

NOVEMBER 10, 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 Dan Kaman, Craig Stahl, Dennis Murray, Brett Fuqua, Julie Farrar, Bob Warner and Dave Waddington 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; and the Administrative Staff of the Director of Engineering Services Kathy McKillips, Assistant Fire Chief Paul Ricci, Interim Police Chief Charlie Sams, Administrative Services Director Warrenette Parthemore, Economic Development Specialist Scott Schell, and Chief Planner Carrie Handy. The audience and the news media were present.**

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

Mr. Waddington moved to accept **minutes of October 27, 2008**, and dispense with the formal reading. Mr. Fuqua seconded and the motion carried.

Under **Audience Participation**, Mr. Wesley Poole, 1939 E. Oldgate, applauded the Commission for hiring the Hagg's to work on the Brownfields, who were local.

Mr. Mark Norman, 1016 Third Street, said the Brownfields were a liability and it was a smart move by the City to put it into the Hagg's hands.

Mrs. Sharon Johnson, Fifth Street, said she supported the Brownfields cleanup and land should be ready for development when they come in instead of a year or two.

Mrs. Kathy Mueller, 7707 Patten Tract Road, complimented the City for working with Shepherd's Shoreline Construction in development of the wind turbine; revitalizing the Brownfields Committee and hiring the Hagg's to facilitate; and informed that the Watershed Group was working with water quality that may be affected in the future with drought conditions.

Mr. Eric Doddrell, 3710 Hull Road, commented on the Hagg's and the Brownfields.

**PRESENTATION - Fire Marshall Rudy Ruiz recognized** with John Maxwell's 21 Irrefutable Laws of Leadership Certificate

**Brownfields Update** – Bob Hagg - Mr. Kaman said the City did lose their focus in the past and they didn't have staff to deal with these grants and the experience to deal with the U.S. EPA, deal with Brownfields, and he hoped the Hagg's continued to help us take that liability off of the City. A lot of times they hear our budget is tight and the catch phrase all the time was we were going to lose Firemen and Police. He disagreed and there were other ways, but this funding is coming from grants already in hand. So no firemen or police would lose jobs because we're going to hire some consultants. Another reason, in our Engineering Department we have consultants help us on other bigger projects, but he has never been taken aside and explained the details on why, what, and things that were needed. He can call the Hagg's on the weekend. So he was looking forward to discussion of how they were going to fund it tonight. **President Murray asked were there any comments or questions?**

Mr. Warner said every meeting he was always asking where we were at on finishing the Chesapeake and cleaning up the Tricor. This was actually the first time that he has gotten a somewhat realistic schedule that we could possibly finish before next summer. We had been promising these people something since they first started buying condos down there. We told them we were going to have a walkway and probably going to have a marina next door, but that may not happen. At a minimum at least we can give them a decent field or something to look at.

Mr. Stahl said he liked the Hagg's and they liked him and he was all for what they do, but he was also being very cognizant that we're a City that is facing layoffs. We're facing possible income tax increases to the budget to make up our \$1.2 million potential deficit. They elected him to answer some of these tough questions. His

main question would be, how do they pay for this and maybe they could walk through this.

Mr. Hagg said they started with an estimate, how much is this going to cost, and it's based on tracking what they have charged. As they've done the additional work, which came out to an average of about \$1,800 per week for the effort that they were putting in and they multiplied that by a 50-week year to get an even number of \$90,000. It could be less than \$90,000 if they do less or if they start to get things done, it could be more if they ask them to do more. They looked at all of the places that they City had charged this work to in the past and could charge the work to in the future, and they made up an original pie chart of about \$211,000 worth of potential funds. They ran this by Mr. Widman and he pointed out a few misconceptions that they had and how some of the projects and things work. For instance Capital Projects, they got the impression that Capital Projects was fed by a constant or small stream of money, but it's not. You have to actually potentially put the money into Capital Projects if you intend to take it back out. Then they took this to the meeting last Thursday and realized that the General Fund was not going to be considered as a possible source for funding. Mrs. Hagg said they realized that before. They agreed again. Mr. Hagg said despite the fact that some commitments to the U.S. EPA has been made to be paid to the General Fund, but as Ruth pointed out they hammered this back and forth until they came up with these accounts. And they took the U.S. EPA commitment out the General Fund entirely.

Mr. Hagg said the Chesapeake, Tricor, Keller oversite, that was the work that he just showed them of tracking where the piles are, who belongs to those piles, the schedule and then encouraging the schedule forward so that that project happens. He prepared an estimate for the coming year to ride herd on that and encourage it forward of \$50,000. In order to have that money, they have to actually put that into the budget and the funding source. It was most recently suggested by Matt that the TIF that's about to be active on the Chesapeake Building could be a source of that money. So that would be handed to the Capital Projects. Actually it doesn't really matter if it goes to the Capital Projects or not, that would be a potential source of funding for the coming year.

Mr. Hagg said another source that not too much argued, a little bit though some people have said what is this, is \$20,000 another budgetary estimate that they suggested come out of the Water Fund. And the reason for this is, they may remember in a previous presentation, they were down at the Chesapeake Building and surrounding areas covering seven parts per million of arsenic, because that's the residential standard. But they have in their parts, they have data that suggests the arsenic value's around 11 or 12 parts per million. And when they went to the Water Plant to get some fill from the sludge when they were helping to demolish Gallagher's little side building and Doug Keller had arsenic results for that amongst other parameters. And the arsenic values are higher in that stuff than we were trying to protect ourselves against down at the Chesapeake Building. So they said that soil from the Water Plant is also used around the City. So they said they needed to work with the Health Department and start at the Water Plant and say what is our background and what is a healthy value. So they would start at the Water Plant and evaluate where this comes from and whether it travels through the City and whether it's testable or not. That is a part of the kind of the work that they should be doing and they proposed to budget that out of the Water Fund and you can only do things out of the Water Fund if they relate to the water.

