

JULY 9, 2007

5:00 P.M.

At 5:00 p.m. a **regular meeting was held by the Sandusky City Commission** in the City Building Commission Chambers, 222 Meigs Street, with City Commissioners Dannie Edmon, Dan Kaman, Dennis Murray, Brian Crandall, Brett Fuqua, Dave Waddington and Craig Stahl in attendance; as well as the Charter Officers of the Interim City Manager (James L.) Don Miers, Law Director Don Icsman, Finance Director Ed Widman and the Clerk of the City Commission B. Joyce Brown; the Administrative Staff of the Director of Engineering Services Kathy McKillips, Police Chief Kim Nuesse, Fire Chief Mike Meinzer, and Assistant City Manager Gary Packan. It was an open meeting with the news media present.

Mr. Edmon offered the **prayer**, everyone stood for the **Pledge of Allegiance to the Flag**; and the Clerk called the **roll** with all Commissioners present.

Mr. Waddington moved that the **minutes of June 25, 2007**, be approved as written and dispense with the formal reading of same. Mr. Edmon seconded, carried.

Under **Audience Participation** Mr. Carl Wolf, 221 E. Jefferson Street, stated that the City Commission did not do its job in passing the legislation on its budget many months ago and he urged the Commission to vote yes on this item.

Mr. John Eymann, Architect for Sandusky Development, said that statement propaganda handed out to the public from the Citizens for Responsive Government on the Fourth of July at Battery Park was inappropriate with inaccurate information.

Mr. Dan Ward, Executive Director of Care & Share, thanked the Commission for their support and sponsorship of their fundraisers.

Mr. Bob Warner, 1011 Third, said the Commission was to do their job on Item 9. Mrs. Julie Farrar, 426 Dewey Street, commented on Item 9 and it shouldn't have gotten this far, but she did support it.

Mr. Matt Earhardt, 105 E. Market, said citizens elected the Commission to make decisions and people did support their efforts for economic redevelopment.

Mr. Mark Gacka, SYC Treasurer, said an alternative for the Marina District Phase I could possibly be accomplished on SYC property, which would allow financial objectives to be accomplished and leave the Wave Action Pool property open.

Mr. Richard Young, 120 Bayshore Drive, said I understand the need to improve the tax base with development, but they should allow time for absorption with the Chesapeake Paper District Condos and the transient marina with three additional units. And is the best location for an Entertainment & Convention Complex.

Mr. Lance Warner, 1421 Columbus Avenue, said on being an investor in real estate, I have seen that this community does not know how to work with investors and they should change the uncertainty for developers coming in.

Mr. Tim Schwanger, Citizens for Responsive Government Representative, 1345 Fifth Street, said to Mr. Eymann that they have not received any information on the project. And the ballot language was not specific enough. Mr. Eymann commented.

Mr. Jeff Krabill, 300 E. Water Street, said he would urge calmness on getting along and being respectful. Handing out that information on July 4th was not respectful. And they should use simple, concise language on the ballot and we need this plan.

Mr. Don Schwanger, 726 Perry Street, said my concern was for residential for the Battery Park picnic area and the Washington Street Pier and not being able to access that property even now at times with agreements and it should go to the ballot.

Under **New Business**, Mr. Crandall moved to accept all communications for tonight's agenda. Mr. Edmon seconded the motion and it was carried unanimously.

