had two or three years now. Those were notes. There was an ordinance passed by the Commission that allowed the property owners the opportunity to pay off the assessments at this point instead of having them formally levied and placed on their taxes. That opportunity will still take place for the property owners on record. Hopefully there was more than just Mr. Yost, the property owners, on record. But the bills would go out. If they don't pay off, we would be selling bonds later this year. So those bonds will then be certified through taxes for the property owners who will pay for them over 20 years. Thereupon the Clerk called the roll on the motion: Yeas: Waddington, Kaman, Stahl, Murray, Fuqua, Farrar, Warner, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Waddington, Kaman, Stahl, Murray, Fuqua, Farrar, Warner, 7. Nays: 0. The Ordinance passed.

ITEM #5 – Communication – Carrie R. Handy, Chief Planner

**BUDGETARY INFORMATION:** There will be no impact to the General Fund. Proposed activities will be paid for through the CDBG Grant Funds.

**ORDINANCE NO. 08-067 - Accept a Consolidated Entitlement Grant in the amount of \$804,479.00 total Community Development Block Grant Funds for the Program Year of July 1, 2008 through June 30, 2009 and to submit to the United States Department of Housing and Urban Development a FY 2008 One-Year Action Plan.** It was moved by Mr. Waddington and seconded by Mrs. Farrar that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. **Discussion** – Mr. Fuqua said he was now affiliated with Habitat for Humanity, should he abstain? Mr. Icsman said yes.

Mrs. Farrar said in Mrs. Handy's communication it was noted that the City was going after the contractors that were responsible for the shady work from the investigation. So the public knew that there was something being done and the contractors were being sought out to make things right. Thereupon the Clerk called the roll on the motion: Yeas: Waddington, Kaman, Stahl, Murray, Farrar, Warner, 6. Nays: 0. Abstain: Fuqua, 1. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Waddington, Kaman, Stahl, Murray, Farrar, Warner, 6. Nays: 0. Abstain: Fuqua, 1. The Ordinance passed.

Under the **City Manager's Report**, Mr. Kline said it was requested that a **\$50 donation be accepted from Dave Waddington to be utilized toward the repairs to**

**the play equipment at Wightman-Wieber Park**, which was recently vandalized. Mr. Fuqua said he would move to accept the donations, Mr. Kaman seconded, carried.

Mr. Kline said it was requested a **\$4,350 donation be accepted from Sandusky Rotary Club to be utilized for the purchase of three park benches at Facer Park**. Mr. Kaman said he would move to accept, Mr. Fuqua seconded, carried.

Mr. Kline said it was requested that a **\$95 donation be accepted from the Sandusky Memorial Day Association for the Sandusky Fire Department**. Mr. Fuqua said he would move to accept, Mr. Waddington seconded, carried.

Mr. Kline said we have received **12 donations totaling \$170 for the Friends of the Greenhouse**. Mr. Fuqua moved to accept, Mr. Waddington seconded, carried.

Mr. Kline said it was requested the **Sandusky Police Department be authorized, by motion, to submit a Grant Application to the Sandusky/Erie County Community Foundation for \$9,549 for the purchase and acquisition of Covert Surveillance Equipment**. This equipment would allow members of the Detective Bureau to conduct video surveillance for cases of theft, abuse, prostitution, suspected burglaries and vandalism. The only reason he was asking for this motion was that the application deadline was this Friday. Mr. Kaman moved, Mr. Warner seconded, motion carried. **Mr. Waddington said Wightman/Wieber would be donating two mobile unit cameras to utilize at that park and other places.**

Mr. Kline said they had been working on accumulating information on City Hall, **both the cost of updating this building** and as reported they were looking at trying to see if it's feasible what the **cost would be to be able to move both City Hall, Municipal Court and the Police Department to the downtown area**. It was dependent upon the private individuals collecting the data of updating the existing buildings, construction of new, existing land or maybe other land that is out there to purchase. Our staff has put together those items that do need to be addressed should we be staying here at City Hall, the most expensive being the window replacements. He normally he knew they would like to look at a payback of six or seven years, of course with windows they don't even have a payback of 30 years. It would not have that significant of an impact when it comes to our fuel costs. But at \$350,000 it was too big of a bite unless we are absolutely committed to staying here at this location. That \$700,000 that he shared with them was just to update the building and it was not to expand or renovate any offices for the Judge or courtroom.

