

President Craig Stahl called the meeting to order at 5 p.m. and opened with the **Invocation**, given by Bob Warner, followed by the **Pledge of Allegiance**.

Upon motion of Bob Warner and second of Dave Waddington, the Commissioners voted to excuse Julie Farrar and Brett Fuqua from the meeting. Roll Call: All Ayes.

The Clerk called the roll and the following Commissioners responded: Yeas: Bob Warner, Dave Waddington, Dan Kaman, Craig Stahl, Pervis Brown, 5.

Upon motion of Pervis Brown and second of Dave Waddington, the Commissioners approved the minutes of the October 13 and October 19, 2009, meetings and dispensed with the oral reading of the minutes. Roll Call on the motion: Yeas: Bob Warner, Dave Waddington, Dan Kaman, Craig Stahl, Pervis Brown, 5. Nays: 0. The President declared the motion passed.

Amy Porter, Director of the Erie County Humane Society (ECHS), made a presentation to the City Commission about the ECHS's interest in implementing and monitoring a Trap, Neuter, Release (TNR) program in the city. This method of reducing the feral cat population is preferred by the Society for the Prevention of Cruelty to Animals and the U.S. Humane Society as it halts reproduction rather than promoting euthanasia. Amy Porter said their agency is inundated with calls about cats and kittens and averaged 1,220 calls in the year 2005. Thus far in 2009, they have already received 1,226 calls while 265 of these were for pets and 961 were for strays. She said the goal is to decrease the number of free roaming cats through the trapping and adoption of friendly strays. Cats must be trapped before eight weeks of age as they are more socialized and adoptable. This would be done in a managed colony and after vaccinating and spaying/neutering, the cats would be transferred to a caregiver who would provide them with food and shelter. She said her staff is trained to urge people to keep their pets indoors and will try to educate the public about free roaming cats. The cats will not be trapped randomly, rather they will identify target sites.

On motion of Dave Waddington and second of Dan Kaman, the Commissioners voted to provide support for the Trap, Neuter, Release program.

Discussion: Matt Kline asked exactly what the Humane Society was looking for from the city. Amy Porter said permission would need to be granted by the city as currently the city has an Ordinance against free roaming animals. She said many communities adopted this type of legislation when harm was caused by stray dogs from diseases like rabies, but problems now are mainly because of feral cats. She asked that the city provide an exemption to its Ordinance to allow for feral cat colony caregivers. Bob Warner asked what would happen if someone's pet cat was trapped and if they would receive a bill for the services. Amy Porter said animal owners would not receive a bill if their cat is trapped.

Roll Call on the motion: Yeas: Bob Warner, Dave Waddington, Dan Kaman, Craig Stahl, Pervis Brown, 5. Nays: 0. The President declared the motion passed.

Don Icsman said legislation will be prepared for the Commission's consideration.

A Public Hearing was held for the proposed vacation of a portion of Fourth Street. Carrie Handy stated the Planning Commission has recommended this vacation be granted to **BSL Holdings, c/o Robert (Bob) Waldock**. She said Bob Waldock was present tonight and he owns the property adjacent to this small area and it was not necessary to notify other property owners. She said there are no utilities on this parcel and the rest of the area has been vacated to Ontario Street. Dan Kaman thanked Bob Waldock and his company for clearing out this land. Bob Warner asked if the railroad owned the right-of-way area and Carrie Handy said she believed they did and could check into this. Bob Warner said Bob Waldock did a great job cleaning up this area, but there is still a large area mounded up which looks terrible and he hopes this can be flattened out. Bob Waldock said this is owned by the city and he, therefore, could not touch it. He said he plans to erect a perimeter fence to stop people from continuing to dump in this area and asked if the city will maintain their property as no one is really taking care of it now and people are constantly dumping debris. Bob Warner said he thought it would be helpful if the mounded area was flattened out as people may be less inclined to dump things. Dave Waddington said he lived in this area and he and some of his neighbors are thrilled with the cleanup and thanked Bob Waldock. Pervis Brown said he too lived in this area and would like to see a little bit more done with the city and/or Bob Waldock. He said the area should be defined and maybe we could put gravel down at the end of Fourth Street or barricades at the point where Waldock's property begins. He said we should make our side presentable and not make it look like it was a 'mistake'. Bob Waldock said