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

ORDINANCE NO. 07-037 - Amending the Official Zone Map of the City of Sandusky to rezone two (2) parcels on "C" Street, from "R1-40", Single Family Residential District to "GB" General Business District. Moved by Mr. Crandall, seconded by Mr. Edmon to be passed under suspension of rules in full accordance of **Section 13** of the City Charter. **Discussion** – Mr. Murray said a public hearing was held with no opposition. Mr. Stahl said as a member of the Planning Commission, there were no objections. Thereupon the Clerk called the roll twice, first on the motion and then final passage: Yeas: 7. Nays: 0. **The Ordinance passed effective after 30 days under Section 13.**

ITEM #2 – Communication – Jane E. Cullen, Engineering Technician

BUDGETARY INFORMATION: *The Final Cost of the project is \$812,025.87. This change order is a \$32,761.22 deduction from the original contract amount. The private assessment cost is \$197,028.50. The City portion of the project cost is \$614,997.37 with the Water Fund paying \$225,472.09, the Sewer Fund paying \$120,436.34 and the \$5 license fee fund paying \$269,088.94.*

ORDINANCE NO. 07-038 - Levying special assessments for the improvement of Huntington Avenue between certain termini by grading, paving, constructing curbs, gutters, sidewalks, driveway approaches, storm sewers, catch basins, manholes, water mains, fire hydrants and service lines and connections, all together with the necessary appurtenances thereto. It was moved by Mr. Waddington and seconded by Mr. Crandall to be passed under suspension of rules in full accordance of Section 14 of the City Charter. **Discussion** - Mr. Edmon asked if there was a procedure? And if so, how were percentages received for grants? Mrs. McKillips said there was no procedure. She gave an explanation and discussion ensued. Thereupon the Clerk called the roll on the motion and the response was as follows: Yeas: Edmon, Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance and the response was as follows: Yeas: Edmon, Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, 7. Nays: 0. The President declared the motion passed.

ITEM #3 – Communication – Jane E. Cullen, Engineering Technician

BUGETARY INFORMATION: *The Final Cost of the project is \$611,749.29. This change order is a \$74,378.46 deduction from the original contract amount. The private assessment cost is \$95,842.90. The City portion of the project cost is \$515,906.39 with the Water Fund paying \$192,288.49, the Sewer Fund paying \$61,690.47 and the \$5 license fee fund paying \$112,500.44. The Ohio Public Works Grant has paid \$149,426.99 of the contract amount.*

ORDINANCE NO. 07-039 - Levying special assessments for the improvement of Seneca Street between certain termini by grading, paving, constructing curbs, gutters, sidewalks, driveway approaches, storm sewers, catch basins, manholes, water mains, fire hydrants and service lines and connections, all together with the necessary appurtenances thereto. It was moved by Mr. Stahl and seconded by Mr. Waddington to 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 response was as follows: Yeas: Edmon, Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, 7. Nays: 0. The Clerk called the roll on final passage of the Ordinance and the response was as follows: Yeas: Edmon, Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, 7. Nays: 0. The Ordinance passed.

ITEM #4 – Communication – Ed Widman, Finance Director

BUGETARY INFORMATION: *This sale will allow the city to retire outstanding bonds at a lower interest rate that will save the city an average of \$12,500 in interest expense or a total of \$250,279 over twenty years. All costs related to this sale are included in the issue. The existing bonds are paid from income taxes, economic development and special assessment funds. This bond issue paid for street improvements, transit station, fire station, Mylander Plaza and pension discounts. The prospect of issuing these refunding bonds was discussed with the City's Audit/Finance Committee. This borrowing exceeds the minimum requirements of the Government Finance Officers Association for bonds of this nature.*

Fiscal Officer's Certificate – It was moved by Mr. Stahl that the Fiscal Officer's Certificate be received and placed on file. It was seconded by Mr. Fuqua and carried.

ORDINANCE NO. 07-040 - Providing for the issuance and sale of bonds in the maximum aggregate principal amount of \$5,545,000 for the purpose of advance refunding at a lower interest cost, a portion of the City's Outstanding Various Purpose Bonds, Series 2001, dated as of June 1, 2001 and maturing after December 1, 2010; authorizing and directing the call for optional redemption on June 1, 2011 of those refunded bonds; authorizing the execution and delivery of an Escrow Agreement and any other necessary agreements with respect to those refunded bonds; and declaring an emergency. It was moved by Mr. Murray and seconded by Mr. Fuqua to 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 response was as follows: Yeas: Edmon, Kaman, Murray,

Crandall, Fuqua, Waddington, Stahl, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance and the response was as follows: Yeas: Edmon, Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, 7. Nays: 0. The President declared the motion passed.

