



**SANDUSKY CITY COMMISSION  
REGULAR SESSION AGENDA  
SEPTEMBER 11, 2017  
CITY HALL, 222 MEIGS STREET**

**INVOCATION** N. Twine  
**PLEDGE OF ALLEGIANCE**  
**ROLL CALL**  
**CALL TO ORDER** N. Lloyd, G. Lockhart, N. Twine, D. Murray, D. Waddington, W. Poole & D. Brady  
**APPROVAL OF MINUTES** August 28, 2017  
**AUDIENCE PARTICIPATION**  
**COMMUNICATIONS**  
**CURRENT BUSINESS**

**CONSENT AGENDA ITEMS**

**SECOND READING**

**A. Submitted by Aaron Klein, Director of Public Works**

**REPEAL OF SECTION OF CODIFIED ORDINANCES & CREATION OF NEW CHAPTER PERTAINING TO BACKFLOW**

**Budgetary Information:** There is no budgetary impact. Any fees collected will be deposited to the city water account. Invoices will be sent to each affected customer by the Customer Accounting/Finance Department.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed amending Part Nine (Streets, Utilities and Public Services Code), Title Three (Utilities), by the repeal of Section 939.50 (Backflow Prevention Devices) and the addition of Chapter 943 (Backflow Prevention and Cross-connection Control) of the Codified Ordinances, in the manner and way specifically set forth hereinbelow.

**B. Submitted by Angela Byington, Planning Director**

**CONTRACT ADDENDUM WITH ERIE COUNTY JOB & FAMILY SERVICES FOR TRANSPORTATION SERVICES**

**Budgetary Information:** STS will bill at a per-mile rate, as established in the contract from Erie County Job & Family Services for the length of the proposed contract extension. The revenue from this agreement will be used as matching grant funds for the Ohio Department of Transportation program grant.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed approving and ratifying a transportation services contract addendum #2 with the Board of County Commissioners of Erie County; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**C. Submitted by Brad Link, Director of Public Services**

**2017 TREE REMOVAL & TRIM PROJECT – CHANGE ORDER #1 (TIME EXTENSION ONLY)**

**Budgetary Information:** Change Order #1 will not impact the contract amount. The contract amount will remain as \$71,689.84 at this time.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the City Manager to approve the first change order for work being performed by Tree Experts of Huron, Ohio, for the 2017 tree removal and trim project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**FIRST READING**

**D. Submitted by Aaron Klein, Director of Public Works**

**PAYMENT FOR OHIO EPA LICENSE TO OPERATE BIWW DURING CY 2018**

**Budgetary Information:** The total amount of \$12,180 shall be paid with water funds and has been appropriated in the operating and maintenance budget for 2017.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the Finance Director to make payment to the State of Ohio Environmental Protection Agency for the renewal of the license to operate a public water system for the CY 2018.

**FIRST READING**

**E. Submitted by Aaron Klein, Director of Public Works**

**PAYMENT FOR OHIO EPA ANNUAL DISCHARGE FEE FOR WWTP DURING CY 2017**

**Budgetary Information:** The total amount of \$15,550 shall be paid with sewer funds and has been appropriated in the operating and maintenance budget for 2017.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the Finance Director to make payment to the State of Ohio Environmental Protection Agency for the annual discharge fee for NPDES permit #2PF00001 for the Waste Water Treatment Plant for the CY 2017.

**F. Submitted by Brad Link, Director of Public Services**

**AUTHORIZATION TO DISPOSE OF BICYCLES & OTHER EQUIPMENT**

**Budgetary Information:** Proceeds from the sale of these items will be placed in the general fund, law enforcement trust and street fund.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the City Manager to dispose of personal property and equipment as having become unnecessary and unfit for city use pursuant to Section 25 of the city charter; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**G. Submitted by Hank Solowiej, Finance Director**

**ACCEPTING AMOUNTS AND RATES AS DETERMINED BY THE ERIE COUNTY BUDGET COMMISSION**

**Budgetary Information:** The city is required to accept the tax rates as determined by the Erie County Budget Commission before October 1, 2017. This approval establishes funding for 2018. The prior year resolution was passed by the City Commission on September 12, 2016 (Resolution #046-16R).