he has already made a \$500 donation for this vacation according to the city's Code of Ordinances. Dan Kaman said he wished more residents would take the initiative to put up fences like this and clean up their property rather than dump furniture, appliances and garbage. He said he appreciates what Bob Waldock has done. Pervis Brown said he too appreciates what Bob Waldock has done but hopes to finish the deal – either by the city or Bob Waldock. Bob Warner said no one is arguing that Bob Waldock has done a good thing but this is currently half finished and he wants to make it look like Fourth Street ends and does not care whether the city or Bob Waldock does this.

Sharon Johnson, 1139 Fifth Street, said she lives at this end of town and stated it looks nice. She said she is apprehensive about what is going to happen now and asked if future plans may generate additional traffic in this area or if sewer and/or water services may be affected. Bob Waldock said he currently has no plans for this land.

John Ginty, 5055 Providence Drive, asked how the city acquired this land and if we should be just giving it away. He asked if we should deduct the cost of the cleanup. John Hancock said this was a dedicated street right-of-way which was never built nor serviced and the city has no use for it.

Tim Schwanger, 362 Sheffield Way, said the city should be following past practice with vacating land and have a survey prepared to determine the fair market price.

Jason Singer, 314 West Market Street, asked what the size of this parcel is and Carrie Handy said it is 160' x 50', or approximately four lots wide.

There being no further comments, Craig Stahl declared the Public Hearing closed.

Under **Audience Participation** for Agenda Items, the following offered their comments:

John Ginty, 5055 Providence Drive, said Item #3 would provide a grant for a tire collection in April, 2010, similar to last year's program with volunteers and city staff. He asked about the Change Orders in Item #5 and what other companies bid on Alternatives #1 and #2. John Hancock said the tire collection program proposed would be identical to last year's program although we did get a better price from the contractor this time. He said Item #5 is a recommendation to proceed with Alternatives #1 and #2 in the contract which pertain to the concrete curb and gutter work from Rockwell Street to just North of Perkins Avenue. He said we are able to perform this additional work because of the favorable economic conditions and the contract amounts for the bids received.

Tim Schwanger, 362 Sheffield Way, asked if any change orders would be presented tonight for the Chesapeake Walkway project. John Hancock said full documentation will be presented at the next City Commission meeting.

On motion of Bob Warner and second of Dave Waddington, the Commissioners moved to accept all communications. Roll Call on the motion: Yeas: Bob Warner, Dave Waddington, Dan Kaman, Craig Stahl, Pervis Brown, 5. Nays: 0. The President declared the motion passed.

ITEM #1 – Communication – Submitted by Charlie Sams, Acting Chief of Police

Budgetary Information: This invoice represents a current expense for 2009. Funds are routinely included in the Police Department operating budget for each year's 9-1-1 billing. The replacement cost is \$10,780.52 and the maintenance cost is \$8,792.29 for a total cost of \$19,572.81. Funds will be expended from 110 1020 530 00.

ORDINANCE NO. 09-086: It is requested an Ordinance be passed authorizing payment for replacement and maintenance costs pursuant to the 9-1-1 Agreement between the City of Sandusky and Erie County and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Dave Waddington and second of Dan Kaman, the Commission authorized the passage of this Ordinance under suspension of the rules and in full accordance of Section 14 of the City Charter.

Discussion: Bob Warner asked the reason this was requested under Section 14. Don Icsman said he believes the reason is due to the fact that the invoice was submitted to the city on October 6 and payment is due in 30 days.