Mr. Hagg said there is an existing TIF on the existing Battery Park Marina and that TIF generates about \$23,000 a year and it accumulates for three purposes, and one is related to environmental things. So they propose, he had only seen the numbers as of 2006 that had accumulated \$300,000 or so, but they proposed that \$23,000 of the annual income from that TIF might appropriately be charged and used to pay for this Brownfields' operation. This could be sensitive or could be reasonable. They found in the history of the Brownfields work that the City has done, that the City has used CDBG Funds to help launch its Brownfields Projects in the past. In order to use these CDBG Funds, they need to be qualifying to help remove blight and then also they would really need to be on the list that Carrie has already prepared and gotten the Commission to approve and this is not. So what they have to do is look forward and say it's a fairly large grant source. All of the projects that are approved on that list are probably going to fall off in the coming year and if they are alert to that and they are willing to use those funds to help fund this Brownfields effort, then

that would be a potential source of funding. Now the first number he put in was originally \$10,000, but he don't know what the right number is. The idea is that these are potential sources of funding that could qualify to pay. They were trying to cover roughly a \$90,000 a year budget and they found \$143,000 of potential sources of funding, all of which are not necessarily going to come in.

Mr. Hagg said he forgot to mention the U.S. EPA grants have \$20,000 over two years for community involvement, like pretty much convening the Brownfields Committee. And they have been working with Ms. Karla Auker of the U.S. EPA to get the EPA to agree that some of their work in that vein could be charged to those grants. But he was surprised in the end that that was actually a pretty small slice of the pie, and of course when you're asking a agency to let you do things, that comes with strings. So any number of these things could be lesser or greater, but the idea is to come up with potential sources of funding that exceed the need, which again do not touch the General Fund.

Mr. Stahl said the first agreement with him was \$10,000 that he knew they promised to him in six weeks, and he (Mr. Hagg) had e-mailed him and in his mind he should use a lot of his time and efforts to secure grants. Mr. Hagg said in order to find grant funding takes time. They need to look at grant funding on the schedule of a year and say when are the deadlines for submitting applications, get them in there, get the funds awarded and then use them. So in order to come up with something in the span of six weeks, they could not do that. So what they had to focus on was essentially what grants do we already have and could potentially tap into and then what other sources of non-general funds could they get. It is part of this plan now on the board here, that as they continue in the coming year they would continue to identify sources of grant fund sources and bring them into this as appropriate.

Mr. Stahl said he worked in a business environment Bob where everybody says how do you deliver more for less. And he thinks that's maybe the mantra that we as Americans are facing today. So with that thought in mind, he might be willing to say let's try this for six months, and not quite at \$1,800 a week and maybe at \$1,500 a week not to exceed, with the caveat that he would be trying to find other sources. He was so, so worried for the City's budget for next year. He looked at that \$23,000 existing Battery Park TIF and he has always been told the three years that he has been here, that was used as the lock box for economic development. The U.S. EPA grant with Ms. Karla Auker, he had asked them (Hagg's) if they could get a letter from them saying we could use the stuff. Mr. Hagg said which he has asked for and eventually it should probably come from what he understands, but it's still only going to contribute a dribble. Mr. Stahl said he was just trying to think of ways that we can try to make this work.

Mr. Hagg said all 18 years of their experience, except in the last couple years, they have been working for private industry. The biggest places that you get a win from somebody like them, have always been where you save a couple million dollars because one good decision was made. Because you listened to them and you did something that they suggested and you saved a couple of million dollars. That's where their value has always come in. So they were used to helping companies negotiate \$50,000,000 sales of industrial plants. And they were used to sitting down in a meeting and saying okay here is what the other side is trying to do to you, I think you can shave a half a million off if you just do this. That's the kind of industrial game that they have been playing for 18 years. That's kind of what they were looking to buy here. They can say that I'll cut you down to \$1,500 instead of \$1,800. And he was not sure what that would do for them, because what they were really looking for out of them is saving them \$2 million that's going south by a few things that come out of their experience. It's hard to sell them on it until something comes up. Mr. Stahl said he was looking at a six months deal not to exceed \$40,000, however they could work it with the caveat that if you continue on the path to try to find other funding sources, then he would be willing to work with them. And part of his function here is sort of the financial end of things and how do they look at a million and half-dollar deficit Bob? They got to come up with some ways and somebody is not going to get hired, somebody is going to get laid off, some service isn't going to be done, somebody's street's not going to get plowed. There's a lot of issues that they were facing here as a City.

Mr. Hagg said they were trying to negotiate a contract here in front of the Commission, but he was going to throw one thing at them and whatever they all say is fine. But the last two weeks they have been focusing most of their attention on

this issue, trying to hammer out the budget and trying places that they could charge so that they could get back to doing the work. Now what they're describing puts them back in the mode of spending a lot of time hammering out the budget. He got to tell them, no matter how many times they tell them that they should be charging them to find the money, they can't do it. It hasn't been costing them anything for them to hammer out the budget. You can't charge your client to figure out how to pay you. So this budget thing is diverting them from actually working and they are behind now. So what he would prefer, and this would be his last plea on this and they would have the last word, that they let them go, let them free to work and watch them closely. Remember they can always shut them down simply by voting at one of their presentations, there is no more scope. And they know that they were going to tell them what they were doing with their money. As a matter of fact they know it so much they have to tell them periodically to stop telling them so much.