**RESOLUTION NO. \_\_\_\_\_:** It is requested a resolution be passed accepting the amounts and rates as determined by the Erie County Budget Commission; authorizing the necessary tax levies and certifying them to the County Auditor; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

**H. Submitted by Hank Solowiej, Finance Director**

**SUBMERGED LANDS LEASE RENTAL PAYMENT FOR SANDUSKY SAILING CLUB**

**Budgetary Information:** This submerged lands lease is payable by the City of Sandusky as the leaseholder. The Sandusky Sailing Club will reimburse the city for the cost of the lease pursuant to their lease agreement with the city. ODNR does not allow a sub-leaseholder to make a submerged lands lease payment on the city's behalf. Ordinance 15-116 was passed by the City Commission on August 24, 2015, approving payment in the amount of \$18,020.14 for the period September 1, 2015 to August 31, 2016.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the City Manager to make payment to the Ohio Department of Natural Resources, Office of Coastal Management for rental payment on submerged lands lease File #SUB-0530-ER for the period of September 1, 2016, through August 31, 2018; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**I. Submitted by Hank Solowiej, Finance Director**

**SUBMERGED LANDS LEASE RENTAL PAYMENT FOR MID-STATES BAYFRONT DEVELOPMENT, LLC**

**Budgetary Information:** This submerged lands lease is payable by the City of Sandusky as the leaseholder. The Chesapeake Lofts Condo Association will reimburse the city for the cost of the lease. ODNR does not allow a sub-leaseholder to make a submerged lands lease payment on the city's behalf. Ordinance #15-046 was passed by the City Commission on March 23, 2015 approving payment in the amount of \$13,764.34 for the period April 1, 2015 to March 31, 2016.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the City Manager to make payment to the Ohio Department of Natural Resources, Office of Coastal Management for rental payment on submerged lands lease File #SUB-2119B-ER for the period of April 1, 2016 through March 31, 2018; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**REGULAR AGENDA ITEMS**

**FIRST READING**

**ITEM #1 - ORDERED IN 8.28.17**

**AMENDMENT TO LEGISLATION PERTAINING TO GOLF CARTS ON CITY STREETS**

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed amending Part Three (Traffic Code), Title Nine (Pedestrians, Bicycles and Motorcycles), Chapter 379 (Golf Carts), of the codified ordinances, in the manner and way specifically set forth hereinbelow.

**ITEM #2 - Submitted by Aaron Klein, Director of Public Works**

**AGREEMENT WITH ODOT FOR MAINTENANCE OF STATE ROUTE 2 IN SANDUSKY CITY LIMITS**

**Budgetary Information:** The total cost for the State Route 2 maintenance services for July 1, 2016 through June 30, 2017 is \$12,256.07 and will be paid with the City of Sandusky State Highways fund.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing payment to the Treasurer of State, Ohio Department of Transportation for the maintenance of State Route 2 in the City of Sandusky by the Ohio Department of Transportation for the period of July 1, 2016 through June 30, 2017; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**ITEM #3 - Submitted by Aaron Klein, Director of Public Works**

**AWARD OF 2017 SIDEWALK REPAIR & REPLACEMENT PROJECT**

**Budgetary Information:** The estimated cost of the project based on bids, including engineering, inspection, advertising and miscellaneous costs is \$94,000 and will be paid with capital projects funds made available through Issue 8. Issue 8 proceeds have allocated \$100,000 annually. Including this project, the sidewalk sub-fund was also used for the concrete walkway repairs behind the art wall (\$9,800) and installation of a curb ramp at Facer Park (\$2,600) removing ADA impediments in conjunction with other existing projects. By awarding Alternate #1, the total allocation from this sub-fund for 2017 totals \$106,400 which slightly exceeds the annual allocation.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with Pit Concrete Masonry, Ltd. of Chesterland, Ohio, for the 2017 sidewalk repair and replacement project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**CITY MANAGER’S REPORT**

**OLD BUSINESS**

**NEW BUSINESS**

**AUDIENCE PARTICIPATION**

Open discussion on any item (5-minute limit)

**EXECUTIVE SESSION(S)**

**ADJOURNMENT**

**Buckeye Broadband broadcasts on Channel 76:**

**Monday, September 11 at 8:30 p.m.**

**Tuesday, September 12 at 5 p.m.**

**Monday, September 18 at 8:30 p.m.**

**YouTube:** [https://www.youtube.com/channel/UCBxZ482ZeTTixa\\_Rm16YWTO](https://www.youtube.com/channel/UCBxZ482ZeTTixa_Rm16YWTO)



## DEPARTMENT OF PUBLIC WORKS

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AARON M. KLEIN, P.E.  
Director

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To: Eric Wobser, City Manager

From: Aaron M. Klein, P.E.