Roll Call on the motion: Yeas: Bob Warner, Dave Waddington, Dan Kaman, Craig Stahl, Pervis Brown, 5. Nays: 0. The President declared the motion passed. Roll Call on the Ordinance: Yeas: Bob Warner, Dave Waddington, Dan Kaman, Craig Stahl, Pervis Brown, 5. Nays: 0. The President declared the Ordinance passed.

ITEM #2 – Submitted by Carrie R. Handy, Chief Planner

Budgetary Information: The administrative action will not impact the city's operating budget.

ORDINANCE NO. 09-087: It is requested an Ordinance be passed vacating a portion of Fourth Street located West of Farwell Street and adjacent to Lot Numbers 220, 210, 211, 212 and 213 Fourth Street, within the City, as set forth on the vacation plat, a copy of which is marked Exhibit "A", attached to this Ordinance and incorporated herein; and declaring that this Ordinance shall take effect under suspension of the rules as contained in and in accordance with Section 13 of the City Charter.

Discussion: Pervis Brown requested we explore a working agreement with Bob Waldo to finalize this cleanup.

Roll Call on the motion: Yeas: Bob Warner, Dave Waddington, Dan Kaman, Craig Stahl, Pervis Brown, 5. Nays: 0. The President declared the motion passed. Roll Call on the Ordinance: Yeas: Bob Warner, Dave Waddington, Dan Kaman, Craig Stahl, Pervis Brown, 5. Nays: 0. The President declared the motion passed.

ITEM #3 – Submitted by John Hancock, Director of Engineering, Planning & Development & Sharon Evanich, Grants Administrator

Budgetary Information: If the grant application is awarded, the City of Sandusky will receive \$2,000 to promote and offer a tire recycling drop-off day for its residents. There is an in-kind match of \$1,703 which represents city staff personnel wages, community volunteers and a donation of recycling flyers from the Erie County Solid Waste Management District.

RESOLUTION NO. 031-09R: It is requested a Resolution be passed approving the submission of a Grant Application to The Ohio Department of Natural Resources, Division of Recycling & Litter Prevention for the 2010 Litter Cleanup Grant for funding to promote and offer a tire recycling day and, if awarded, authorizing the City Manager to execute any required Agreements and declaring that this Resolution shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Bob Warner and second of Dan Kaman, the Commission authorized the passage of this Resolution under suspension of the rules in full accordance of Section 14 of the City Charter.

Discussion: Dave Waddington asked if we collected over 800 tires last year and Matt Kline said "Yes". Dave Waddington said tons of tires were collected and he picked up more this weekend at the Pipe Creek Cleanup and this grant is needed.

Roll Call on the motion: Yeas: Bob Warner, Dave Waddington, Dan Kaman, Craig Stahl, Pervis Brown, 5. Nays: 0. The President declared the motion passed. Roll Call on the Resolution: Yeas: Bob Warner, Dave Waddington, Dan Kaman, Craig Stahl, Pervis Brown, 5. Nays: 0. The President declared the Resolution passed.

ITEM #4 – Submitted by John Hancock, Director of Engineering, Planning & Development & Sharon Evanich, Grants Administrator

Budgetary Information: The City of Sandusky will award WSOS Community Action Commission, Inc. \$45,000 to provide down payment assistance for home ownership, homebuyer and fair housing counseling, and educational services to low- and moderate-income residents in Sandusky under the rules and regulations of the U.S. Department of Housing & Urban Development Community Development Block Grant. There is no impact to the city's General Fund.

ORDINANCE NO. 09-088: It is requested an Ordinance be passed authorizing and directing the City Manager to enter into a Subrecipient Agreement with WSOS Community Action Commission, Inc., substantially in the same form as attached hereto, and to expend funds in an amount not to exceed \$45,000 from the FY 2009 Community Development Block Grant; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Bob Warner and second of Dave Waddington, the Commission authorized the passage of this Ordinance under suspension of the rules in full accordance of Section 14 of the City Charter.