Mr. Kaman said on that Battery Park TIF, it was a three-prong thing that does go towards economic development. Recently they were talking about this Marina District, how great it's going to be and it was going to bring all of these jobs, and another beautiful picture. Well those developments Mr. Stahl don't come on dirty sites as they look at G&C Foundry. Those sites have to be cleaned up first and that's where we have to get back into the Brownfields. He knew it was hard to pay it. They already asked them to find money, look for the grants. He agreed with that and he's talked to them (Hagg's) many times about doing that. So we have a grant writer here on staff. You didn't want to overlap what they're going to do with what Matt does or Scott does, but we haven't a grant person on staff that can be looking at grants too. As a Commission, we need to focus that person through the City Manager to look for grants pertaining to Brownfields, use our staff that we have to get some of this done.

President Murray said maybe he could do them all a favor by putting this in the form of a motion. Mr. Stahl said he would like to make a comment before the motion. They were having a vibrant discussion not on whether he should be here or not, they were just talking about the money. They were not talking at all about his scope of work, but he just wanted to tell the residents really what they were facing. They were facing an economic wave coming at us next year and the very real possibility of not hiring some people, readjusting some jobs, and not having those jobs. And we were working at an income tax theme or maybe even an income tax issue to try to make this thing work. We can't provide services at the level that we are providing without seeing income tax increases or tax revenue increases. Mr. Warner said he understood we're in bad shape and he understood when he said we may have to ask for money and we may have to ask for taxes, did he think anybody was going to vote to increase their taxes if this Commission can't finish something first? **Mr. Kaman moved to hire Hagg Environment for one year at a maximum of \$90,000 for the Brownfields Program.** President Murray said with all of that money coming out of non-General Fund grant monies. **Mr. Waddington seconded the motion.** **Discussion** – Mrs. Farrar said she was kind of hearing what Mr. Stahl was saying, but she was one of those Commissioners that wanted to continue getting his (Mr. Hagg) e-mails, because she met with him twice and she found them very informational. She was learning a lot and all of these things that they should be addressing. She commended the Brownfields Committee. But when she looked at all the places that they were considering taking money to pay for this, there are some things that don't add up. A lot of these grants, she don't know if it's lost focus is the wording that you use or if it was that Mr. Kline, Mr. Schell and a lot of the staff stepped into a situation from a previous administration where they had grants galore. Here they are and they're gone and they have to come in and they have to handle these grants. So she didn't agree with the lost focus. She thought they were doing the best that they could. And he has noted that they do need some help. She was not arguing that point. She believed you should give the developers a clean piece of property to develop. But when you take \$20,000 that they want to take from the Water Fund, she sat here and more than once had people come up from the public portion and complain to her about why are you taking money from the water fund? Everything is coming from the Water Fund. She's heard these complaints. And she heard him say about arsenic over at the Water Plant and in that filter, but she gets contradictions from the Water Plant. Where did that come from, did it come from Mr. Keller, who did the test? Mrs. Ruth Hagg said they went over to look at some soil that Doug Keller was offering to be used. And they asked for the testing results of the soil and he gave it to them and they saw arsenic levels that were the same as what

they received at the Chesapeake. And the whole point of the thing is, you have a town that has a background level of something and you can prove that you've got a background level, then you tell the agencies that and you don't have to remediate, as long as it's safe. So what they are doing now is it could be that they are remediating or spending money from their grant to cover up something at the Chesapeake that they don't need to if they can just make a good enough argument to the State Officials. And the other is to just try to figure out where all of this is. And this is not an unusual thing. In the industrial towns, the City of Lima, Ohio, has a background of lead in the soil that is at a point that is at higher levels. So if you find lead on your site in Lima, you don't have to clean it up, because you could end up with a clean spot in the middle of a big dirty spot.

Mr. Hagg said one of the things that they need to mention is, if they ask Doug Keller do we have a problem with arsenic at the Water Plant? The answer better be no, we don't have a problem with arsenic at the Water Plant and we don't have a problem with arsenic in the water supply. What we have is water comes in from the lake or bay and it goes into a sedimentation basin to drop out some silt. In order to get the sediment out, the silt has to drop out of the water is the first step in clarifying it. They add a little bit of chemical called alum. Periodically the pond where this silt drops out gets all filled up and they have to dredge that out and it's beautiful looking topsoil like soil in a pile. When our water comes through it does not have an arsenic problem. The water is good. The sediment, now he goes as a contractor helping the guys at Gallagher's to fill in a hole, and he says do I want this beautiful topsoil or this ugly pile of dirt and rocks over here. And Doug Keller hands him and says hey I got the test results on this beautiful topsoil and he looks through the test results and he sees numbers for arsenic that are higher than what we are protecting ourselves against sometimes down at the Chesapeake. And he thinks he don't want the boys down here to use this soil because he questioned it. So that's the issue. But Doug Keller did say that the EPA is considering, and don't classify that sentiment that's been dropped out as a waste, but Doug said they're considering classifying it as an industrial waste, which would then require that it be landfilled in a different way. Like right now what we can do with it, and we can and we do, take it and use it as topsoil all around the City. So he hoped that was a better explanation. We do not have a problem at the Water Plant, but we have a canumdrem here that we were trying to protect ourselves over at the Chesapeake against something that is lower than what we dig up and place in our parks and curb projects.

