

President Dan Kaman **called the meeting to order** at 5 p.m. after the **Invocation**, given by Diedre Cole, and the **Pledge of Allegiance**.

**Ruth Brady asked Richard R. Brady to raise his right hand and repeat the following Oath of Office:**

*"I, Richard R. Brady, do solemnly swear that I will support, protect and defend the Constitution of the United States and the State of Ohio and the Charter and Ordinances of the City of Sandusky;*

*That I will honestly, faithfully and impartially discharge the duties of my office as a City Commissioner and not be influenced by any consideration except that of merit and fitness in the appointment or discharge of employees;*

*That I am currently qualified to hold this office and will maintain all of the qualifications throughout my term in office in compliance with Sections 4, 6 and 43 of the City Charter; so help me God."*

Richard "Dick" Brady said it would be customary for a new commissioner to thank his constituents, but said he does not have any at the moment. He said he has the support of three commissioners, but is not sure which three. Richard Brady said his biography is now a matter of public record although he has never had the necessity to put one together before. When he looks at it, he is proud of his accomplishments and the people he has served. He said as a governing body, he hopes to realize even some small successes to build upon and move forward. He said the city is not at ground zero as this happened in the past. He pledges to work to effect positive change in the community, starting tonight, and thanked his family and friends in the audience for being here. Pervis Brown said he (Dick) has the support of six commissioners.

Dan Kaman welcomed Luke Wark back, a Sandusky Register photographer, who recently returned from duty with the U.S. National Guard.

The clerk called **the roll** and the following Commissioners responded: Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton, Dick Brady, Julie Farrar and Dave Waddington.

**City staff present:** Todd Roth – Engineer, Jim Lang – Interim Police Chief, Paul Ricci – Acting Fire Chief, Carrie Handy – Planner, Thomas Schwan – Transit Administrator, Scott Miller – General Services Director, Judy Nagy – Recreation Program Supervisor, Tom Whitted – IT Manager, Don Icsman – Law Director & Acting City Manager, Hank Solowiej – Finance Director, Kelly Kresser – Commission Clerk.

**Upon motion of Pervis Brown and second of Dave Waddington, the commission voted to approve the minutes of the December 27, 2010, meeting, and dispensed with the oral reading. All Ayes. The President declared the motion passed.**

**Upon motion of Pervis Brown and second of Diedre Cole, the Commission voted to approve the minutes of the January 3, 2011, special meeting, and dispensed with the oral reading. All Ayes. The President declared the motion passed.**

#### **AUDIENCE PARTICIPATION** (*Agenda Items only*)

Steve Tamburrino, R.S. Business Machines, 3911 Venice Road, said he reviewed the information contained in Item #2 which amounts to approximately \$2,500/month for six months. He said he has had some communications with the city, but was not allowed to submit a bid as the city was looking for an authorized Ricoh dealer. Steve Tamburrino said there is only one Ricoh dealer in a five-county area and his company is highly qualified to perform managed print services. He asked how this could be done without a formal bid process or a state contract. He asked the commission to give R.S. Business Machines an opportunity to provide a proposal.

#### **PUBLIC HEARING**

**A public hearing was held pertaining to a proposed amendment to Section 1133.12 of the zoning code – height regulations for business districts.**

Carrie Handy said the purpose of the public hearing is to get public comments for this proposed amendment, specifically in the downtown district and along the waterfront. Carrie Handy said she had

copies of both the existing and the proposed text. She said some variance applications were received and it was found the text of the code was vague as to what was meant and what was intended by the term "Shoreline Drive extended". She said the planning commission came to a final determination as to what the code should say and has proposed to delete the second paragraph in Section 1133.12 and insert new language to define where the line is for the 45' setback, as follows:

*"The maximum height of all buildings shall be 45 feet for properties north of Shoreline Drive between Lawrence Street and Franklin Street; for properties north of East Water Street between Franklin Street and Meigs Street; and for properties north of the easterly projection to Sandusky Bay of the northerly right-of-way line of East Water Street as currently established between Perry Street and Meigs Street. The height shall be measured from the established street grade, as defined in Chapter 1107, to the highest point of the building. Chimneys, flagpoles, towers, water tanks, and other mechanical appurtenances located upon or constructed in connection with a building may be erected above the maximum height specified."*

Carrie Handy said the city is not proposing to change the height; the city is trying to clarify which properties are affected by the 45' setback. She said this will clarify inclusion of the properties east of Franklin Street including the Sandusky Yacht Club, Shoreline Park, the Sandusky Bay Pavilion and Battery Park. Dave Waddington asked if the businesses affected were notified of the public hearing as he received a telephone call about this and Carrie Handy said this is a text amendment and notice was published in the newspaper, but the city was not required to notify property owners. Carrie Handy said the city did receive a letter from the Sandusky Yacht Club so they were aware of this. Dave Waddington said he assured the caller the city was not voting upon anything tonight. Carrie Handy said legislation will have to be brought back for consideration.

Dan Kaman asked if there were any comments from the public.

Tim Schwanger, 362 Sheffield Way, Save Our Shoreline Parks (SOSP), said this may be a good idea, but the 30' setback for every 15' in height of variance has been removed and asked if a setback would be required for a variance to build above 45'. Carrie Handy said there will be some flexibility with site plan approval regarding views to the bay when and if variances are ever requested. Carrie Handy said this could be added back in. Tim Schwanger said SOSP would prefer a moratorium on development built north of Shoreline Drive or Water Street.