Discussion: Dan Kaman asked where we are on the Housing issue and if this was almost done. Matt Kline said this is a different program and Carrie Handy stated this is all new money. Pervis Brown asked if a local company could perform these services like BANDC has done in the past for us. Carrie Handy said this is to provide homebuyer counseling and it was recommended by Housing & Urban Development (HUD) that the city use a HUD-certified agency to perform this work and WSOS is the closest agency to Sandusky able to provide these services for us.

Roll Call on the motion: Yeas: Bob Warner, Dave Waddington, Dan Kaman, Craig Stahl, Pervis Brown, 5. Nays: 0. The President declared the motion passed. Roll Call on the Ordinance: Yeas: Bob Warner, Dave Waddington, Dan Kaman, Craig Stahl, Pervis Brown, 5. Nays: 0. The President declared the Ordinance passed.

Item #5 – Submitted by Jane E. Cullen

Budgetary Information: The amount of the base bid will allow the city to include both Alternative Number 1 and 2 in the contract. The total estimated project cost based on bids, including engineering, advertising and miscellaneous costs is \$1,030,762.34. CDBG will fund \$400,000 from the regular CDBG allocation and an additional \$218,407 from the American Recovery and Reinvestment Act (ARRA). The Sewer Fund expense will be \$46,675 and the City Capital Fund will be \$30,902.83. The Ohio Public Works Grant has \$400,000 in available funds, expenses are not to exceed 38% of the project construction costs which is \$334,777.51.

Ordinance No. 09-089: It is requested an Ordinance be passed authorizing and directing the City Manager to award a contract to Smith Paving & Excavating, Inc., of Norwalk, Ohio, for the Hayes Avenue Corridor Project – Perkins Avenue to Columbus Avenue project; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

Upon motion of Bob Warner and second of Dan Kaman, the Commission authorized the passage of this Ordinance under suspension of the rules in full accordance of Section 14 of the City Charter.

Discussion: Dan Kaman said he was glad to see this additional work is being done and it will make this area of Hayes Avenue a lot better. Bob Warner asked how this happened and if contractors are just hungry for work. John Hancock said he believed it was just the time of year. He said the main portion of the signal work will be done this winter and street work will be done in late winter, early spring. Pervis Brown asked if we notified the contractors about not having change orders. John Hancock said this is not normally done, but he understands the point being made.

Roll Call on the motion: Yeas: Bob Warner, Dave Waddington, Dan Kaman, Craig Stahl, Pervis Brown, 5. Nays: 0. The President declared the motion passed. Roll Call on the Ordinance: Yeas: Bob Warner, Dave Waddington, Dan Kaman, Craig Stahl, Pervis Brown, 5. Nays: 0. The President declared the Ordinance passed.

Item #6 – Submitted by Michele Hall, Recreation Program Supervisor

Budgetary Information: The Agreements will not result in any additional budgetary expenses. The city will benefit from the agreed upon rental fee income of \$70 per month and electric service reimbursement of \$30 per month.

FIRST READING – October 26, 2009

ORDINANCE NO. _____: It is requested an Ordinance be passed as a first reading authorizing and directing the City Manager to enter into a Lease Agreement with Eric Foltz dba Cold Creek Café for the Dorn Community Park Concession Area beginning March 15, 2010 through August 30, 2010.

Upon motion of Dave Waddington and second of Bob Warner, the Commission authorized the passage of this Ordinance at first reading.

Discussion: Dan Kaman asked if a copy of the menu referenced in the Agreement would be included. Don Icsman said it was included in last year's Agreement and will be added to this one. Dan Kaman asked about Attachments A and B which were not included, but Exhibit 1 is included. Don Icsman said Exhibit 1 is the entire Lease Agreement and is an Exhibit to be attached to the Ordinance.