Mrs. Farrar said okay, so what did he think his chances are of being able to rationalize using the Water Fund money? Mr. Hagg said well, in his mind it was a 100%. Mrs. Farrar said okay. Mr. Hagg said now there's seven of you guys to contend with so it probably goes down slightly by percentage, but his argument is this. That you can't use Water Fund money for something that has nothing to do with the Water Plant. So if this whole thing has nothing to do with the Water Plant, we shouldn't even be talking about it, but he handled it in his mind very clearly that this is related to the Water Plant or it is until the study concludes that it's not. So for that reason he proposed that it is justifiably designable for the Water Plant.

Mrs. Farrar said as far as the Battery Park TIF we have the \$23,000, but when the Marina District goes through and we start developing down here, the Battery Park TIF is going to have to be redone and that funding for it may dry up. So if we commit to this, are we going to end up falling short down the road and if we fall short, where are we going to get that money, because as Mr. Stahl has told them we don't have it? Mr. Hagg said he thinks he should answer it. He meant he could just leave that as a question, but the answer in his mind is that this is a bootstrapping operation. They don't have this Brownfields thing going and they have to look around and say well where are we going to fund it from initially. Then we get it going and it's working, assuming it's working, of course if it's not working. they're done. But if it's working and it's helping, then they say now we got a little time free to find other sources of funding. So this is a one-year plan. Let's get through next year and do this work and part of what they will be doing, just like Mr. Stahl has them doing already, is looking for other funds. And they are begging them to let them mostly work and someone look for the funds. But this is a one-year plan.

Mr. Fuqua said he don't disagree with what has been said up here by any of the Commissioners, and obviously his expertise and he's expert in what he does, plenty of people have song his praises tonight. However, he would agree with Mr. Stahl. He would like to see six months at half of that. We can cover it with the Chesapeake and

Tricor oversight and in the meantime follow Mr. Kaman's suggestion and have our staff work on other funding from there rather than just jumping into this for \$90,000 for a year. He shared the same concerns as Mr. Stahl about the funding issues and at every meeting whether you want to call it doom or gloom, but Mr. Stahl continually tells them we're hurting. He's concerned about next year and where are we going to find the funding for this money for that. He had no issue with doing this.

Mr. Stahl said he would be willing for Bob (Hagg) to come down every other week and work with him on the funding at 8:30 in the morning and work a half hour with him and work on the funding sources with him if he thought the six month thing could work. He thinks meeting somewhere in the middle is a good solution and he would work very diligently with him to find all of the grants that he could find. President Murray said there's a motion and a second on the table right now.

Mrs. Farrar said the third thing that concerns her was \$40,000 from the CDBG and as everybody knows they've already committed \$40,000 a year for 10 years to the YMCA. She didn't want to rehash the last meeting, but this Commission did not want to set aside \$200,000 for the Rieger for five months. And until we figure out whether or not the Y was going to go ahead or not, so that money is there, she didn't think they could commit that money until they know what's going to happen. And besides the YMCA they had housing issues that have to be addressed with that money. So it felt to her that we're reaching for a whole lot of money in different places, which are good ideas but we also have to look at what can they fund 100% now. She guessed she would go along with six months at half the costs and use the Tricor and Keller money to begin with. And then maybe in six months we will know what's going on with the Y and we will have some other answers on these other projects. Mr. Stahl said and it would be his intention that if it worked well for the first six months, we would then go on and go a year on top of that.

Mr. Waddington said Brownfields cleanup they should push this effort as Mr. Kaman said earlier and also to coincide and work along with this, we need to get back to the infrastructures. That will be the biggest component that we are missing is our aging infrastructure and that's going to be the engine that's going to drive Sandusky and for them two (Hagg's) working for the future as far as Erie County and Sandusky and for our jobs. We got to have these areas cleaned up so that when business comes to Sandusky or surrounding areas, they can look at a clean site.

Mr. Kaman said he hears the concerns about the six months thing, but he doesn't like that idea. He thinks the first time they put the Haag's on, that got cut down to \$10,000. And when you're dealing with government agencies, U.S. EPA, Ohio EPA, Mr. Hagg sent a letter out and a e-mail out and he still hasn't got an answer. If you start putting time limits down, a lot of things are going to be out there and not finalized in that six month period. Same thing with those grants down at the Paper District, he hated the idea that something falls through the cracks again and we have the problem of we spent \$2 million of a \$3 million grant, the other million we're losing and oh, by the way, pay back the other \$2 million. Economic development, you people talk about Marina District jobs, if that goes through, is that sitting on a Brownfield. Somebody better look at it because someone is going to have to clean that up too. How are we going to do it? Here's the people that can look at it and get them there. Six months is not going to get anything done.

Mr. Warner asked Mr. Kline and Mr. Widman was this workable, nobody has asked him yet? Mr. Stahl said it was downright workable. Mr. Kline said Ed and he had been discussing this. They wanted to verify, they will obviously have to give verification on the MidStates TIF, but... Mr. Warner interrupted and asked when was that going to happen? Mr. Kline said we've paid consultants before on money that we've borrowed. He guessed that everyone is thinking the money that we are borrowing is actually, in reality it is money that MidStates is paying to do the walkway at Shoreline around the Chesapeake. They are going to pay back by the acknowledged TIF that we just brought in from the Chesapeake. The first negotiations may have indicated they wanted payback very quickly. So anywhere between five to seven years. That obviously is going to have to be mathematically feasible until we get a verification in February of what that TIF is actually going to be bringing in. And obviously, and he knew Bob and Ruth could do this, they would only get paid out of whatever they were doing at the time. Meaning if they were working on Chesapeake, Tricor, Keller, and we can pay them out of that TIF, then we don't get our first revenues from that TIF right away. So if they were working on the Chesapeake, Tricor and Keller right now, we would have to pay them and then