Mr. Kline said he had the opportunity to **meet with MidStates and Mr. Chuck Davis** and he is still very positive about the Paper District and going into Phase II. He is accumulating data to see if it is going to be economically feasible to do the project. They would be meeting Wednesday, August 13<sup>th</sup> here in Sandusky and he would be reporting back as soon as that meeting is over.

Mr. Kline said he had **no update on the Marina District**. They were still in negotiations with an agreement.

Mr. Kline said he did share an e-mail on **wind turbines**. Unfortunately Mr. Jay Cox lost his grandmother, the meeting was canceled, but they rescheduled August 12<sup>th</sup>.

Mr. Kline said **Cedar Point's parking lot has been packed** with a busy weekend. *President Murray asked were there any questions of the City Manager?*

Mr. Waddington said this Thursday, July 31<sup>st</sup> Mr. Murray and himself would be hosting another **Erie County Sustainability Task Force** public meeting downtown at the Erie County Third Floor Chambers at 7:00 p.m. They would be discussing a countywide joint effort for wind turbines and further explore hiring an Energy Coordinator and maybe putting them on Firelands Campus so it would not be tied to any government. That night they were going to set up follow up meetings for home energy audits, which was fairly inexpensive and looking at 2008 recycling. President Murray said that the Countywide Sustainability Director would be a position that would initially almost be funded by foundations and a little bit from each supporting community that was involved with that increasing over time.

Mr. Stahl asked about **Apex**. Mr. Kline said the demolition contractor was supposed to be finished this week on the parts that are supposed to be involved. Mr. Warner said Mr. Kline had asked him if he could help do something with that Apex Building. He contacted some of his members, talked to guys at Cedar Point and other contractors in town to see if could get six or seven guys to go down on a Saturday and put a couple lifts and scaffolds and paint it one color to look half way decent. If the owner would give him the okay, he would like to get it done.

President Murray asked why they decided to only tear part of it down? Mr. Schell said the response that the owners tearing down the front portion of the building was

basically in response to last summer's brick collapse on the west side of the building. He followed up with the Chief Building Official and his remedy for the situation would be partial demolition. He had reached out to Mike Petrigan, who is the Managing Agent of the property to contact the property owner to see if they are agreeable to this scenario that Mr. Warner has proposed and he hoped to hear back tomorrow.

Mr. Waddington said they were getting some panels up there now on the **Keller Building**. Mr. Kline said yes, he talked with Jeff Rosekelly and gave him the direction to take this building, it won't be completely mothballed, but hopefully the windows would be all boarded up and to get as much finished as possible before August 13<sup>th</sup> when Mr. Davis comes into town.

Mr. Stahl said Mr. Fox keeps calling on the **terrible condition of Harbor Parkway adjacent to the Castaway Bay**. He was having trouble getting answers from the City.

Mr. Kline said they have been finishing up **paving on McKinley**. And hopefully the **Jackson Street Parking Lot would be cleaned up**. They received a ton of alley complaints, but streets come first.

Mr. Waddington said this Wednesday at 6 o'clock they were going to the **Camp Street and Hayes Avenue Underpasses to clean them up** because it was very unsightly. Discussion ensued on trash around the City and the emphasis of not littering education. Mr. Waddington said they were trying to generate revenues, so let them get tough on fines. Mr. Icsman said it boils down to the enforcement and proof problems. If the officer doesn't see the person, again if someone sees it he didn't think the Judge would have a problem leveling the fines.