ITEM #5 – Communication – Kathryn K. McKillips, Director of Engineering Services
BUDGET INFORMATION: *The cost of the Rover Zoom Camera 125 Crawler System with Truck Mount is \$67,484.62, to be paid with Sewer Fund monies. This price does not include a trade-in for the existing camera as it does not have a trade-in value. The City will look into the possibility of selling the unit in an auction in the future.*

ORDINANCE NO. 07-041 - Declaring the 1997 Pan & Rotate Camera, Serial #D297N and Power Supply Serial #479039 as unnecessary and unfit for city use pursuant to Section 25 of the City Charter; authorizing and directing the City Manager to purchase one (1) Rover Zoom Camera 125 Crawler System with Truck Mount from Envirosight, LLC of Randolph, New Jersey, through the State of Ohio Department of Administrative Services Cooperative Purchasing Program. It was moved by Mr. Waddington and seconded by Mr. Murray to be passed under suspension of rules in full accordance of Section 14 of the City Charter. Thereupon the Clerk called the roll twice, first on the motion and then final passage as follows: Yeas: Edmon, Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, 7. Nays: 0. The President declared the motion passed.

ITEM #6 – Communication – Kathryn K. McKillips, Director of Engineering Services
Budgetary Information: *Although funds for the purchase of chemicals are routinely included in the operating budgets of the Water Plant, this increase may cause BIWW operations to exceed the annual budget for supplies and materials.*

ORDINANCE NO. 07-042 - Purchase an additional 280 tons, more or less, of Aluminum Sulfate Polymer Blend from Applied Specialties of Avon Lake, Ohio, for use at the Big Island Water Works Plant during the calendar year 2007. It was moved by Mr. Fuqua and seconded by Mr. Murray to be passed under suspension of rules in full accordance of Section 14 of the City Charter. Thereupon the Clerk called the roll twice, first on the motion and then final passage as follows: Yeas: Edmon, Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, 7. Nays: 0. The President declared the motion passed.

ITEM #7

ORDINANCE NO. (PASSED AT FIRST READING) - Amending Part Nine - Street, Utilities and Public Services Code, Title Five – Other Public Services, by the amendment of Chapter 955 – Solid Waste Disposal. It was moved by Mr. Waddington and seconded by Mr. Crandall to be passed as a non-emergency.
Discussion – Mr. Murray said this was a simple fix to allow pickup on Sundays based on concerns from the downtown businesses that are working on apartments on Sundays. Thereupon the Clerk called the roll on the motion and the response was as follows: Yeas: Edmon, Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance and the response was as follows: Yeas: Edmon, Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, 7. Nays: 0. ***Passed at first reading as a non-emergency.***

ITEM #8 – Communication – Jeffrey W. Rosekelly, Project Engineer

BUDGETARY INFORMATION: *The total project cost based on bids is \$303,784.16. The private assessment cost is \$222,038.41. The City portion of the project cost is \$81,745.75, to be paid with \$53,745.75 in Capital Improvement Funds and \$28,000.00 in Community Development Block Grant Funds.*

RESOLUTION NO. 020-07R - Declaring the necessity of constructing, relaying and/or repairing sidewalks, and/or constructing concrete curb and gutters, or concrete curbs, as the case may be, together with incidental construction, in certain designated locations in the City, providing for notice to such property owners. It was moved by Mr. Waddington and seconded by Mr. Crandall to be passed under suspension of rules in full accordance of City Charter Section 14. The Clerk called the roll on the motion: Yeas: Edmon, Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, 7. Nays: 0. The Clerk called the roll on final passage: Yeas: Edmon, Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, 7. Nays: 0. The Ordinance passed.