actually what we would do is when that first revenue comes in reimburse ourselves to cover those costs. Now if they're starting to do work of one week on the arsenic issue, Ed needs to know that so he will know where to draw down that funding. Now he thought the U.S. EPA Assistance Grants were for public outreach, which he thought were around \$14,000, but he thought it was a little higher than \$10,000. But of course that could be for publication purposes as well. Mrs. Hagg said as Scott pointed out, that it's a two-year grant. Mr. Kline said so when they were doing public outreach work, he's called Karla Auker and have not heard back from her yet. So assuming that we can do that, there's \$10,000 there. They're estimating \$50,000, but that's 27 weeks worth of work. He looked at it and they and he have had this conversation before, and they're doing Chesapeake, Tricor, Keller work, maybe treat them like a construction manager. So that \$1,800 a week that's under 30 weeks worth of work and their chart shows till June so, so you know that's 30 weeks worth of work. And then when they're doing the work, we'll just pay them out of the water works. So there would be three main things they would be working on, Paper District, this arsenic issue and public outreach for the assessment grant. Those CDBG's, that's a question that hasn't really been asked yet, where will we take it, but you shouldn't do that. He did have some concerns about existing Battery Park TIF and he knew it was only \$23,000, but they have used it this year. As an example in the Wayfinding Sign Plan to help with that and probably in his mind it could be used for actual implementation after that. As he said at their Thursday meeting, he did share Commissioner Stahl's concerns. They really just don't want to touch the General Fund right now, especially when they have to make decisions that they have to make. So if you do \$50,000, \$60,000, \$70,000, \$80,000, that's closer to \$90,000 that's a year's worth of work. He would say they use \$90,000.

Mr. Stahl said Bob, himself and Ruth could give a monthly report of where they stood with their meetings as far as looking at grants and where they spent the money. And he would also just assume that, correct him if he was wrong, his learning curve maybe a year from now, they don't quite need to spend as much time as they did this week right? Mr. Hagg said very possible. It would only be fair to say, then they might decide oh but could you look at this task for us over here and add to it. But yes, it seems like it should be something where, it's not so much a learning curve as a catch up, get it to the point where it's running smoothly and what we want to look for, and if you haven't added anything to it, then that might be possible. Mrs. Hagg said but doing monthly reports and stat reports was something they had always planned to do. So if he helps them, that would make it even easier.

Mrs. Farrar said piggybacking on what Matt said about the CDBG, if we would use that, we'd have to wait for the next fiscal year, which we couldn't use any money until June of '09. So you're just past the six-month mark for that. And also as far as finishing something, she wanted to go back to what she said in the beginning, a lot of these things were started prior to the current people in charge and they were left to finish them up. So in their defense, she wanted them to know that it was not like they went out and started all of these. These were put in their laps to finish. Mrs. Hagg said even the number of staff that were supposed to work on it weren't even here anymore, so it's not anybody's fault. Let's just get it done. **President Murray asked the Clerk to call the roll on the motion: The Clerk called the roll with the following response: Yeas: Kaman, Stahl, Murray, Warner, Waddington, 5. Nays: Fuqua, Farrar, 2. The President declared the motion passed.**

Mr. Hagg asked for clarification was that a year? President Murray said yes.

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

**ITEM #1** – Communication – Lieutenant Phillip J. Frost

**BUDGETARY INFORMATION:** The total cost for the 40,000 rounds of Blazer Ammunition is \$9,080.00 and the 15,000 rounds of Gold Dot Ammunition is \$5,175.00 for a total cost of \$14,255.00. There will be a credit of \$2,442.00 for the Ammunition traded and the remaining balance of \$11,813.00 will be paid from the Police Department's 2008 Budget.

**ORDINANCE NO. 08-114 - Dispose of Ammunition that is not needed, or is obsolete, or is unfit for any public municipal purpose pursuant to Section 25 of the City Charter; and authorizing the City Manager to purchase 40,000 rounds of .40 Caliber Blazer 180 Grain Ammunition and 15,000 rounds of .40 Caliber Gold Dot 180 Grain Hollow Point Ammunition from Matre Arms and Ammunition of Seven Mile, Ohio, for the Sandusky Police Department.** It was

moved by Mr. Kaman and seconded by Mrs. Farrar that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. – **DISCUSSION** – Mr. Warner said at the last meeting, the estimate we got for turning in the old confiscated weapons, etc. was \$67,000 and what was left over was to be put with 40,000 of Blazer Ammunition, did they miss their estimate? Interim Chief Sams said they haven't got it back yet. It's still out for bid and once they get it back they will know, but in the meantime they got to put an order in before the end of the year. The problem is with the two wars going on they got a backlog of ammunition, then you have to put it way in advance. So whatever they get in advance will be applied to this. Mr. Warner said all right. Thereupon the Clerk called the roll on the motion: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. The President declared the Ordinance passed.

**ITEM #2** – Communication – Carrie R. Handy, Chief Planner

**BUDGETARY INFORMATION:** There will be very minor administrative costs (recording fees, etc.) for the acquisition of these easements which will be taken out of the Development Department's Budget. The grant from ODNR will cover \$113,500.00 of the cost to construct this portion of the Sandusky Bay Pathway. The remainder of funds will come from CDBG dollars (approximately \$70,000).