Date: August 18, 2017

Subject: **Commission Agenda Item – Chapter 943 Backflow Prevention and Cross-Connection Control**

**ITEM FOR CONSIDERATION:** Legislation repealing section 939.50 Backflow Prevention Devices of Chapter 939 Water Regulations & Rates of the Codified Ordinance and creating Chapter 943 Backflow Prevention and Cross-Connection Control of the Codified Ordinances.

**BACKGROUND INFORMATION:** To protect the health and well-being of all water users and the integrity of the water distribution system, the supplier of water, which is the City of Sandusky, is required by Ohio Revised Code to conduct periodic surveys of water users' premises. These surveys determine whether there are cross-connections and examine the degree of hazard to the public water system to ensure adequate backflow devices are in-place.

The proposed Backflow Prevention and Cross-Connection Control Ordinance will allow the City to conduct surveys of residential, commercial and industrial buildings to assure customers are meeting the code and not creating a hazard of cross-connections in the water lines. In addition to the survey, property owners must have their backflow devices tested every twelve months by a certified backflow tester/installer, a copy of the report will be given to the City and examined for compliance. This new Chapter will be effective on January 1, 2018.

Notifications with contact information will be sent to each customer that is affected.

**BUDGETARY INFORMATION:** There is no budgetary impact. Any fees collected will be deposited to the City Water account. Invoices will be sent to each affected customer by Customer Accounting in the Finance Department.

**ACTION REQUESTED:** It is recommended that legislation be approved repealing section 939.50 and adopting Chapter 943 of the City's Codified Ordinances.

I concur with this recommendation:

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Eric Wobser  
City Manager

cc: K. Kresser, Commission Clerk; H. Solowiej, Finance Director; J. Harris, Law Director

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING PART NINE (STREETS, UTILITIES, AND PUBLIC SERVICES CODE), TITLE THREE (UTILITIES), BY THE REPEAL OF SECTION 939.50 (BACKFLOW PREVENTION DEVICES) AND THE ADDITION OF CHAPTER 943 (BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL) OF THE CODIFIED ORDINANCES, IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW.

**WHEREAS**, the City of Sandusky as an operator of a public water system is required to develop and implement a backflow prevention and cross-connection control program; 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 Municipal Departments of the City of Sandusky, Ohio and, NOW, THEREFORE,

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

Section 1. Part Nine (Streets, Utilities, And Public Services Code), Title Three (Utilities), Chapter 939 (Water Regulations and Rates), of the Codified Ordinances of the City be amended by the repeal of Section 939.50 (Backflow Prevention Devices) as follows:

**~~939.50 BACKFLOW PREVENTION DEVICES~~**

~~(a) If, in the judgment of the Inspector of Plumbing, an approved backflow prevention device is necessary for the safety of the public water system, the Inspector of Plumbing will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his or her own expense, install such an approved device at a location and in a manner approved by the Inspector of Plumbing and shall have inspections and tests made of such approved devices as required by the Inspector of Plumbing.~~

~~(b) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the Municipality of Sandusky may enter the supply or distributing system of said Municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Inspector of Plumbing and by the Ohio Environmental Protection Agency.~~

~~(c) It shall be the duty of the Inspector of Plumbing to cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the Inspector of Plumbing shall deem necessary.~~

~~(d) It shall be the responsibility of the owner/consumer to conduct periodic surveys of water use practices on the consumer's premises to determine whether there are actual or potential cross-connections to the water system. The owner/consumer shall be responsible for immediately notifying the Inspector of Plumbing when actual or potential cross-connections are discovered. The owner~~

~~of the premises is solely responsible for insuring that the plumbing inside the buildings is in compliance with the Ohio Plumbing Code.~~

~~(e) The Inspector of Plumbing shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Municipality for the purpose of inspecting the piping system or systems thereof. On demand the owner, lessees or occupants of any property so served shall furnish to the Inspector of Plumbing any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Inspector of Plumbing, be deemed evidence of the presence of improper connections as provided in this section.~~