**There were no further comments and the President declared the public hearing closed.**

**Upon motion of Julie Farrar and second of Dave Waddington, the commission voted to accept all communications. All Ayes. The President declared the motion passed.**

**ITEM #1 – Submitted by Thomas Schwan, Public Transit Administrator**

**Budgetary Impact:** ODOT has awarded the city funds in the amount of \$110,032 for the CY 2011. A local match of \$55,016 is required and it is anticipated that this match will come from dollars from Serving Our Seniors and contract revenue.

**RESOLUTION NO. 01-11R:** It is requested a Resolution be passed authorizing and directing the city manager to accept a grant in the amount of \$110,032 from the Ohio Department of Transportation through the U.S. Department of Transportation Federal Transit Administration for the CY 2011 Job Access and Reverse Commute program; and declaring that this Resolution shall take immediate effect in accordance with Section 14 of the city charter.

**Upon motion of Dave Waddington and second of Diedre Cole, the commission voted to adopt this Resolution under suspension of the rules and in accordance with Section 14 of the city charter.**

*Discussion:* Diedre Cole asked if Thomas Schwan was present and Thomas Schwan introduced himself as the new transit administrator.

**Roll call on the motion: Yeas: Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton, Richard Brady, Julie Farrar and Dave Waddington, 7. The President declared the motion passed. Roll call on the Resolution: Yeas: Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton, Richard Brady, Julie Farrar and Dave Waddington, 7. The President declared the Resolution passed.**

**ITEM #2 – Submitted by Tom Whitted, Communications Systems/IT Manager**

**Budgetary Impact:** Based on the audit, the total cost for citywide printing services will be reduced from \$3,431.69 to an estimated \$2,488.26 per month (fixed cost of \$1,047.17 per month for rent, maintenance and supplies plus cost per page), an estimated savings of \$943.43 per month. There will be additional savings after converting from single-sided to duplex printing. This is not an expenditure of any new funds. It will be consolidating and reducing current operating expenses citywide.

**ORDINANCE TABLED:** It is requested an Ordinance be passed authorizing and directing the city manager to enter into an agreement with MT Business Technologies, Inc., of Avon Lake, Ohio, for managed print services; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**Upon motion of Pervis Brown and second of Diedre Cole, the commission voted to adopt this Ordinance under suspension of the rules and in accordance with Section 14 of the city charter.**

*Discussion:* Julie Farrar asked if this item was put out for bid as the total cost over five years will be \$62,830. Tom Whitted, IT Manager, said the city is trying to manage its print services and is not proposing to purchase any equipment. He said currently the city spends approximately \$2,200/month on printing, supplies, etc. He said when a machine breaks down, each department purchases their own device(s) and many print cartridges are left sitting around. He said the city is already spending the money but is trying to manage its services and save some money. Dan Kaman asked Tom Whitted if he spoke to anyone at R.S. Business Machines and Tom Whitted said that he did. Tom Whitted said Bryan from MT Business Technologies came to the city approximately six months ago to look at its network and printers in an effort to save time and money after much downsizing. He said MT staff looked at each department and each machine to figure out what would work best and then came up with a plan. Tom Whitted said he lives in Port Clinton and drives by R.S. Business Machines every day. He said he stopped in one day to see what they could offer, but had never received a call from anyone before that. He said someone from R.S. Business Machines then came to the city to look at the machines. Tom Whitted said the city owns Ricoh products and said this would be like having a Ford car fixed at a Chevy dealer although it may not be with the authorized parts and may not be fixed the right way. Tom Whitted said he is not looking to replace any machines. Tom Whitted said he asked R.S. Business Machines if they could come in and place all new machines and he was told they (R.S.) are a refurbished HP dealer. Tom Whitted said he was looking for a Ricoh dealer as this is what the city has and is what the city wants to stay with.

Dave Waddington said he was not at the meeting in November when Bryan from MT Business Technologies made a presentation, but he agrees R.S. Business Machines should have had the same opportunity and this should have been put out to bid because of the cost. Don Icsman said this is one of the specific exceptions in the Ohio Revised Code and includes parts and services already owned by the City of Sandusky. Don Icsman said he does not believe at this point in his career the law will be broken for anybody. Julie Farrar said the city's charter states: "competitive bidding shall not be required where the purchase consists of supplies, a replacement part of supplemental parts, or services for products, equipment or property owned or leased by the city and the only source of supply for such supplies, parts or services is limited to a single provider." Julie Farrar said what she is hearing is R.S. Business Machines can provide this service so there is not a single provider. Don Icsman said this is not the case with R.S. Business Machines as they are not a certified Ricoh dealer.

Steve Tamburrino said the city will get 13 new machines under the MT Business Technologies proposal, will use a leasing company, and the hardware portion is listed. He said over five years, the base lease is \$62,000 and the city will spend upwards of \$150,000. He said this is hiding behind the terminology and U.S. Bank is listed as the lessor on the back of the lease agreement and this is not a State of Ohio contract. Steve Tamburrino said he has done this for 25 years and he can put together a better lease purchase program for less money. He said some of the machines are proposed to be kept for another four or five years and asked if the city would own them at the end of the lease. Steve Tamburrino said he would like to put a proposal together which matches 'apples to apples' to present to the commission. He said when he spoke with city staff, he is hearing everybody is happy with where we are and this is 'good ole boy' stuff.