Roll Call on the motion: Yeas: Bob Warner, Dave Waddington, Dan Kaman, Craig Stahl, Pervis Brown, 5. Nays: 0. The President declared the motion passed. Roll Call on the Ordinance: Yeas: Bob Warner,

Dave Waddington, Dan Kaman, Craig Stahl, Pervis Brown, 5. Nays: 0. The President declared the Ordinance passed at first reading.

Matt Kline then gave his City Manager's Report.

Matt Kline asked for the **acceptance of a donation in the amount of \$2,000 from the Frost Parker Foundation to be used for expenses associated with the 2010 Arctic Ice Festival. Upon motion of Pervis Brown and second of Craig Stahl, this donation was accepted. Roll Call: All Ayes.**

Matt Kline stated according to the city's Charter, the first draft of the 2010 budget was distributed to the City Commissioners in their packets showing a \$1.7 million deficit. He said he is not looking for any action to be taken tonight, but he would anticipate and suggest that Public Hearings be scheduled after the November 3 election. He said if new Commissioners are elected, we should work with them to proceed toward adopting a final document.

Matt Kline said at the special meeting of October 19, a motion was made lifting the requirement to **bag leaves for the 2009 Leaf Collection program.** He said he appreciates the Commission's consideration to help reduce costs, but does not believe from a practical, administrative standpoint that one run through will be sufficient. Matt Kline said some streets will require more than one pass through. He cautioned that some leaves have already fallen and are ready for pickup now, while some leaves are still on the trees and have yet to fall. He said our equipment is ready to go and he will be working with Scott Miller to publish a schedule for pickup, starting next week. Matt Kline said two years ago, leaves fell late and this made collection efforts difficult. Last year, we had a dry summer and the leaves fell early. He encouraged residents to bag leaves, if possible, and asked those residents who have signed up for the Yard Waste Program to put their leaves out for weekly collection according to the five-zone schedule as this is what they are paying for. Matt Kline said Zones 5 and 1 contain a forest of trees while Zones 2 and 3 have pockets of heavy areas and wet, rainy conditions can make a dangerous and slick situation on our roadways which will mean two pickups are likely. He said Zone 4 could probably be done with one pass. Matt Kline said he did not wish to go against the City Commission's motion, but there are a few zones which will require two passes to pick up the leaves and a calendar will be published this week.

Matt Kline said when he came to Sandusky, he inherited **the Marina District project** and this was 50% of his job interview. He said much was already dictated for the vision and development of the Battery Park/Surfs Up property and he was asked to prepare a Development Agreement which protected the city. He said he has done this, but the economic reality the country is experiencing doomed the project from its beginning. Matt Kline said the Development Agreement will expire on December 31, 2009, and although the city is not being asked for an extension, he would recommend not offering one.

Matt Kline said in his two years here, the economic and political reality of the project has made the community divisive. He said this is not his project and had he been here at the beginning, he would not have recommended the same vision for this particular property. Matt Kline said the current Development Agreement will expire in December, 2009, and he believes this will rear its ugly head again in the future. He recommends the City Commissioners authorize the Law Director to negotiate a draft of a Termination Agreement to present to the City Commissioners. Matt Kline said this would allow the public to know that on December 31 the city is done with the LLC. Further, Matt Kline recommends the City Commission consider that he and the staff be requested to develop a plan to keep the former Surf's Up property as a park as it has been his belief since hired that this is what should be done with this land. He said if you stand on the sidewalk in front of this property, you cannot see the water and he is ready to pursue grant monies to tear out the pool. He would like to have a committee established to develop a plan, similar to the Lions Park project, as he feels it would make a lot of sense to allow the continuation of events like The Big Splash, KidsFest, the Wine Festival, the Animal Expo and others. He said it is a natural fit for this site and it can be improved. Matt Kline said staff has had preliminary conversations with Damien Shipley from the Ohio Department of Natural Resources and he has indicated if we were to remove the pool and keep the area as public park space, ODNR would find this acceptable. Matt Kline will get this in writing and will continue to share his thoughts and visions.