~~(f) The Inspector of Plumbing is hereby authorized and directed to discontinue, after reasonable notice to the owner thereof, the water service to any property wherein any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions shall have been eliminated or corrected in compliance with the provisions of this section.~~

~~(g) The use of any approved backflow prevention device at the water service connection does not in any way affect or eliminate the need for individual fixture devices, or air gaps as required by the Ohio Plumbing Code.~~

~~(h) Guidelines for the Cross Connection Control Program of the City of Sandusky will be on file and be made available in the Building Department, Division of Plumbing.~~

~~(i) A fee shall be charged for surveys made by the Inspector of Plumbing in accordance with subsection (c) hereof; said fee to be charged for all non-residential surveys and on an hourly basis at a rate of twenty five dollars (\$25.00) per hour with a minimum of one hour charge per visit.~~

~~(1980 Code 51.80)~~

Section 2. Part Nine (Streets, Utilities, And Public Services Code), Title Three (Utilities), of the Codified Ordinances of the City be amended by the addition of new Chapter 943 (Backflow Prevention and Cross-Connection Control) as follows:

**NEW CHAPTER 943  
BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL**

- 943.01 Purpose.**
- 943.02 Responsibility.**
- 943.03 Definitions.**
- 943.04 Water System.**
- 943.05 Policy.**

- 943.06 Where Protection is Required.
- 943.07 Type of Protection Required.
- 943.08 Backflow Prevention Devices.
- 943.09 Installation, Repair and Maintenance.
- 943.10 Booster Pumps.
- 943.99 Penalty.

**943.01 PURPOSE.**

The purpose of this Chapter is to:

(a) Protect the public potable water supply of the City of Sandusky from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants that could backflow or back siphon through the service connection into the public water system.

(b) Promote the elimination or control of existing cross-connections, actual or potential, between the customer's potable water system(s) and non-potable water systems, plumbing fixtures, and sources or systems containing process fluids.

(c) Provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems.

**943.02 RESPONSIBILITY.**

(a) The responsibility for cross-connection control rest jointly with the water supplier, the water consumer, and the regulatory agencies. The regulatory agencies include the Ohio Environmental Protection Agency, the Ohio Department of Commerce, the local health department, and the Building Department. Each has specific responsibilities and each must carry out its phase of a coordinated program in order to obtain cross-connection control.

(b) Cross-connection control may be divided into two areas of protection. One is the protection of public potable water system, which is the responsibility of the Water Services Superintendent. The other is the protection of the consumer's potable water system, which is the responsibility of the customer-owner of the premises. The regulatory agencies have the basic responsibility of promulgating and enforcing laws and regulations for the protection of both the public potable water system and the consumer's water system.

(c) The Water Services Superintendent shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of said Water Services Superintendent, an approved containment backflow-prevention assembly is required at the customer's water service connection for the safety of the water system, the Water Services Superintendent, or his/her designated agent, shall

give notice in writing to said customer to install such an approved containment backflow-prevention assembly(s) at specific location(s) on his/her premises. The customer shall immediately install such approved assembly(s) at his/her own expense; and, failure, refusal, or inability on the part of the customer to install, have tested, and maintain said assembly(s) shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

(d) The Plumbing Inspector and Building Department shall be responsible for promulgating and enforcing laws and regulations for the protection of both the public potable water system and the consumer's water system. The protection shall be from contamination or pollution due to the backflow of contaminants or pollutants originating from the consumers building, facility or property. If, in the judgment of the Plumbing Inspector, an approved isolation backflow-prevention assembly is required in the customer's water system for the safety of the customers and/or public water system, the Plumbing Inspector and/or his designated agent shall give notice in writing to said customer to install such an approved backflow-prevention assembly(s) at specific location(s) on his/her premises. The customer shall install such approved assembly(s) at his/her own expense within thirty (30) days from notification of the violation by certified mail and/or personal delivery.

#### **943.03 DEFINITIONS.**

(a) **AIR GAP SEPARATION** means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle.

(b) **APPROVED** means that a backflow prevention device or method has been accepted by the supplier of water and the director as suitable for the purposed use.