Diedre Cole said she is not certain of the benefit of debating the issue in this forum as it is counterproductive. She said Tom Whitted is in charge of the city's IT department and she does not want to micromanage a department head. She said Tom Whitted carefully chose the provider he is recommending and the department heads have to sink or swim based upon the decisions they make. Dick Brady commended Tom Whitted for the accomplishments made with pulling this together. He said although the city may be on solid legal ground to move forward, he thinks a step beyond should be

taken. He said reasonableness and a level playing field may mean we did not take the time to write specifications to get the best value for our dollar. He said this may not be the forum to debate this, but if the city is going to spend \$150,000 – \$165,000 over the next five years (including the copying costs), only one bidder has been presented. He said the city needs to rethink how it does business if clear specifications are not being written to invite competitive bidding. John Hamilton said he would be interested in hearing proposals for competitive bidding and asked if the city will own the machines at the end of the lease period. Tom Whitted said the city will own the machines at the end of the lease and, currently, the city owns 13 of the machines. Tom Whitted said the proposal is to go from 83 to 33 machines and some will be moved around. Julie Farrar said this purchase will exceed \$10,000 and in order to uphold the charter, this should go out for competitive bidding. **Julie Farrar said she is not trying to micro manage, she is trying to follow the charter and asked Pervis Brown to withdraw his motion (and Diedre Cole to withdraw her second) and table this item.**

Diedre Cole said her issue is if the city opens a door for any disgruntled person to question a decision made by the staff, a dangerous precedent is set. She said she would not be opposed to tabling this and asking R.S. Business Machines to work with Tom Whitted to get on the agenda and provide a presentation. John Hamilton said this item is not worthy of Section 14 and is not a life threatening emergency. He said it may cost the city \$1,000 - \$2,000 for a couple of weeks.

**Pervis Brown said he will withdraw his motion to continue researching this and provide an opportunity for R.S. Business Machines to make a presentation.** He said he is hearing R.S. has different equipment and this may end up being awarded to another company outside of the city anyway. **Dan Kaman said there is a motion on the floor to table this item for another month to receive more bids.** Dan Kaman said the emails sent out today and the reference to the ‘good ole boy system’ does not happen in Sandusky. He said there are no kickbacks and no secret meetings are happening with this commission and this was not appreciated.

**Roll call on the motion: Yeas: Pervis Brown, Dan Kaman, John Hamilton, Richard Brady, Julie Farrar and Dave Waddington, 6. Nays: Diedre Cole, 1. The President declared the motion passed.**

#### **ITEM #3 – Submitted by Kelly Kresser, City Commission Clerk**

A notice has been submitted to the City of Sandusky from the Ohio Department of Liquor Control, requesting a new liquor license for J. Bistro I, LLC, dba J. Bistro I, 129 West Market Street, Sandusky. It is requested the clerk notify the Ohio Department of Liquor Control that the city has no objections to this request.

**Upon motion of Dave Waddington and second of Julie Farrar, the commission voted to have the commission clerk notify the Ohio Department of Liquor Control that the city has no objections to this request.**

*Discussion:* Dan Kaman said he is looking forward to this restaurant moving into the former Yesteryears building and will be a good addition to our downtown.

**Roll call on the motion: Yeas: Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton, Richard Brady, Julie Farrar and Dave Waddington, 7. The President declared the motion passed.**

#### **CITY MANAGER’S REPORT**

**Upon motion of Pervis Brown and second of Dave Waddington, the commission voted to accept a donation in the amount of \$100.00 from the Garden Club of Sandusky to the Washington Park & Greenhouse Endowment Fund (Account #873 3482 485 00). All Ayes. The President declared the motion passed.**

**Upon motion of Dave Waddington and second of Dan Kaman, the commission voted to accept a donation in the amount of \$50.00 from Holly Hardecker to the Green Fund (Account #863 3430 485 00). All Ayes. The President declared the motion passed.**

Don Icsman said he provided a copy of an email from Scott Miller, Director of General Services, providing an **update on the donation from the Randolph J. and Estelle M. Dorn Foundation.** He said this donation, in the amount of \$15,000.00, was to provide assistance by hiring part-time employees to mow grass and weeds in the city. Don Icsman said he would like to write a letter reporting to the foundation what the city did with this money, including the hiring of two part-time employees from

September 1 – October 25. He said there is a little over \$8,000 left of these monies and he would like permission to write a letter requesting to retain this balance until the spring.