**ORDINANCE NO. 08-115 - Enter into a Deed of Easement Multi-purpose Trail Easement over, under, and across the property as described in the Deed of Easement Multi-purpose Trail Easement Agreement between the City of Sandusky and American Veterans of World War II, Amvets, a copy of which is attached and marked Exhibit "1".** It was moved by Mr. Kaman and seconded by Mr. Waddington that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. Thereupon the Clerk called the roll on the motion: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. The President declared the Ordinance passed.

**ORDINANCE NO. 08-116 - Enter into a Deed of Easement Multi-purpose Trail Easement over, under, and across the property as described in the Deed of Easement Multi-purpose Trail Easement Agreement between the City of Sandusky and J A P Holding Company II, Inc., a copy of which is attached and marked Exhibit "1".** It was moved by Mr. Waddington and seconded by Mr. Kaman that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. Thereupon the Clerk called the roll on the motion: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. The President declared the Ordinance passed.

Mr. Kaman said this was just another phase of the walkway that we have that comes out from First Street. Hopefully it goes all the way out to the Venice area, to Venice Park. Eventually we will get there.

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

**BUDGETARY INFORMATION:** The City and Erie County are partnering on this project. The City's portion of the planning and design costs is 61.1% as stated in the new Sewer Services Agreement between the City and Erie County. The total amount of the Consultant fee for professional construction services will be \$1,490,250.00. The City's share is \$910,542.75 and Erie County's share is \$579,707.25. To avoid accounting issues that were found during the design phase, it is requested that 100% of the construction services fee be approved for payment to Jones & Henry with the City being reimbursed for 38.9% of the total amount by Erie County. The City has applied for an OWDA Loan for construction, which included the cost of construction services in the loan request.

**ORDINANCE NO. 08-117 - Enter into a contract for professional services with Jones & Henry Engineers, Ltd. for the Wastewater Treatment Plant Expansion Project Phase II.** It was moved by Mr. Warner 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 obviously this is something that we

have to do, but in our communication it says that the City's applied for a loan and he would ask Mrs. McKillips if we were going to get that? Mrs. McKillips said yes, the loan has been approved. She did not believe that we received the agreement yet.

Mr. Kaman asked did we have a timeline on when and how long this project will take? Mrs. McKillips said 24 months. Thereupon the Clerk called the roll on the motion: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. The President declared the Ordinance passed.

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

**BUDGETARY INFORMATION:** The Engineering Consultant fee is \$19,080.00, to be paid with Water Funds.

**ORDINANCE NO. 08-118 - Enter into a contract for Professional Design Services with John Hancock & Associates, Inc. for the Buchanan Street and Hayes Avenue Waterline Project.** It was moved by Mr. Kaman and seconded by Mr. Waddington that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. Thereupon the Clerk called the roll on the motion: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. The President declared the Ordinance passed.

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

**BUDGETARY INFORMATION:** Funds for the purchase of these items are routinely included in the Operating Budgets of the Water and Sewer Plants.

**ORDINANCE NO. 08-119 - Purchase 3.5 tons, more or less, of Potassium Permanganate from Sal Chemical of Weirton, West Virginia, for use at the Big Island Water Works Plant during the calendar year 2009.** It was moved by Mr. Kaman and seconded by Mr. Waddington that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. Thereupon the Clerk called the roll on the motion: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. The President declared the Ordinance passed.

**ORDINANCE NO. 08-120 - Purchase 45 tons, more or less, of Liquid Chlorine from JCI Jones Chemicals of Barberton, Ohio, for use at the Big Island Water Works Plant during the calendar year 2009.** It was moved by Mr. Kaman and seconded by Mr. Waddington that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. Thereupon the Clerk called the roll on the motion: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. The President declared the Ordinance passed.

**ORDINANCE NO. 08-121 - Purchase 200 tons, more or less, of Sodium Hydroxide Liquid from JCI Jones Chemicals of Barberton, Ohio, for use at the Big Island Water Works Plant during the calendar year 2009.** It was moved by Mr. Kaman and seconded by Mr. Waddington that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. Thereupon the Clerk called the roll on the motion: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. The President declared the Ordinance passed.

**ORDINANCE NO. 08-122 - Purchase 22.5 tons, more or less, of Sodium Fluorosilicate from Bonded Chemicals of Columbus, Ohio, for use at the Big Island Water Works Plant during the calendar year 2009.** It was moved by Mr. Kaman and seconded by Mr. Waddington that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. Thereupon the Clerk called the roll on the motion: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. Thereupon the Clerk called the roll on final

passage of the Ordinance: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. The President declared the Ordinance passed.

**ORDINANCE NO. 08-123 - Purchase 19 tons, more or less, of Powdered Activated Carbon from Bonded Chemicals of Columbus, Ohio, for use at the Big Island Water Works Plant during the calendar year 2009.** It was moved by Mr. Kaman and seconded by Mr. Waddington that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. Thereupon the Clerk called the roll on the motion: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. The President declared the Ordinance passed.

**ORDINANCE NO. 08-124 - Purchase 710 tons, more or less of Aluminum Sulfate Polymer Blend Liquid from Applied Specialties of Avon Lake, Ohio, for use at the Big Island Water Work Plant during the calendar year 2009.** It was moved by Mr. Kaman and seconded by Mr. Waddington that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. Thereupon the Clerk called the roll on the motion: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. The President declared the Ordinance passed.

**ORDINANCE NO. 08-125 - Purchase 313,080 pounds, more or less, of Ferrous Chloride Solution from Kemira of Lawrence, Kansas, for use at the Water Pollution Control Plant during the calendar year 2009.** It was moved by Mr. Kaman and seconded by Mr. Waddington that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. Thereupon the Clerk called the roll on the motion: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. The President declared the Ordinance passed.

