

ORDINANCE NO. 21-097

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A COMMERCIAL LICENSE AGREEMENT FOR STRUCTURE ACCESS WITH THE OHIO BELL TELEPHONE COMPANY, D.B.A. AT&T OHIO FOR THE PLACEMENT OF DECORATIVE BANNERS ALONG VENICE ROAD FOR THE SANDUSKY BAY PATHWAY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City Commission previously approved a contract with Speer Bros., Inc., of Sandusky, Ohio, for the West Side Utility & Connectivity Improvements Project by Ordinance No. 20-002, passed on January 13, 2020; and

WHEREAS, the project included an allowance for bike trail signage and wayfinding for the ten (10) foot asphalt path on the north side of Venice Road that involves placing decorative banners on the existing utility poles on the north side of Venice Road between Edgewater Drive and the Cold Creek Bridge for designating the Sandusky Bay Pathway; and

WHEREAS, AT&T owns the poles and requires the City to execute an agreement to allow access to their poles and provides conditions and procedures for the placement and maintenance of the Sandusky Bay Pathway banners; and

WHEREAS, the total cost for the access and use of AT&T's poles for a period of five (5) years is a one-time fee of \$2,160.00 due upon execution of the agreement; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to allow the contractor to place the banners on the poles while under contract for the West Side Utility & Connectivity Improvements Project; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is authorized and directed to enter into a Commercial License Agreement for Structure Access with The Ohio Bell Telephone Company, d.b.a. AT&T for the placement of decorative banners along Venice Road for the Sandusky Bay Pathway, substantially in the same form as contained in Exhibit "A", which is attached to this Ordinance and is specifically incorporated if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent

with carrying out the City's public purpose.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

MCKENZIE E. SPRIGGS
CLERK OF THE CITY COMMISSION

Passed: June 28, 2021