(c) **AUXILIARY WATER SYSTEM** means any water system on or available to the premises other than the public water system. These auxiliary water systems shall include used water, process fluids, or water from a source other than the public water system, such as wells, lakes, or streams, or water from another public water system.

(d) **BACKFLOW** means the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable water supply from any source other than the intended source of the potable water supply.

(e) **BACKFLOW PREVENTER** means any assembly, device, method, or type of construction intended to prevent backflow into a potable water system. Where backflow prevention device is used in other rules of this Chapter (OAC 3745-95), this definition applies.

(f) **CERTIFIED TESTER/INSTALLER** means any individual licensed by the State as a Certified Backflow Tester and Installer.



(g) **CONSUMER** means the owner or person in control of any premises supplied by or in any manner connected to a public water system.

(h) **CONSUMER'S WATER SYSTEM** means any water system, located on the consumer's premises, supplied by or in any manner connected to a public water system. A household plumbing system is considered to be a consumer's water system.

(i) **CONTAINMENT PRINCIPLE BACKFLOW PREVENTER** - A backflow preventer that is installed in a consumer's water system that is intended to contain the water within the premises to prevent any polluted or contaminated water from backflowing or backsiphoning into the public water system. Typically, the containment principle backflow preventer is placed at the service connection, unless placement is otherwise specified by rule herein.

(j) **CONTAMINATION** means an impairment of the quality of water by sewage or process fluid or waste to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

(k) **CROSS-CONNECTION** means any arrangement whereby backflow can occur.

(l) **DEGREE OF HAZARD** is a term derived from an evaluation of the potential risk to health and the adverse effect on the potable water system.

(m) **DIRECTOR** means the director of the Ohio Environmental Protection Agency or his duly authorized representative.

(n) **DOUBLE CHECK VALVE ASSEMBLY** means an assembly composed of two single, independently acting, check valves including tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the water- tightness of each check valve.

(o) **HEALTH HAZARD** means any condition, device, or practice in a water system or its operation that creates, or may create, a danger to the health of users.

(p) **INTERCHANGEABLE CONNECTION** means an arrangement or device that will allow alternate but not simultaneous use of two sources of water.

(q) **NON-POTABLE WATER** means water not safe for drinking, culinary, or personal use.

(r) **PERSON** means the state, any political subdivision, public or private corporation, individual, partnership, or other legal entity.

(s) **POLLUTION HAZARD** means the presence of any foreign substance in the water that degrades the water quality so as to constitute a hazard or impairs the usefulness of the water, however does not create an actual public health hazard, but does adversely affect waters for domestic use.

(t) **POTABLE WATER** means water which is satisfactory for drinking, culinary, and domestic use and meets the requirements of the Ohio Environmental Protection Agency.

(u) **PREMISES** means any building, structure, dwelling, or area containing plumbing or piping supplied from a public water system.

(v) **PROCESS FLUIDS** means any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a pollutional, system, health or severe health hazard if introduced into the public water system or portion of a consumer's water system. This includes, but is not limited to:

- (1) Polluted or contaminated waters;
- (2) Process waters;
- (3) Used waters originating from a public water system which may have deteriorated in sanitary quality;
- (4) Cooling waters;
- (5) Contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- (6) Chemicals in solution or suspension;
- (7) Oils, gases, acids, alkalis, and other liquid and gaseous fluids used in industrial or other processes, or for firefighting purposes.

(w) **PUBLIC WATER SYSTEM** has the same meaning as in Section 6109.01 and 6109.02 of the Ohio Revised Code.

(x) **REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY** means an assembly containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

(y) **SERVICE CONNECTION** means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

(z) **SUPPLIER OF WATER** means the owner or operator of a public water system.

(aa) **SYSTEM HAZARD** means a condition posing an actual or potential threat of damage to the physical properties of the public water system or a potable consumer's water system.

(bb) **POLLUTIONAL HAZARD** means a condition through which an aesthetically objectionable or degrading material, not dangerous to health, may enter the public water system or a potable consumer's water system.

(cc) **USED WATER** means any water supplied by a supplier of water from a public water system to a consumer's water system after it has passed through the service connection and is no longer under the control of the supplier.

(dd) **YARD HYDRANT** means a device that is located outside of a building, equipped with a valved mechanism that controls delivery of potable water, and is not designed to supply a fire department pumper.