**ORDINANCE NO. 08-126 - Purchase 25,000 pounds, more or less, of Ferrous Chloride Solution from Kemira of Lawrence, Kansas, for use by Erie County at the Waste Water Treatment Plant located in the City of Huron during the calendar year 2009.** It was moved by Mr. Kaman and seconded by Mr. Waddington that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. Thereupon the Clerk called the roll on the motion: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. The President declared the Ordinance passed.

**ORDINANCE NO. 08-127 - Purchase 175 tons, more or less, of Aluminum Sulfate Liquid from General Chemical of Parsippany, New Jersey, for use by Erie County at the Waste Water Treatment Plant located in the City of Huron during the calendar year 2009.** It was moved by Mr. Kaman and seconded by Mr. Waddington that this Ordinance be passed under suspension of rules in full accordance of Section 14 of the City Charter. Thereupon the Clerk called the roll on the motion: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. Thereupon the Clerk called the roll on final passage of the Ordinance: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. The President declared the Ordinance passed.

**ITEM #6 - This item was ordered in at the meeting of October 27<sup>th</sup>.**

**ORDINANCE NO - FIRST READING - Amending Part Nine - Streets, Utilities and Public Services Code, Title Five - Other Public Services, by the amendment of Chapter 955 - Solid Waste Disposal, in the manner and way specifically set forth hereinbelow.** It was moved by Mr. Warner and seconded by Mrs. Farrar that this Ordinance be passed at first reading. **Discussion** - Mr. Waddington said he would like to clarify to the residents that this was commercial haulers for like industry or schools or factories. It was not going to be residential for those five a.m.

hours. Thereupon the Clerk called the roll on the motion: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. **The President declared the Ordinance passed at first reading.**

Under the **City Manager's Report**, Mr. Kline congratulated Mr. Murray on his recent election victory

Mr. Kline said it was requested that a **\$400 donation be accepted from Consumers Petroleum & Transport Services of Sandusky for the Sandusky Fire Department Trust Fund.** Mr. Kaman said so moved. Mr. Stahl seconded, carried.

Mr. Kline said in the past they had done this, it is requested that **the City Commission authorize the donation of 12 sets of old turnout gear (coats and pants), 8 fire helmets and 8 pairs of gloves to the Volunteer Fire Service of Panama.** These items are obsolete and do not meet the current NFPA standards. (We have made several attempts to donate this gear to US Volunteer Fire Departments, but are unable to do so because of the age of the equipment.) Mr. Kaman said so moved. Mr. Waddington seconded the motion and it carried.

Mr. Kline said an update as to where we are with **Housing (CHIP).** He talked to Mr. Poulos and his understanding was that there were two completions, one near completion, five in progress, meaning they are being worked on currently, five under contract. There are 22 homes that have scopes of work that have been completed. They were going out to the bid process now. And he knew that they were also making contact with all, roughly 60 plus homes first and foremost on any numbers that work. He was not sure that every one of those homes have been contacted. He did tell him on Friday that there was one who was actually a \$100 worth of repair, a very minor repair. So they hoped they run into more and more of those.

Mr. Kline said they've authorized them for **demolitions and Barnes Nursery was the successful contractor.** They have demolished 2123 E. Forest Drive. They've also demolished 1134 Huntington Avenue. And 808 Hancock was just started today and it was delayed because of a parked car. And 405 Perry is next on the list and after that there was a barn on Decatur and also 829 Fulton Street. The 1502 Hayes can begin after November 18<sup>th</sup> and that was when we should have the EPA notification back to use for demolition. They are currently out to bid for 711 Decatur, 1432 Harrison, and 526 E. Madison. Mr. Kaman said he has had two calls on the tar paper blowing off, was there anything stopping us from asking Barnes to take the tar paper off before the 18<sup>th</sup>? Mr. Kline said they would check.

Mr. Kline said normally it has been our standard practice to come to the Commission with an ordinance authorizing them to apply for a grant and if awarded, accept it and administer it. This one actually came to their attention last week. So they were unable to do anything because it was beyond the time for a communication, but once they looked into it more this was actually a grant that we had received in the past. **It was from the Ohio Department of Resources Division of Recycling and Winter Prevention, A \$2,500 grant to promote a Free Tire-Recycling Drop Off Day for the residents of Sandusky.** It would be in accordance with Arbor Day. The theme would be "Go Green Sandusky" and it was going to be conducted on April 25, 2009, if we are successful. Although it doesn't require legislation, the deadline is the 17<sup>th</sup>, which is between the two meetings. Mr. Icsman said they would be bringing it back to the Commission to ratify the application. *President Murray asked were there any questions of the City Manger?*

Mr. Waddington said at the last meeting Mr. Kline and Mr. Widman said they would bring back something tonight for Commission approval to **waive two special assessments for 1108 Huntington Avenue for street improvement of \$341.30 and the current assessment for weed cutting at 1504 N. Forest Drive.** Mr. Waddington said he would make the motion. Mr. Kaman seconded, carried.

Mrs. Farrar asked had they received the **Mobile Camera from the Wightman-Wieber Foundation?** Mr. Kline said they did receive the grant, but he would check.

Mr. Warner said when they make those 60 phone calls (CHIP Program), could they let the newspaper people know. It's been two weeks and they should probably have them done by now. They wanted to make sure that there is nobody out there without heat or hot water.

Under **Old Business**, Mrs. Farrar said they have been working with the Hagg's for a couple of months now, she was wondering if they could include Mrs. Handy and Mrs. McKillips in their short version of their e-mails? Mrs. Hagg said absolutely.