**Upon motion of Pervis Brown and second of Julie Farrar, the commission voted to allow Don Icsman to write a letter to the Dorn Foundation requesting the city retain the balance of \$8,000 to use during the 2011 spring season. All Ayes. The President declared the motion passed.**

Don Icsman provided a **draft license agreement with the Sandusky Area Maritime Museum for use of the Sandusky Bay Pavilion (Surf's Up) property for one year.** He said this started with some discussions between Dave Waddington and Neil Allen from the museum and is an opportunity to utilize the in-kind services of the museum and to host events at this property. Don Icsman said these events will be public, will be managed by the museum, and will have precedence. Don Icsman said some of the maintenance issues will be taken care of by the museum but would not allow the museum to take over the area. Don Icsman said the city had talked about preparing a master plan for this property but will not be completed this year and would not inhibit anything from happening. Dave Waddington said he has helped to clean this property with others on the committee for the annual KidsFest celebration and knows some upgrades need to be performed. He said he would like to see some upgrades made to this property and its million dollar view. He said it would not take a lot of money, but he would like to see some lighting added, in addition to a few other things. He said the city may not need a master plan but one can be developed with the foundations and the museum. He said he would like to see this developed similarly to how the greenhouse has been developed and that Neil Allen is interested in having civil war reenactments, amongst other activities, at this location. Dave Waddington thanked Don Icsman for meeting with him and Neil Allen and said this is a worthy shot for this corner. Dick Brady said he likes the idea of not giving up public property and the partnership with the Sandusky Area Maritime Museum. He asked what the cost for upkeep is at the property and Scott Miller said he does not have a dollar figure to attach to this tonight. Dick Brady said it may only be a couple of thousand dollars, but is money that could stay in the city's general fund. Dave Waddington said the additional lighting would be a safety factor and may allow for boaters to come over in the evening and use the barbeque grills, picnic tables, etc. Dan Kaman said Don Icsman will continue to work on this and may hopefully have something in place by the spring. Don Icsman said Neil Allen received a copy of this draft lease on Friday.

**Upon motion of Dave Waddington and second of Diedre Cole, the commission voted to pay the annual membership dues in the amount of \$314.00 to the Erie County Chamber of Commerce. All Ayes. The President declared the motion passed.** Dave Waddington asked if the Erie County Chamber of Commerce is going to stay downtown and Dan Kaman said as far as he knew, it is.

Don Icsman said when the yearly report was provided for the **Keller Building**, some issues were brought forth regarding marketing of this property, specifically, practicing real estate without a license. Don Icsman said the city has a commitment under the MOA to market this property which does not expire until October, 2012. He believes the city needs to engage a realtor and has chosen Dave Biechele because his office is in town, he is a Certified Commercial Investment Member (CCIM) and is the only person locally with this certification. Don Icsman said he would like to do this for 2011 to avoid further allegations of the city practicing real estate without a license.

**Upon motion of Pervis Brown and second of John Hamilton, the commission voted to enter into contract with Dave Biechele to market the Keller Building.**

*Discussion:* Dave Waddington said the city has provided a \$4,500 patch job on the roof which must stay for two more years; he said the asbestos must also be removed. He said the total cost will be approximately \$70,000.00. Todd Roth said money was set aside in the Clean Ohio Revitalization Fund (CORF) to make these repairs and is reimbursable. Dave Waddington said for the next two years, he is concerned about keeping this property up so that it can be marketed and possibly sold. He said the patch system is not working and he thinks the city should look at the water tank too so that it can be kept intact for the next two years. He said he does not want the city to have to pay this money back because the city was not in compliance with the Memorandum of Agreement (MOA). Dan Kaman asked what the cost was for a new roof. Todd Roth said the quotations received were to repair a small section and were just a little over \$8,000; he said the insurance would cover approximately \$4,800. Todd Roth said the asbestos removal also needs to be considered and whether the city does or does not want to continue making patches. Todd Roth said the construction cost was estimated at \$74,000, but he does not know if it includes all associated costs. Dan Kaman asked Todd Roth if he could bring information back to the next meeting with all of the proposed repairs for this building for consideration. Dan Kaman said he would like to make sure Dave Biechele does market this property and Don Icsman said that is the importance of having the CCIM. Don Icsman said the city is not working with unlimited funds but must

comply with its responsibility. He said the city is working with reimbursable money and there is \$13,000 left. Todd Roth said the city is working with the Ohio Department of Development to make sure these expenses are reimbursable and a conference call is set up for later this week. Dan Kaman said he is proposing to put a plan together for the Keller Building so it can be finalized at the first meeting in February. Dick Brady asked if there is a fee associated with Dave Biechele's services and Don Icsman said he is asking permission to work with him, but he does not yet have a contract. Don Icsman said the city has a legal obligation under the MOA and it cannot be fulfilled with volunteers irrespective of how much money the city has to spend. Dan Kaman said if this building is to come down someday, it does not make sense to put a new roof on it. He said he would like a packet showing costs for all of the repairs and where the money will come from so questions from the public can be answered. Don Icsman said that is the point of the MOA and it requires the city to do certain things. Dick Brady said the city is in an awkward position with the Keller Building. He said the city has an obligation to market this property and realtors resent the fact the city is working as its own realtor. He said the city needs to have a plan and asked if these things have to be done at the same time (repairing the roof/marketing the property/developing a master plan). Don Icsman said these are separate things and three weeks is reasonable to get Dave Biechele on board and get a plan to the commissioners. Dick Brady said the person marketing the building cannot do so without a roof and a building which is full of asbestos.