**943.04 WATER SYSTEM.**

(a) The water system shall be considered as made up of two parts: the public water system and the customer's system.

(b) The public water system shall consist of the source facilities and the distribution system, and shall include all those facilities of the water system under the complete control of the Water Services Superintendent, up to the point where the customer's system begins, which is the outlet side of the meter. The water supplier does, however, have the responsibility to protect the public potable water system and therefore has the authority to require a containment assembly(s) to be installed inside the building on the consumer's side of the meter. This device shall not, however, extend the responsibility of the water supplier to the outlet side of the backflow prevention device. The consumer will be solely responsible for the line past the outlet side of the meter and for the installation and maintenance of the backflow prevention assembly(s) as required by the Water Services Superintendent.

(c) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public distribution system.

(d) The public distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.

(e) The customer's system shall include those parts of the facilities beyond the service connection which are used in conveying water from the public distribution system to points of use.

(f) The use of any approved backflow prevention device at the water service connection does not in any way affect or eliminate the need for individual fixture devices, or air gaps as required by the Ohio Plumbing Code (isolation backflow prevention devices), nor shall the presence of an isolation device necessarily negate the need for a containment device.

**943.05 POLICY**

(a) No water service connection to any premises shall be installed or maintained where actual or potential cross-connections to the public potable or consumer's water system may exist unless these cross-connections are

controlled to the satisfaction of the Water Services Superintendent. Service of water to any premises shall be discontinued by the water supplier if a backflow-prevention assembly required by this Backflow Prevention Ordinance is not installed, tested, and maintained, or if it is found that a backflow prevention assembly has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if the minimum pressure sustaining method required pursuant to 943.06 of this Ordinance is not installed and maintained in working order. Service will not be restored until such conditions or defects are corrected. Water turn on fee shall be charged pursuant to section 939.10.

(b) No person shall install or maintain a connection between a public water system or consumer's water system and an auxiliary water system unless the auxiliary water system, the method of connection and the use of such system have been approved by the Water Services Superintendent and by the Director of the EPA as required by section 6109.13 of the Revised Code.

(c) It shall be the duty of the Water Services Superintendent, or his/her designee, and Plumbing Inspector to cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the Water Services Superintendent or Plumbing Inspector shall deem necessary.

(d) The consumer's system should be open for inspection at all reasonable times to authorized representatives of the Water Department and Plumbing Inspector to determine whether actual or potential cross-connections exist. When such a condition becomes known, the Water Services Superintendent shall deny or discontinue service, after reasonable notice to the occupants, to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with state/provincial and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

(e) A fee shall be charged for surveys made by the Water Purveyor or Plumbing Inspector in accordance with subsection 943.05(b) hereof; said fee to be charged for all non-residential surveys shall be a rate of twenty-five dollars (\$25.00) per hour with a minimum of one hour charge per visit. If additional work is required of City staff going above & beyond, including work performed after hours those charges shall be billed to the consumer.

(f) It shall be the responsibility of the Water Services Superintendent or his/her designee to conduct periodic surveys of water use practices on the consumer's premises to determine whether there are actual or potential cross-connections through which contaminants could backflow into either his or the public water system. The consumer shall be responsible for immediately notifying the Water Purveyor or Plumbing Inspector when actual or potential cross-connections are discovered. The consumer of the premises is solely responsible for ensuring that the plumbing inside the buildings is in compliance with the Ohio Plumbing Code.

(a) An approved backflow prevention assembly shall be installed on each service line to a customer's water system where, in the judgement of the Water Services Superintendent or the Director of the Ohio Environmental Protection Agency, actual or potential hazards to the public potable water system exist.

(b) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

- (1) Premises having an auxiliary water system, unless such auxiliary system has been accepted as an additional source by both the Water Services Superintendent and the Director of the Ohio EPA.
- (2) Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to the public potable water system. This shall include premises having sources or systems containing process fluids or waters originating from the potable water system which are no longer under the sanitary control of the Water Services Superintendent.
- (3) Premises having internal cross-connections that, in the judgment of the Water Services Superintendent, are not correctable, or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.
- (4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
- (5) Premises having a repeated history of cross-connections being established or re-established.
- (6) Others specified by the Water Services Superintendent.