Mr. Warner said Mr. Brake had been calling him about **enforcement of the taxi laws**. Mr. Kline said he's heard about the complaint and talked to Acting Chief Sams today and he had a great idea. They were going to meet with the taxi drivers forming a committee that meets about three times a year to go over any concerns or complaints. Acting Chief Sams has volunteered and Lt. Frost who was instrumental in writing the previous legislation and Amanda from the Law Department. They were trying to be proactive. Acting Chief Sams said he talked to one of the taxi guys today and he would be calling him with three names. They would let them know that date.

Mr. Warner said someone contacted him about **Audience Participation at the end being cut out on television**. Mr. Kline said that had been brought to his attention as well and they would call Buckeye Cable to find out why. Mr. Whitted explained basically the City was designated so much time each night, three hours, and the Cable Company ran other time slots so there were other preempted programs too. They could start them earlier at 4:30 in stead of 5:00 and edit out the pledge of allegiance and things like that. It was only the Tuesday that was the problem.

Under **Old Business**, Mr. Kaman said last meeting Commissioner Stahl asked about the **letter from our Tree Commission on the Gilbert Condominium Association asking for trees to be cut down at Shoreline Park**. He read the letter stating no more trees should be cut down at Shoreline Park. Discussion ensued.

Mr. Waddington said Monday, August 4<sup>th</sup> at 7:00 p.m. at Sandusky High School Room 300, the City and Erie County staff would be holding a **Citywide Neighborhood Roundtable**. There would be two sections, Law Enforcement and then Housing Code Enforcement and the top priority was the safety of our neighborhoods. The public was welcome. Discussion ensued.

Under **New Business**, Mr. Warner said the **Police Department received a Harley Davidson that was donated by Rotor Harley Davidson** to use through **September**.

**Mr. Warner said the Bones by the Bay on the Dock on Shoreline Drive would be August 4<sup>th</sup> at 11:00 a.m. for Veterans Home to bring the vets down.**

Mr. Fuqua said they received a **Columbia Gas letter** and they were **advising their constituents and customers to prepare early for the winter heating season because natural gas prices were at record levels**. They were advising how to manage your bills, reduce usage and save money. He would leave his copy with our Clerk Joyce Brown if anyone wanted a copy. Mr. Waddington said they had the home energy audit that would help homeowners also.

Mr. Stahl said he wanted to honor all of the local drive thru's and **Variety Village on Market Street was his business of the week**.

Mr. Waddington said the **Lorain/Cleveland Corridor Business Plan**. Mr. Kline said he met with Brian McCain last week and he was the public contact between Cleveland and Sandusky. They were proposing to do a study and putting together a

business plan on a commuter rail. Originally they were working through the Lorain Port Authority to do the funding. Mr. McCain had indicated that the State of Ohio Governor's Office was very interested and has not yet made a commitment, but they were talking of covering nearly 80% of the cost for the study. Originally the study had intended to go from Vermilion to downtown Cleveland and through talks they said it should be taken all the way to downtown Sandusky. He met with him on Thursday and John Hildebrandt, General Manager, of Cedar Point, and he had not talked to John and he would like to see what his reaction was, because Mr. McCain said it is positive. The estimated cost of adding Sandusky to it is maybe \$50,000, but the State of Ohio was picking up 80% of the cost, then our local share would be about \$10,000. He would like to make some calls, not only to Cedar Point, but his first thought being the Visitors and Conventions Bureau trying to bring that \$10,000 to be added to the study. He thought it was something Mr. Waddington always points out, with the cost of gas, it might be time to really put together a business plan for moving people by commuter rail.

Mr. Kaman said this past **Erie Regional Planning meeting wind turbines came up and their concerns was that no one really had any zoning laws to these** and as elected officials they were all encouraging people to get them. So they picked up literature from the American Planning Association and he would like the Law Department and Commission to read it and they needed to come up with ideas of how they were going to legislate it in the City of Sandusky. It's not a big deal in the countryside or for commercial because they had more room. Maybe they could have it for next meeting. *The President asked Mr. Icsman to do background research.*

Under **Audience Participation**, Mr. Jason Brake, 316 Lawrence Street, commented on the enforcement of the taxi ordinance and complained about the responses he received from the dispatchers. He questioned how many Commissioners would be attending the Bones by the Bay and how many public officials were out in the public.