Upon motion of Dave Waddington and second of Pervis Brown, the City Commissioners authorized the Law Director to prepare a Termination Agreement with the LLC for The Marina District project effective December 31, 2009.

Discussion: Matt Kline said he spoke with John Eymann this morning and told him this was going to be his recommendation. John Eymann told Matt Kline he understood. Dave Waddington said this project

originally had a vision of job creation, but the timing and economic conditions were wrong and if we pursue keeping this as a park, he will support this. Matt Kline said he spoke with a couple of representatives from the Foundations and they are supportive too. Dave Waddington asked if this could be handled similar to the endowment established for Wightman Wieber Park. Ed Widman said it sounds feasible and he would check with Don Icsman to make sure this could be done legally. Dan Kaman said he would abstain from voting on this, but we should wait until the end of the year and let it die on its own to stop any further action. He said this project has been divisive for the city and political from day one. Dave Waddington said his motion would be to prepare this for December 31, 2009; he said three deadlines have already been missed including the lack of financing. Bob Warner said consideration should be given to compensate the staff for the time spent when drafting this Termination Agreement. Don Icsman agreed and he suggested waiting to vote on this because Dan Kaman will abstain and two Commissioners are not here tonight. He said the matter of the \$100,000 is the big elephant in the room and should be part of the Termination Agreement. Don Icsman said the failure to comply with the contract requirements and terms may be reason for the city to keep the money. Don Icsman said John Eymann has a burden on him and if he is going to sue us, he is going to sue us. He failed to make his good faith deposit, did not obtain financing, and did not sell the number of units required. He said the city keeping the \$100,000 may initiate a lawsuit. Dave Waddington asked if the bulk of the money spent by the city went to Squire, Sanders & Dempsey and Don Icsman said that it did. Don Icsman said if there are four votes tonight to pass this motion, it would have to be voted upon again at the next meeting.

Roll Call on the motion: Yeas: Bob Warner, Dave Waddington, Craig Stahl, Pervis Brown, 4. Nays: 0. Abstain: Dan Kaman, 1. The President declared the motion passed. This will need to be voted upon again because only 4 votes were recorded as Yeas.

Craig Stahl asked if Matt Kline could provide an **update on the Chesapeake Marina project**. Matt Kline said John Hancock is working with Squire, Sanders & Dempsey and Hoty's to be sure an Agreement is drafted which puts the city in place to properly finance the project.

Dave Waddington said two weeks ago he and other city staff met with Randy from Honeywell and he felt the city should have an energy audit performed for City Hall since it looks like we will be staying here. He said he thought this all along but it fell on deaf ears. He said we should do this audit to see what needs to be done for our doors, windows and heating/cooling system. Dave Waddington said we should contact the Judge to see what he would like to do with the \$1.5 million set aside for renovations and maybe if the court is interested in relocating, we could reconfigure the SPD in this space.

Dave Waddington was interested in knowing about making repairs to **the Keller Building**, specifically to the roof and some of the boards which have blown off of the windows. John Hancock said four weeks ago, in response to the roof problem, he and the Building Inspector, along with a structural engineer, toured the building. He said they are looking at the roof problems and the boarding up or structural repair of the windows. John Hancock said the roofing contractor was there and we have a three year guarantee, but the contractor did repair the roof according to the design and specifications. He said these were done according to Code and implemented per the design but the wind conditions caused these boards to lift. He said they are working to devise a plan to attach the roofing material more securely to the beams. John Hancock said pricing is being put together and we will need to do some negotiating as the company did prepare the modifications according to the contract specifications. He said we will see what can be done before the winter months with the structural openings. He said Scott Miller, General Services Director, was also at the site and will be arranging for city forces to help secure the building. John Hancock said after addressing these concerns and whatever else needs to be done according to the MOU, additional roof, gutter and masonry repairs will be made. He has a draft report from the structural engineer and it includes findings for the chimney and the water tank which is standing on two legs rather than four. John Hancock said there are monies left from the \$56,000 from Mid States and we will see where these repairs take us for the stabilization of the building. He said George Poulos and the structural engineer looked at this with assistance from employees in the Sandusky Fire Department and their ladder truck.