**All Ayes. The President declared the motion passed.**

Don Icsman said although this is his decision, **he plans to recommend Chief James Lang be re-appointed as the Interim Police Chief from January 11, 2011 through January 11, 2013.** He said Jim Lang was offered employment elsewhere and he (Don) would like to provide this commitment so that Jim Lang can stay to finish what he started. Jim Lang said he was offered another position in Ottawa County and has put them off for the last three or four weeks. He said he is working hard to turn things around and get things going in the right direction and he would like to stay and complete them.

Don Icsman said city staff (Todd Roth, Paul Ricci, George Poulos and Amanda Meyers) met on December 22 **regarding commercial property and vacant and abandoned commercial properties.** He said currently under the state fire code, the fire chief has authority to inspect these properties and is updating the status. He said this does not really solve the city's problem as we are talking about vacant and abandoned properties. Don Icsman said Sandusky has modeled sample legislation from other cities down to a few and will be bringing this item back to allow the city to adopt similar legislation. He said currently under the law, George Poulos has authority for structural problems on buildings and alterations, but has no authority regarding maintenance (for commercial properties). He said the commission will be asked to adopt the International Maintenance Code through a new ordinance for Chapter 13 to allow the city to inspect for maintenance purposes. Don Icsman said the third major change is to have a registration program for vacant abandoned residential structures. He said the idea is to meet again this month, bring legislation to the commission in February and have a target date of March 1 for this commercial program. Don Icsman said the city used to have a housing nuisance task force which met at least quarterly to discuss problematic properties and plans to have one again. Pervis Brown said he applauds Don Icsman and the staff on this long awaited solution to problems which, currently, the city does not have authority to do anything about. Don Icsman commended the staff at the Sandusky Fire Department for their efforts and said this was a big movement in the right direction when they starting doing this.

Dave Waddington said he would like to sit down with Judge Erich O'Brien and other staff (Dick Brady, Dan Kaman and Don Icsman) to determine **whether the city will stay at city hall, 222 Meigs Street or relocate.** He said the city owns the Meigs Street building and has received numbers for window replacement. Todd Roth said the preliminary energy audit placed a value of \$475,000 for a number of tasks. He said the other number received is for window replacement and was approximately \$350,000. Dave Waddington said he would like to timeline the things that need to be done and believes it would be smart to stay on Meigs Street rather than build another city hall.

**Upon motion of Dave Waddington and second of Pervis Brown, the commission voted to have staff form a task force to meet and determine whether city hall should remain at its current location, or relocate, after the next strategic planning meeting.**

*Discussion:* Pervis Brown said he is the liaison with the Municipal Court and would like to be included in discussions. Diedre Cole said the city is in the process of preparing a strategic plan and some of these issues fall within the purview of that process. She said there are long term consequences and everything should be looked at and be part of the strategic plan. Dan Kaman said Hank Solowiej asked for a list of all projects and their cost(s) and looks forward to receiving this information at the upcoming meeting.

**Roll call on the motion: Yeas: Diedre Cole and Dave Waddington, 2. Nays: Pervis Brown, Dan Kaman, John Hamilton, Richard Brady and Julie Farrar, 5. The President declared the motion failed.**

## OLD BUSINESS

Diedre Cole said she is interested in **the youth of the community and presented an initiative called the Sandusky Youth Commission**. She said she is working with staff from the local school board and would like to get this on the agenda for the city's strategic planning process. She said the goal is to involve the young people in the community in the governmental process. She said sometimes the very people who use our facilities are not asked what they would like to see. She said the city could work together with the school system and would like to see this on the strategic planning agenda.

Julie Farrar asked if there is an update **on the status of creating an impound lot**, an item on the city's unfinished business list, and Dan Kaman said this has not moved forward because of the cost to build one as well as the fact this will place the city in direct competition with local towing companies.

Julie Farrar asked the status of **the placement of a traffic light at Washington and Hancock Streets**. Scott Miller said a traffic study was performed but it was determined a traffic light at this intersection was not warranted.

Julie Farrar said as of today at 3:30 p.m., there were **55 applicants for the position of City Manager**.

Julie Farrar asked if the city has received either of the **ICMA studies** and Don Icsman said staff from ICMA will be in Sandusky tomorrow to meet with Jim Lang and Tom Whitted. He said there was a delay with the first study by one of the individuals performing it because of personal reasons. He said there is not a draft report yet for either study; the meeting tomorrow is the first meeting for the second study. Don Icsman said the city will not pay them any more money until the city receives something.

Dave Waddington said he would like to hit the reset button and re-explore **the proposed sportsplex concept (recreation center)**. He said the letter received today from Mel Stauffer stated the foundations respectfully request the city commission to determine whether it is financially feasible to construct and own a recreation center that would benefit the residents of the city. He said he cannot answer this question and does not know the numbers. Dave Waddington said he believes all of the commissioners would like to see this center built, but there are still a lot of unanswered questions. He said the city should take a step back, look at this and come back with a plan. He said he has heard some of the parcels were purchased, but the letter received today does not indicate this. Dick Brady asked Dave Waddington what he means by the reset button and Dave Waddington said he would like for both sides (the commission and the foundations) to step back, get together again and bring information back. Dick Brady said from his perspective, he is not up to speed on this issue and is uncomfortable with kicking something to the curb and then depriving the community of something it deserves. Dave Waddington said clarification is needed on both sides. Dick Brady said an enormous amount of work has been done and does not want to see the baby tossed out with the bath water. Dave Waddington said this needs to be planned at the table and not piecemealed. He said he does not have answers to many of the questions.