Mr. Willie McCarthy, Meigs Street, said Mr. Waddington did a fantastic job. The public was concerned as far as our City and the progress they're having, especially with the Marina District and our Paper District.

Mrs. Sharon Johnson, 1139 Fifth, questioned the Marina District Project hotel.

Mr. John Eymann, Marina District, said an **update of the Marina District from their perspective**, the project is not on hold and they had been working hard to align everything they needed to put in place in order to make it happen. He had been working with Matt Kline and Scott Schell on the development agreement and it was in pretty good shape. There was one or possibly two items that needed to be confirmed. The information put out in the paper last week about the publicly financed project, they took it upon themselves to go out and hire a bond investment brokerage firm to look at what can be done from helping to facilitate the funding of public projects. It's a little of a shocker to get that level of information this late in the game and he was sure it was a shock to them as well, which is why they took it upon themselves to go out to their own private consultant. From their prospective, they've invested a lot of money into the project and they believed in this project. And he had been here in front of you people for over two years now being the voice of the project and spearheading and trying to be the catalyst to try to get this whole thing going. And it had been difficult and he looked at them today and he saw a lot of tired people and he saw some new life with some new Commissioners, but it pained him quite honestly to see some of the things that they were going through. He knew they had been through a lot over the last year or so. But he would like to think that the energy that they have been trying to bring to the table in terms of creating a very viable project that would be nothing but economically beneficial to the entire City. He would like to think that would be a bright spot. And he would like to think that that would give everybody some energy to try to help facilitate this and make it happen.

Mr. Eymann said the position that they were in right now is they have the project on the private side to speed up. There's two things that are missing, there's really one thing, quite honestly it's the development agreement. He's got a contract sitting over here that would allow him to get into sales rights with the sales people, but he can't do that because he can't legally represent the project. He can't tell somebody that he was in control of the project so that they would legally be able to put a deposit down on a condo. The City's economic people were here and they explained it very simply in terms of the economics of our City. It's expenses against revenues.

That's exactly what it is with their project. They know what all of their expenses are. They've calculated all of those. They projected them. They got them all down. They've also projected what their sales are in terms of what every single unit would sell for. So they know exactly how the project would pan out. It's difficult to see the stagnation and that's kind of where they were at. He wanted to be here tonight to speak a little bit himself in terms of how important he thought this project is to the City. It's all but there. You can see it. It's amazing on how much work has been done, but they really haven't gotten anywhere. And the proof of the project is in one thing. And that is in the ability to sell the project. And right now they can't do that, because they're not in a position to say they had something to sell. And from the development agreement, he didn't know how many of them have read it, it's a lengthy document and he knew there have been several versions of it, but in the development agreement they had intentionally placed every level of protection that they know of towards the City. There's nothing that the City is paying for. There are no rights that the City is giving up, because built within the agreement is language that gives the City the right to review and approve every single thing, which obviously includes the financing part of the project.

Mr. Eymann said the simplest thing in his opinion to deal with the issues that came up two weeks ago, is simply put a second clause in there that says the City has the right to review and approve the public financing, as well as the private financing. A simple clause would allow the project to move forward. It would allow the project to be in a position to start taking reservations on the condos because there are people calling. There are people calling about the hotel. There are people wanting to know what is going on with the project. And the longer that this kind of goes, the less interest there is because they think the project is less viable. And they all kind of set in motion earlier this year. They all said let's try to have the development agreement done by April he recalled. Well they are now into August and they've almost missed an entire selling season. And that changed him because he has hard money, hard cash into the deal and the longer that that goes the harder it gets. So it's difficult because literally the thing is teed up and ready to go and they've all worked very hard on getting this thing to a certain point.