Dave Waddington asked Matt Kline if we have heard from **Dave Williams** and if he still has interest in developing this property. Matt Kline said he has not heard from him and he will check.

Bob Warner said he was recently at the former **Apex building and kids have built a skateboard ramp inside of the building and he wondered if the owner is going to secure the building to keep kids out and keep them from painting graffiti**. Matt Kline said Scott Schell has talked with the real estate agent,

Mike Petrigan, and if we do not hear back from him this week, George Poulos will send a letter requesting they secure the building.

Dan Kaman asked Matt Kline if he had met with the **Jet Express officials about the Jackson Street parking lot**. Matt Kline said he has not contacted them yet. Dan Kaman asked if the city could get pricing to patch the stone area in this lot and consider making it a pay-to-park lot.

OLD BUSINESS:

Dave Waddington asked about **railroad ties piled 10' – 12' high as this is a safety issue and kids are playing on them**. Matt Kline said he and Scott Miller went to Seavers Way last week to look at this area and since their call to the railroad officials, he noticed they have unloaded a backhoe or a tractor at this location. He said the city asked for the ties to be moved away from the street and he believes they are doing this and will check on it tomorrow.

NEW BUSINESS:

Dave Waddington said he spoke with State Representative Dennis Murray recently **about legislation prohibiting texting while driving which is being considered at the state level**. Don Icsman distributed sample legislation which he can prepare for a vote locally to ban texting while driving in the City of Sandusky. Craig Stahl said as the parent of an 18-year old, texting and driving scares him. Dave Waddington said he himself has had a couple of close calls and this is a safety issue which is becoming more frequent and we need to take a look at it. He asked if the violation would be a minor misdemeanor. Don Icsman said he has been following this since Dennis Murray was on the City Commission and a couple of laws have been introduced at the state and if passed, we can rescind our Ordinance (if passed). He said this does not cover just cell phones, but use of other electronic equipment while driving, and it would not be a primary offense; officers cannot pull drivers over just for this, they would have to have another valid reason.

Upon motion of Dave Waddington and second of Dan Kaman, the Commissioners voted to have an Executive Session regarding Personnel, Charter Officers. Yeas: Bob Warner, Dave Waddington, Dan Kaman, Craig Stahl and Pervis Brown, 5. Nays: 0. The President declared the motion passed.

Craig Stahl said at the October **Audit/Finance Committee meeting**, the members made a motion to commend the city staff on the 2008 financial audit for which we received no citations. He and the members offered their congratulations to the staff for safeguarding the city's money.

Under **Audience Participation**, the following offered their comments on Agenda items:

A.J. Oliver, 1112 Wayne Street, said he was glad to see the city moving forward to make Sandusky livable and protect its parks. He suggested one possible use for the former Surf's Up property would be to allow a portion of it to be used by the Sandusky Maritime Museum for viewing heritage boats. He said this idea has been kicked around town over the years and there may be interest on the museum's behalf. He said we have an outstanding nautical tradition here and Sandusky is the only one of the Great Lakes cities to be mentioned in Uncle Tom's Cabin. He said this was our finest hour where we came together as a community to do the right thing. He said Amy Newell has done much research on the Underground Railroad in our area and this is of interest and historical importance and perhaps grant monies would be available to highlight this portion of our history. Craig Stahl said he knows we approved dockage on the East side of the property and a sonar reading showed there are no obstructions in this area and a water depth of 5'. A.J. Oliver said he opposed the Sandusky Yacht Club expanding eastward as this would prohibit vessels like the Tall Ship Journey, which was here for Bay Days, to moor.