Julie Farrar said in reading through the letter from Mel Stauffer, the foundation is committing \$1 million if the city decides to implement a recreation center. She said a lot of work has taken place, but this project was made public before it was time. She said a lot of questions cannot be answered because the city is not to that point yet. Julie Farrar said she knows the foundation will now be on board if they like what the city decides, but they will not foot the whole bill. She said Carrie Handy has already been approved to work five hours per week and she would like the blessing of the commission to begin working on what will be in the center, and seeking financing from companies and grants. She believes this is a winner for Sandusky, the kids and the local businesses, and believes this with all of her heart. Julie Farrar said she would like the committee to see what is going on with the property selected, if there are EPA issues, and then work out the numbers so the city can determine if it can do this; the money is not available in the general fund. She said it is not a bad idea to try and get grants and buy-in from the community. She said if this were taken on as a city project, she could provide a progress report every two weeks and this would all be done in the open. Julie Farrar asked the commission to think this over and provide direction whether or not to move forward as this project has been an emotional roller coaster for everyone at the table. Pervis Brown said the city is acting as if it cannot join together for a common goal. He said the foundation has been very good to the city and at some point in time, a way has to be found to partner with them. He said the foundation is not asking the city to pay for this; he said they will go after grants and for many of them, the city is the only entity which can apply. Pervis Brown said the city should bless this project and try to move forward and develop the idea of the center

if it is financially feasible rather than continuing to say 'no'. He said when Thomas Edison was developing the light bulb, he did not say it might not work and so he quit. He said there are failures, but behind these failures are our strengths.

Diedre Cole said if you fail to plan, you may as well plan to fail. She said the sportsplex is a magnificent idea and she has never said it is not. Diedre Cole said the problem she has is that she does not see a plan. She said the question that needs to be asked is if this is a bankable or financeable idea in the current economy and asked if this will bring the returns we hope for. Diedre Cole said many questions need to be answered and although this is not a city project, it could be discussed at the upcoming planning session to determine what the city's involvement should be. She said this was presented to her in August, 2009 as a non-city project and Julie Farrar and the foundations have done a terrific job working with it so far. Diedre Cole said the only thing she has seen is a power point presentation with about 15 slides; she has not seen concrete numbers, a business plan, or a reasonable expectation of an outcome; she feels it is difficult to do anything further until she sees something in writing. Diedre Cole said she is extremely grateful to Mrs. Parker and the foundations for their support of the project but this is not the issue. She said this should be accomplished through the strategic planning process. Diedre Cole asked about the funds which the city has retained from the foundations and the issue with the \$4,300 appraisal. She said she cannot speak to this as it happened before she became a city commissioner. Diedre Cole suggested the city follow Dave Waddington's suggestion to dial this project back and return the money in the city's possession to the foundation along with a note saying the city is grateful. She said the city needs to think about what it is doing before committing our staff and other resources to this project.

Julie Farrar said the sportsplex was placed on the strategic planning agenda by her (Julie) and she is looking for support to move forward and get questions answered, but she understands the commission may not even want her to get the answers to these questions. Dan Kaman said this project needs to continue to be evaluated. Dick Brady said he does not believe Dave Waddington and Julie Farrar are on different pages; he believes they are talking about the same thing. He said "resetting" to him means the city drops back and continues to pursue and think about this project. He said this project could be quantified and a selling point will be to know the costs to continue to pursue it. He said it sounds as if it may mean approximately five hours of time by the city planner and a lot of volunteer time. Diedre Cole said she is still confused as to whether this is a city project, or not. Dan Kaman said it has not become a city project yet but staff is authorized to work on it. Diedre Cole asked what the approval is for if this is not a city project and Dan Kaman said it has been controversial and a business plan and all financing needs to be worked out. He said no one knows this yet. Julie Farrar said this will have to become a city project at some point if the city is going to apply for grant funding. Dan Kaman asked Don Icsman for his opinion.

Don Icsman said there are a lot of well intentioned people involved with this project and from the time it became public, there have been some difficult questions that need to be answered. He said this does not mean anyone is anti-youth or anti-foundation. Don Icsman said everyone can agree on the precious resource with the local foundations and he would not want the city's relationship with them to cause any kind of collateral damage because of an issue with the recreation center. He said the foundation has to know how important they are, not just with the city, but also with all of the entities in the county. Don Icsman said he is not a development expert, but he relies on others who are for these types of things. He said there is not an answer to the question posed by the foundations about whether it is financially feasible for the city to construct and own this. He said he has yet to see a model for this and this is part of the heavy lifting that must be done (how it is to be financed and who pays for it). He said there have been a lot of well intentioned meetings, but no one has been quarterbacking this who has done this before. Don Icsman said persons who have not built or staffed a recreation center do not know how it works and believes this is what is wrong. He said this does not mean the city is not for kids. He said the reason the city does not have the marina district is because it was unaffordable, not because anyone thought it was a bad idea. Don Icsman said this (sportsplex) is a good idea but the two basic questions are if it is affordable and if it is legal. He said he does not know if it is legal, but this is where the work is to be done. Don Icsman said he wants someone with experience and if he had cancer and needed an operation, he would not want the guy just out of medical school – he would want the guy who has performed ten thousand surgeries. He said this is important and he does not want someone who has never done this to be in charge of it. He said he may be throwing away all of the good intentions and creating problems, but asked where the city will get the time and resources to get to the answers.