(c) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Water Services Superintendent or the Director of the Ohio EPA determines that no actual or potential hazard to the public potable water system exists:

- (1) Hospitals, mortuaries, clinics, nursing homes, funeral homes;
- (2) Laboratories;
- (3) Piers, docks, waterfront facilities;
- (4) Sewage treatment plants, sewage pumping stations or storm water pumping stations;
- (5) Food or beverage processing plants;
- (6) Chemical plants;
- (7) Metal plating industries;
- (8) Petroleum processing or storage plants;
- (9) Radioactive material processing plants or nuclear reactors;
- (10) Car washes;

- (11) Other as specified by the Water Services Superintendent or Director of the Ohio EPA.

(d) An approved backflow prevention assembly shall be installed at any point of connection between the public potable or consumer's water system and an auxiliary water system, unless such auxiliary system is accepted as an additional source by the Water Services Superintendent and the source is approved by the Director of the Ohio EPA.

**943.07 TYPE OF PROTECTION REQUIRED.**

(a) The type of protection required under 943.06 (a), (b) and (c) of these rules and regulations shall depend on the degree of hazard which exists as follows:

- (1) An approved air gap separation shall be installed where the public water system may be contaminated with substances that could cause a severe health hazard;
- (2) An approved air gap separation or an approved reduced pressure principle backflow prevention assembly or an approved reduced pressure detector check assembly shall be installed where a public water system may be contaminated with any substance that could cause a system or health hazard;
- (3) An approved air gap separation, an approved reduced pressure principle backflow prevention assembly, an approved double check valve assembly or an approved double check-detector check valve assembly shall be installed where a public water system may be contaminated with any substances that could cause a pollutional hazard.

(b) The type of protection required under 943.06(d) of these rules and regulations shall be an approved air gap separation or an approved interchangeable connection.

(c) Where an auxiliary water system is used as a secondary source of water for a fire protection system, the provisions of 943.07 (b) for an approved air gap separation or an approved interchangeable connection may not be required, provided:

- (1) At premises where the auxiliary water system may be contaminated with substances that could cause a system or health hazard, or that contains additives (including food grade additives), the public water system or consumer's water system shall be protected against backflow by installation of an approved reduced pressure principle backflow prevention assembly (ASSE 1013 or 1047);
- (2) At all other premises, where the hazard would not be greater than a pollution hazard, and contains no additives, the public

water system or a consumer's water system shall be protected against backflow by installation of an approved reduced pressure principle backflow prevention assembly (ASSE 1013 or 1047), or an approved double check valve assembly (ASSE 1015 or 1048);

- (3) The public water system shall be the primary source of water for the fire protection system;
  - (4) The fire protection system shall be normally filled with water from the public water system;
  - (5) The water in the fire protection system shall be used for fire protection only, with no other use of water from the fire protection system downstream from the approved backflow prevention assembly.
  - (6) Ethylene glycol shall not be permitted in a fire protection system.
- (d) For a fire system that is not using an auxiliary water supply:
- (1) An approved double check valve assembly (ASSE 1015 or 1048) will be required. This assembly shall be installed immediately downstream of the main line valve inside the building.
  - (2) An approved reduced pressure principle assembly (ASSE 1013 or 1047) is required on the water supply line serving a fire system containing any additive, including propylene glycol, or which can be connected to an auxiliary water system.
  - (3) Where one service line provides both fire protection and domestic service to the building, two separate backflow devices will be required. The domestic service shall branch off upstream of the approved fire protection backflow assembly and shall be protected by a backflow prevention assembly approved by Water Services Superintendent.
  - (4) Where a backflow prevention assembly is installed within a fire protection system, all tests and overhauls shall be made by a Department of Commerce certified tester who is also certified by the State Fire Marshal to test fire protection backflow assemblies.