Diedre Cole, 807 Hancock Street, said this is the last meeting before the election and possibly some of the Commissioners sitting here may leave. She said although she has not always agreed with the Commissioners, she thanked them for their service and for the things they have tried to do.

Sharon Johnson, 1139 Fifth Street, said she has read the emails and is sick about the breach of trust by staff which should be dealt with swiftly and harshly.

Tim Schwanger, 362 Sheffield Way, said at the last meeting, the Commissioners talked about the change order which was passed tonight for the Hayes Avenue underpass project. He said local union painters were used and a sitting City Commissioner is using his position to influence this vote. He suggested the city obtain a new Ethics Commission advisory opinion on this moving forward. Bob Warner said this was not the painters union, his union, the general contractor used the cement masons union and he never advocated for the painters union.

Wesley Poole, 1939 East Oldgate, asked if the City Commissioners were going to ask for an update on the irregularities surrounding the Marina District check. Don Icsman said other than the recent public disclosure, he saw no reason the contract was not being complied with and although he does not have the facts for that period of time, he is troubled and disappointed about not knowing about this before. Wesley Poole said he is concerned for persons who made deposits for condominiums and whether or not they will get their money back. Wesley Poole said there was not an agreement until May since that is when the check was deposited and that the City Commissioners should have been told. He said this makes for a loose relationship with the whole truth and it is not unreasonable to question receipt of the cash until May, 2009. He asked if the money was available in December and if the people who made deposits would get them back. Dave Waddington said he was told on January 26, 2009, the check was in escrow at Citizens Bank and that the check was good, and then it disappeared for five months. Wesley Poole said no, the check did not exist and someone never got a good answer about taking deposits on the condominiums without an Agreement to build them. He said there was never any money available. He said future development efforts will be based on trust and we did something which was questionable.

John Ginty, 5055 Providence Drive, said he inquired about a spiral type windmill at the last meeting and wondered if any research was done on this. He asked what city in Massachusetts was visited by a Commissioner to see this. Craig Stahl said at their next meeting, Julie Farrar will have a full report. Dan Kaman said John Ginty was referring to geothermal, not windmills. Matt Kline explained the windmill project is for the Water Plant and the Waste Water Treatment Plant.

Dennis Timple, 553 Bimini Drive, said the former Apex building is looking badly worn and asked if the city could force the removal of graffiti. Don Icsman said our Ordinances do not provide for this. Dennis Timple asked if we could look at this. Don Icsman said he would be hopeful private property owners would be motivated to remove this but that public property would be taken care of by the city. Dennis Timple said cleaning this site could help get it developed and the sellers are playing games with the sale price. He asked the city to consider filing an appeal for tax purposes since they are valuing the property at \$ 7 - \$8 million, but they are not paying taxes on this amount. He also asked the city to consider making the traffic light at Wayne and Water Streets one that blinks red like the others in downtown because people drive right through this.

Dan Kaman said he has seen and received calls about deer on the west side of town, in the woods by the Apex property and by the Delphi property on Perkins Avenue and he is not sure what to do about it.

Glenn Szatala, 713 Kingfisher Court, IAFF Union President, said there is a Town Hall meeting at 7 p.m. on Wednesday at Station 1 regarding Issue 5. He said the Chief would be available to answer questions. He thanked the [Sandusky Register](#) for allowing members of the Fire Department to write guest editorials and thanked [The Morning Journal](#) for endorsing Issue 5 today.

Craig Stahl adjourned the regular session of the Sandusky City Commission meeting at 6:43 p.m. for a ten minute break.

At 6:54 p.m., the Commissioners went into an **Executive Session**; at 7:39 p.m., the Commissioners adjourned the Executive Session.

Kelly L. Kresser
Interim Clerk of the City Commission

Craig H. Stahl
President of the City Commission