Mel Stauffer, 1539 Cedar Point Roadway, attorney for the local foundation, said he has lived in Sandusky for over 60 years and commended the city commission for their discussion this evening. He said he did not expect this in-depth discussion but wrote the letter to deal with the misstatements that were made

in the Sandusky Register. He said he was sure these were unintentional. Mel Stauffer said it is true the Frost Parker Foundation has committed \$1 million to the project if a plan is adopted which the city and the foundation can agree upon. He said there is nothing about the project which should be controversial and is a win/win situation. He said he would first like to deal with the misstatements made and the first misstatement is the offer to contribute the cost of the land plus \$1 million which is not correct. He said the offer is to provide \$1 million. Mel Stauffer said another misstatement is that there is a funding agreement between the city and the foundation which is not correct. Mel Stauffer said the third misstatement is that the foundation has purchased the Orioles property which is part of the area for this new facility and is inaccurate. He said the Frost Parker Foundation did not purchase this parcel, rather, a for-profit entity owned by Mrs. Ruth Parker, RFP Properties, has committed to purchase this parcel. Mel Stauffer said Mrs. Parker is willing to make this property available to the city if the city gets far enough and wishes to purchase it at cost, or approximately \$279,000. Mel Stauffer said his letter also calls attention to another parcel in this area, the former physician's office, which may no longer be available. He said another purchaser will take priority and this sub parcel will probably not be available, although the vacant land behind the building may be. Mel Stauffer said it would be great to incorporate the sportsplex concept into the city's strategic plan. He said there is no need for a decision to be made tonight, he is just attempting to correct misstatements made in the newspaper. Mel Stauffer said the foundation is willing to provide funding for additional consulting services. He said a feasibility study is needed to provide solid answers to the questions in the picture. He said he does not feel it is important to know whether this is a city project yet or not, but it is necessary to have this study performed. Mel Stauffer thanked the commissioners for their deliberations and said the foundation stands ready to help the city in any way they can. Dick Brady said he wished Mel Stauffer had stepped up and spoken earlier as he (Mel) has made the position of the foundation crystal clear for the commission. Dick Brady said everyone may not be in agreement, but this is a terrific opportunity to continue moving forward with a solid commitment from the foundations, including assistance with consulting. Dave Waddington said this is the first he has heard of the consulting and this factor changes his feelings. Dick Brady said oftentimes we can imagine what our community may look like without the help from local foundations. He said this is exactly what needs to be done with these types of projects, vetting them and then taking them to the bank to see if they are financeable. Dan Kaman said the city had the same problem with the marina district. He said the sportsplex is a great idea but the city needs to know how it is going to be paid for. Dave Waddington asked if a motion needs to be made to accept the offer for consulting fees from Mel Stauffer and Dan Kaman said not at this point.

Dan Kaman said the commission needs to choose a date for the next **strategic planning session** and the commission agreed to hold this special meeting on Wednesday, January 19 at 6 p.m.

Dave Waddington said the **stormwater management issue has been discussed and said he would like the city to join the Erie County Soil and Water District and the county engineer to become EPA compliant** with payment of \$10,000 for a two-year contract. He said the city also looked into using a consultant as an option and Todd Roth said he sent an email outlining these options. The fee is \$10,000/year to join with Erie County Soil and Water District. He said he has talked with some of the other entities joining the regionalization to minimize costs rather than duplicating efforts. He said his opinion at this time is \$10,000 is a good value and the city would not be hiring an individual nor sending one to training with the EPA for this purpose; rather, the Erie County Soil & Water District would be responsible for this. He said they will provide the office location, the training, and will pay all operating costs associated with this individual. He said this should be reviewed at the end of one year and the MOA provides for an out clause with 30 days written notice. He said the other option could be considered and Dave Waddington said the city recently spent approximately \$18 million at the wastewater plant. He said he is a trustee for the Pipe Creek Watershed and the majority of this water ends up in Sandusky and the runoff is the reason for increasing the capacity. He said if there is more building in the future, the city will have more and more runoff and believes Sandusky needs to be taken care of first as the fine for one day of non-compliance is \$10,000. Todd Roth said the city is under a five-year permitting process which expires in 2014 and there are some things that need to be taken care of this year. He said there is a lot of opinion, but right now, this is the best option.

**Upon motion of Dave Waddington and second of Pervis Brown, the commission voted to order in legislation for the City of Sandusky to enter into a Memorandum of Agreement with Erie Soil and Water Conservation District for the Erie County National Pollutant Discharge Elimination System (NPDES) Phase II program.**

*Discussion:* Diedre Cole said she still has a concern with Section 5 which states: "provide an annual appropriation in the initial amount of \$10,000 to the Erie Soil and Water Conservation District for the agreed term referenced below. This amount will be reviewed yearly for any adjustments that need to be made due to planned program objectives". She said this is like writing a blank check and does not see

any quantified terms for adjustments. Todd Roth said this is the city's MOA and any portion can be removed. Todd Roth said Don Icsman has reviewed this in its current form. Todd Roth said if it is suggested this amount needs to be raised, the city can provide 30 days written notice to get out of the contract. Diedre Cole asked if the city has a "Plan B" if this does not work out and Todd Roth said after the first year, the city's staff will be more educated and can look at doing this in-house or by contract. He said this is working in other counties. Dick Brady asked Todd Roth if it is impractical for a city of Sandusky's size to do this with its own staff and Todd Roth said it would not be the most cost effective. He said the city could do this but would mean a time commitment for staff when the city has been reducing staff.