ITEM #9

RESOLUTION NO. (PASSED AT FIRST READING) - A Resolution placing an issue for advisory election on the ballot at the November 6, 2007 Election seeking the authorization of the Voters of the City of Sandusky to proceed with the public/private redevelopment project of portions of City Hall, Battery Park, and the Surf's Up properties for residential and commercial developments while preserving and enhancing the City's Parks and Waterfront access for public purposes. It was moved by Mr. Waddington and seconded by Mr. Fuqua that this Resolution be passed as a non-emergency. **Discussion** – Mr. Edmon said we should start by reading the actual ballot language, because I don't think anyone knows what it actually says; *"Should the City of Sandusky proceed with the public/private redevelopment project of portions of City Hall, Battery Park, and the Surf's Up properties for residential and commercial developments while preserving and enhancing the City's parks and waterfront access for public purposes?"* I have a problem with the last phrase. If one side says they want this on because they believe waterfront access is going to be taken from them, why would we put that in the language? If that phrase was out, I would go for it but right now I am a "no".

Mr. Crandall said we were given an update on 5/29, which says sometime in June or July we would have a three-dimensional model that was being put together for the project. Where is that model? Mr. Packan said the developer said he would have it at the next Commission meeting. Mr. Crandall asked were there any proposed changes to the model? Mr. Eymann gave an explanation and discussion ensued.

Mr. Crandall questioned the "whereas" on expenditure increases. Mr. Icsman gave an explanation and discussion ensued.

Mr. Murray gave clarifications of items discussed tonight.

Mr. Edmon commented on public access of public parks and documents that would stop them from going to those in the future. Like on the Fourth of July they didn't have access to the public Surf's Up property. Also they were putting their on spin on the language. Discussion ensued.

Mr. Fuqua said the conversations tonight were redundant and boarding on the ridiculous. I wanted the Commission to vote on this and my vote was in the affirmative. Some of my colleagues wanted to put it on the ballot and we put it on the ballot. Now we're going round and round about the verbiage and whether or not you've seen plans. Any development plans were going to change probably up until the last day that the development opens. We've seen change orders large and small. Discussion ensued.

Mr. Murray said we tried to cast this as slow a way as possible, which is twice. We did it tonight and then again in two weeks and we need to get these two votes in to get the issue to the Board of Elections in time for the fall ballot. So could you Mr. Eymann between this meeting and the next meeting your current thinking on the plan? Mr. Eymann gave an explanation.

President Kaman said Mrs. Brown I would like the minutes to clearly note that I will be abstaining on this issue per our Law Department and per the Ohio Ethics Commission. I have been criticized by both sides on this issue. I do not want to sell my property so other people can have lakefront property. I do not want to spend my money on three separate appraisals and get three separate opinions on what this development would do to my property. Thereupon the Clerk called the roll on the motion and the response was as follows: Yeas: Murray, Fuqua, Waddington, Stahl, 4. Nays: Edmon, Crandall, 2. Abstain: Kaman, 1. **The President declared the Resolution passed at first reading as a non-emergency.**

Under the **City Manager's Report**, Mr. James L. (Don) Miers said we have several **contributions**: Down to Earth Garden Club gave \$100 in care of Gail and Allen Rengel for the **Greenhouse Endowment Fund**. Mr. Crandall moved, Mr. Murray seconded, accepted. William and Barbara Biehl gave \$50. Mr. Edmon moved, Mr. Crandall seconded, accepted. The Masonic Temple Association gave \$500. Mr. Edmon moved, Mr. Crandall seconded, accepted.

Under **Old Business**, Mr. Waddington said tomorrow night at 6:00 p.m. they would have a Community Meeting at the YMCA. He gave items on the agenda and thanked the Commission and community for their support.