Mr. Waddington said since they were talking about their first wind turbine that Mr. Bickley and Mr. Shepherd of Sheperd's Shoreline Construction behind us here, had he learned from **Wightman-Wieber that we did get the \$10,000 grant for our wind turbine**. We should get that check this week.

Mr. Waddington said and then in the **Angelo Report that we got from the County, under Strategy Nine Support Efforts, it says Ohio is the hub for wind energy for wind turbine production**. The wind capacity represents strong economic development for Erie County. So he suggested to Mr. Stahl and Mr. Murray, who helped with this financial report to go forward, which also includes Senate Bill 221 which overhauls that electric deregulation. On February 6, 2008 Governor Strickland stated in the State Address that they proposed \$250,000,000 Ohio bonding affiliates for job creation investments and renewal energy, including wind solar power. So we've got the template out back.

Mr. Waddington said they would be here Wednesday night at 7:00 p.m. at City Hall and this would be their **Erie County Sustainability Task Force to winterize and summarize your home**, little tips that you could do around the house. And then they would follow that up with wind turbines and solar. Mr. Kaman said they do need legislation for wind turbines and he was more concerned with commercial than residential. Mr. Waddington said Don was working on that.

Under **New Business**, Mr. Warner said he would like to **request a public hearing for renaming South Depot Street to Seavers Way for our next Commission meeting on the 24<sup>th</sup>**. President Murray said that hearing would be set. Would he mind setting that for the first meeting in December? Mr. Warner said that would be fine.

Mr. Warner said he would request an **executive session on Personnel Wages Across the Board**. Mr. Waddington seconded. The Clerk called the roll: Yeas: Kaman, Stahl, Murray, Fuqua, Farrar, Warner, Waddington, 7. Nays: 0. The President declared the motion carried.

Mr. Waddington said about three weeks **ago Sandusky City Schools agreed to hold a winter coat drive and they collected 175 winter coats, several jackets, sweat shirts, hats, and gloves**. And this Saturday **four Commissioners raised \$5,791 cash and checks, and food for Care Share also**.

Mr. Fuqua said he would **congratulate Mr. Murray on his victory in the election and they should probably discuss the necessary steps to fill his position** once he moves down to Columbus. President Murray said he tends to serve until the end of this year, after that by statute, actually by the State Constitution, he is required to resign. Mrs. Farrar said they recently went through this when they appointed Mr. Warner to the Commission and to expedite this and get it done more quickly than the last time around, could they not just compare the applications that were submitted the first time around? The people that weren't selected, they would go back to those that were submitted rather than open it up again. President Murray said he intends to abstain from the vote on this question. It was up to the six of them to decide how to do it. Mr. Waddington said what if they were missing one or two candidates that were out there that maybe said they would step up for just one year. He agreed they could cut the process. He thought amongst the six if someone's interested send a resume in. They should look at it and maybe just bring in three or four and interview them right in here, do the selection process that way. They had an open process last time. He would hate to think that there might be one or two candidates out there that's willing to step forward being that it is for just one year.

**Mr. Warner said he agreed with both of them. He would make a motion to open up the applications for a two-week period and submit applications to anybody else out there. And to consider everybody else that was considered when he was chosen and any new applicants amongst them six, call in the ones that they decide they want to call in, the last four or five and make their decision from that. Mr. Stahl seconded.** The Clerk, B. Joyce Brown, asked for clarification that the resumes be sent to her. Mr. Stahl said for clarification anybody that applied last time, is automatically in it this time. Mr. Warner said if they want to be considered. Mr. Waddington said send us a resume. Mr. Fuqua asked was that two weeks from today, because Mr. Murray won't be gone until the end of this year? Mr. Warner said end the letter taking period for resumes, stop it then and they would all sit down discuss it two weeks after that and then the following two weeks. We can't wait until the end of the year. Mr. Fuqua said right. **President Murray asked**

**for a vote on the motion, and with all Commissioners voting “Aye”, with the exception of Mr. Murray abstaining, the motion carried.**

Mr. Kaman said this is a public service type announcement, **Sandusky City Schools, in front of the school buildings’ circles**, those are for the bus drivers who pull in, pick up and drop off kids. The parents are not supposed to be in front of the doors, in the circles, to pick up and wait for their kids. So they were having a lot of problems with the busses, a lot of near misses and the School System contacted Acting Chief Sams and we’re unfortunately going to have to start enforcing that.

Under **Audience Participation**, Mrs. Sharon Johnson, 1139 Fifth Street, questioned the Battery Park TIF and reworking it for the Marina District. She asked was the \$90,000 for the Hagg’s? Mr. Kaman said maximum. She said zoning for the turbines, had Mr. Kaman taken action? Mr. Kaman said they had and explained.

Mr. Tim Schwanger, 3602 Sheffield Way, questioned the Battery Park TIF and how much was actually in it and the criteria that it could be used for? Mrs. Johnson responded demolition, environmental and infrastructure.

At 7:05 p.m. President Murray stated that they would take a five-minute break and return for an executive session.

At 7:13 p.m. the Commission returned to the table and the Charter Officers, Mrs. Warrenette Parthemore, Mr. Doug Plunkett and Mr. Mike Tan were in attendance.

**An executive session was held on Personnel, Wages Across the Board.**

At 8:07 p.m. President Murray returned to the table and entertained motions for adjournment. Mr. Fuqua said he would so move, Mrs. Farrar seconded, carried.

ATTEST: \_\_\_\_\_  
B. JOYCE BROWN DENNIS E. MURRAY, JR., PRESIDENT  
CLERK OF THE CITY COMMISSION SANDUSKY CITY COMMISSION