Mr. Eymann said he just wanted to make sure that all of the Commissioners understand that within the development agreement the only thing that they are allowing, they being the Commissioners, is the right to go out and take reservations. If the reservations don't come through, the project doesn't exist. You know because the funding agencies are all saying you sell this at this price and you collect this much, the terms of commitment, no problem. But you can't get started without that agreement. They can't make any kind of commitment without being able to say, yes this is the deal, here's the project. So he just wanted to make that clear and he really hoped that all of them studied that agreement. He knew it's a legal document, but he thought the most important thing that they needed to understand was the level of protection that's within the City's hands. And the only thing they wanted to get to is the point where they can say okay, let's look at taking reservations on the condos. Everything else falls into place after that. Either it happens or it doesn't happen, but you got to get to that level. You're talking a lot of money here you know what it generates from construction dollars, \$49 in construction. You know like it says that the sales go significantly higher than what it is going to cost. So you start looking at all of that stuff that is coming into the City as potential. Whether it's property value taxes. Whether it's property values going up in terms of what it does to the community. Whether it's sales tax on all those condos, which is a significant amount of money. He didn't know what percentage the City gets out the sales tax, but none the less it's income, all that you don't have right now. So he would just like to encourage them to do what they can to help push this thing forward. They either believe in it or they don't. It's really quite that simple to be honest.

Mr. Waddington said he's seen it two or three times since April, if they're the elected body, they're the certain folks up here that are going to say this goes or doesn't go. It comes down to their vote. Coming to see Scott Schell or Matt Kline and the Law Department, had he ever thought about calling Dave Waddington or Mr. Fuqua or Mr. Warner and saying hey here's where we are? Instead of he gets a little three sentence snippet from Mr. Kline. They are kind of like always in the rear of the ball. Mr. Eymann said he would be here Monday if they wanted. He'll make that commitment. If they wanted reports, he would give them whatever they wanted. Mr. Waddington said he thought it was shallow at best what they had been getting as far

as information. He thought they needed a liaison for this project and he wished that one of the Commissioners would take that. President Murray said he wanted to see this done. They have set for themselves and Mr. Kline the deadline for next Monday after that when they need to have this agreement will be finalized so that they can take a look at it. Not that they wouldn't vote on it that night because they need to look at it and the public needs to look at it, but this was something that he was very much for. Obviously the devil is in the details and they needed to see that, but it's time to bring those to a close. They have had some issues that they have discussed of whether or not the entire community is going to be able to participate and discussions about what the appropriate level of local labor participation is. Those items are still open to the best of his knowledge. The last meeting they talked about the City being foolish in terms of trying to negotiate the deal without input from lawyers and experts. And it got to the point that no one apparently on the City's staff or his (Mr. Eymann) team, was answering the question about whether or not these plans, the TIF finances that we were hoping to play a major role would be available at that point in time. It turns out that those wouldn't be available until later. So that caused staff to step back. So they have said to themselves that they would like to see another type of proposal, a tentative proposal, in two weeks. That's what they need.

Mr. Kaman said on Saturday mornings downtown would be a good opportunity for Mr. Eymann to come down and talk to some of the people that have raised concerns.

Mr. Mark Norman, 1016 Third Street, commented on the amount of time that the Commission gave to someone from out of town to talk when they watched the clock on residents like hawks. He then commented on the Marina District Project and it kept shifting and they didn't know what was going on with it. They should have professionals and not staff working on the project.

Mr. John Ginty, 5055 Providence Drive, commented on Mr. Eymann's and the City's bond consultants communicating with each other on the Marina Project.

Mr. Waddington said he would move for an **executive session on Personnel, Police Department**. Mr. Stahl seconded the motion. The Clerk then called the roll: Yeas: Waddington, Kaman, Stahl, Murray, Fuqua, Farrar, Warner, 7. Nays: 0. The motion passed.

At 7:32 p.m. President Murray stated that they would take five-minute break and return for the executive sessions.

At 7:40 p.m. the Commission and staff returned.

An executive session was held on Personnel, Police Department.

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