**All Ayes. The President declared the motion passed.**

Dave Waddington asked about the plan and time limits for the **coal tar plume** situation. Todd Roth said he recently had a conference call with Bob and Ruth Haag, Haag Environmental, and Karla Aufer, EPA, regarding the next steps to be taken to close the chapter on the draft report. He said there are some things the city needs to ask of Malcolm Pirnie to finalize this. Todd Roth said to move forward, there are two options. The first is to use the consulting services of the company chosen by the city or to utilize the EPA as they have offered their services.

Diedre Cole said at the **coffee meeting** last Saturday, she requested consideration for inclusion of "Safe Routes to School", a program offered through the Ohio Department of Transportation, into the city's strategic planning process. She said this program is a federally funded grant program, up to \$500,000 and said this program helps by creating sidewalks, repairing curbs and creating bicycle lanes within a two mile radius of schools in the community. She said she has spoken with Carrie Whitaker at Erie Regional Planning as she (Carrie) has been working with Perkins Township for the grant cycle starting in November. She said the city will have to go through a couple of steps if the commission approves this. She said one of the major concerns brought forward by the citizens is the disrepair of curbs in the community and this will provide an excellent opportunity to kill two birds with one stone. Diedre Cole said this will create a foot-friendly environment for students and will help to reduce bus traffic. Dan Kaman asked Diedre Cole to bring additional information about this program to the planning session on January 19.

**Upon motion of John Hamilton and second of Dave Waddington, the commission voted to hold an executive session regarding pending litigation. Roll call on the motion: Yeas: Diedre Cole, Pervis Brown, Dan Kaman, John Hamilton, Richard Brady, Julie Farrar and Dave Waddington, 7. The President declared the motion passed.**

Under **Audience Participation**, the following persons offered their comments:

Sharon Johnson, 1139 Fifth Street, asked what action was taken with the police chief tonight and Dan Kaman said James Lang was appointed as Acting Police Chief for two more years. Sharon Johnson said she has been hearing the sportsplex is a private project but now the city is being pulled into it. She said the city does not have the resources and the city cannot even get bonds for the marina. She said grants are drying up because of the census. Dan Kaman said the clarification tonight is to find out what will work and what will not work. Sharon Johnson said it is difficult for Julie Farrar to proceed without the city seeking grants and Julie Farrar said she would like a united front at the commission table to continue to move forward with the idea. Julie Farrar said the foundation has offered \$1 million as well as the wages to hire a consultant to seek answers to the questions being asked. Julie Farrar said the city will have to own the property if a government grant is going to be sought.

A.J. Oliver, 1112 Wayne Street, seconded the decision to work with the Sandusky Area Maritime Museum for the Sandusky Bay Pavilion property. He said Sandusky Bay and our water resources are valuable property as a community. He said people come here to enjoy our water resources and restaurants, and end up spending a lot of money in this town. He said he would like to see even more involvement with the museum in this part of town. He said any personal, membership or other interests should be disclosed and should be part of the city charter. He strongly urged the commissioners to protect its resource (Lake Erie) and lean on other arms of government to improve this.

Tim Schwanger, 362 Sheffield Way, Save Our Shoreline Parks, commended the city, specifically Dave Waddington, for working with the Sandusky Area Maritime Museum. He said he passed this information along to his attorney and there are a couple of details he would like to discuss. Dave Waddington said the agreement is in draft form and Tim Schwanger said this is the time to address the issues. Don Icsman asked Tim Schwanger to call him about the issues.

Andy Ouriel, Sandusky Register, 314 West Market Street, asked for comment on the firing of city employee, Greg Stookey, and whether the commission feels this was justified. Dan Kaman said this could be discussed after the meeting. Andy Ouriel asked for clarification on the amount of staff time approved for Carrie Handy with the sportsplex project and how staff can work on a non-city project. Dan Kaman the city is trying to figure out if this is viable and if it will be a city project.

Barry Riddle, 1338 Fifth Street, said the YMCA wanted to build a new facility near the high school and it was almost completely funded, but then they backed out. He said perhaps the city should look into this with the YMCA. He asked if the whole facility needs to be built at the same time. Barry Riddle said he used to be on the board of Amvets baseball and helped to build the ball diamonds at Amvets Park. Julie Farrar said the executive director of the YMCA will be on the committee and can help to provide the names of those involved previously.

**At 7:04 p.m., Dan Kaman announced adjournment of the open session. One executive session was held beginning at 7:15 p.m. At 7:30 p.m., Dan Kaman announced adjournment.**

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Kelly L. Kresser  
Clerk of the City Commission

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Daniel J. Kaman  
President of the City Commission