Mr. Murray said on the **City Manager Screening Committee** the advertisement is out and the application deadline is July 30th. They have to establish a budget of

about \$13,000 for putting up the candidates at hotels and lunch and dinner. ***I would make a motion that at the next meeting that we establish with Mr. Widman's input, and perhaps Mrs. Parthemore's input make a budget for expenses related to work of the Screening Committee that the Commission needs to do in the search for the next City Manager. Mr. Fuqua seconded the motion and with all Commissioners voting "Aye", the motion carried.***

President Kaman questioned the **Pier Track**. Mr. Icsman explained there is a conflicting problem in terms of what we're going to do next. Maybe we can have the person whose looking at documents come and talk about what the next steps are, what the costs would be and what the implications would be if the Commission had no objections. We wouldn't charge for that just as we have not charged for any of the reviews. *President Kaman said I would make a motion to have that happen at the next available meeting. Mr. Icsman said maybe the first meeting in August.*

Under **New Business** Mr. Crandall said on the waterways over the holiday I witnessed the border patrol, Coast Guard, ODNR and also federal agents. So I called our police department to find out if our waterways were staffed and I appreciate the Police Chief's efforts.

Mr. Edmon said I would like to request an **executive session on personnel, City Manager**. Mr. Murray seconded. The Clerk called the roll: Yeas: Edmon, Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, 7. Nays: 0. The motion passed.

Mr. Edmon said I would request an **executive session on Security Arrangements and Emergency Response Protocol**. Mr. Murray seconded. The Clerk called the roll: Yeas: Edmon, Kaman, Murray, Crandall, Fuqua, Waddington, Stahl, 7. Nays: 0. The motion passed.

President Kaman said I would like to ask the **City to look into cleaning up the parking lot on Jackson Street behind the State Theatre**. It needs attention if we're going to pave it and do something with it, stripe it so we can park on it. I also would like to start a dialogue with Commissioners on charging for that parking lot. That lot has been full for the last couple of weekends because of people using the boat and coming to our city. I think it is a revenue stream that we need to look at.

President Kaman said also during the past two weeks at **Route 6 and State 101** the **Cedar Point directional arrow signs is no longer there** and there is a lot more traffic. I need someone to look into that.

Mr. Edmon said I would like staff to come back with a **procedure on how to deal with how we will get grants for our streets**. This way we will know how we're getting these grants and which streets are getting them. Mr. Miars said we can certainly do that.

Mr. Miars said one thing I asked Kathy McKillips to look into today, was that parking lot and see what kind of patch job we can be doing to it.

Mr. Waddington said we are working on the dog problem and I think we almost have to bring back Animal Control. Discussion ensued.

President Kaman thanked Mr. Miars, Mrs. McKillips and Mr. Crandall for getting the handicap ramp done on the Jackson Street Pier.

Under **Audience Participation**, Mr. Bob Warner said they should keep enough resources and money to keep fire and police staffed rather than keeping administrative support staff.

Mr. John Sprau, Karl Ann Drive, said when someone buys benches or donates money to the city, they should at least get acknowledged or a thank you for it.

Mr. Don Schwanger commented his car broke down at the boat ramp and staff at the boat ramp and Police Officer Matt Dunn helped him out. Also at Shoreline Park how can they prevent people from parking on the grass?

Mr. Tim Schwanger commented on the Battery Park Marina District Project and public access and the plans that they say are out that they haven't seen. And they wanted language to reflect the actual development, such as condos, retail, hotel, etc. and how can a sports arena be the best use of this property.

Mr. John Eymann commented on Mr. Schwanger's comments and explained the plans and stated they were giving out false information, things were taken out of scale and proportion and perspective.

Mr. Lance Warner commented on the Battery Park Marina District Project and the indefinite finality of the plans.

At 6:55 p.m. President Kaman stated they would take a five-minute break and return. At 7:00 p.m. the President returned to the table.

An executive session was held on Charter Officer, City Manager.

An executive session was held on Security Emergency/Emergency Response Protocol.

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

ATTEST:

B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

DANIEL J. KAMAN, PRESIDENT
SANDUSKY CITY COMMISSION