**943.08 BACKFLOW PREVENTION DEVICES.**

(a) Any backflow preventer required by these rules and regulations shall be of a model or construction approved by the Water Services Superintendent and the Director of the Ohio EPA and shall comply with the following:

- (1) An air gap separation, to be approved, shall be at least twice the diameter of the supply pipe, measured vertically above the rim of the vessel, but in no case less than one inch. It shall meet the requirements of OAC Rule 3745-95-06 of the Ohio Environmental Protection Agency.**
- (2) A double check valve assembly shall be approved by the Water Services Superintendent, and shall meet the requirements of OAC Rule 3745-95-04 of the Ohio Environmental Protection Agency. The design and construction of approved double check valve assemblies must conform to the requirements of the American National Standards Institute/American Water Works Association standard C510, or American Society of Sanitary Engineering standard 1015, or Canadian Standards Association standard B64.5, or Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California Specifications of Backflow Assemblies for Double Check Valve Assemblies.**
- (3) A double check detector check valve assembly shall be approved by the Water Services Superintendent, and shall meet the requirements of OAC Rule 3745-95-04 of the Ohio Environmental Protection Agency. The design and construction of approved double check detector check valve assemblies must conform to the requirements of the American National Standards Institute/American Society of Sanitary Engineering standard 1048, or Canadian Standards Association standard B64.5.1, or Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California Specifications of Backflow Assemblies for Double Check-Detector Assemblies.**
- (4) A reduced pressure principle backflow prevention assembly shall be approved by the Water Services Superintendent, and shall meet the requirements of OAC Rule 3745-95-04 of the Ohio Environmental Protection Agency. The design and construction of a reduced pressure principle assembly must conform to American National Standards Institute (ANSI) /American Water Works Association (AWWA) standard C511, or American Society of Sanitary Engineering standard 1013, or Canadian Standards Association standard B64.4 or Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California Specifications of Backflow Assemblies for Reduced Pressure Principle Assemblies.**
- (5) A reduced pressure principle-detector check backflow prevention assembly shall be approved by the Water Services Superintendent, and shall meet the requirements of OAC Rule 3745-95-04 of the Ohio Environmental Protection Agency. The design and construction of reduced pressure**



principle-detector check assemblies must conform to the requirements of the American National Standards Institute / American Society of Sanitary Engineering standard 1047, or Canadian Standards Association standard B64.4.1, or Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California Specifications of Backflow Assemblies for Reduced Pressure Principle-Detector Assemblies.

- (6) An interchangeable connection, to be approved, shall be a swing type connection or a four-way valve which unseats the plug, turns it ninety degrees and reseats the plug. Four-way valves shall not be used as stop valves but must have separate stop valves on each pipe connected to the valve. The drain port on the four-way valve shall have no piping connected and the threads or flange on this port shall be destroyed so that a connection cannot be made.

(b) Any existing device, previously approved by the Water Services Superintendent or the Director of the Ohio EPA, shall be exempt from the requirements of section 6.1, as long as this device will, to the satisfaction of the Water Services Superintendent, still protect the public water system. This device will be inspected, tested, and maintained as required by these regulations. Whenever the existing assembly is moved from the present location, requires more than minimum maintenance, or when the Water Services Superintendent finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow-prevention assembly meeting the requirements of this section.

#### **943.09        INSTALLATION, REPAIR AND MAINTENANCE.**

(a) Backflow prevention assemblies required by these regulations shall be installed at a location and in a manner approved by the Water Services Superintendent, or his/her designee, and at the expense of the water consumer. Any backflow prevention assembly required by 943.07 (b) and (c), shall be installed at a location and in a manner approved by the Director of the Ohio EPA as required by the Ohio Revised Code Section 6109.13.

(b) Wherever an actual or potential cross-connection exists, an approved backflow prevention assembly shall be installed on the service line to the consumer's water system on the consumer's side of the meter, as close to the meter as is practical (often immediately inside the building ), and prior to any other branch line leading off the main service line. The assembly shall be installed at the consumer's expense within ninety days from the date of notification that the assembly is required, unless an agreement is reached between the consumer and the Water Services Superintendent for an extension. Should the hazard be deemed high enough, these time periods may be shortened in order to protect the integrity of the public water system. Failure, refusal, or inability on the part of the consumer to install said assembly shall constitute grounds for discontinuing water service to the premises until said assembly has been properly installed.

(c) Pits or vaults shall be of water-tight construction, be located so as to prevent flooding, and shall be kept free of standing water using a sump and pump or a suitable drain. The sump or drain shall not be connected to a sanitary sewer so as to prevent flooding of the pit from reverse flow. An access ladder and adequate lighting shall be provided to permit maintenance, inspection, and testing of the backflow device. Pits or vaults may not contain a reduced pressure principle backflow device. A reduced pressure principle backflow device must be installed above ground level or floor level, whichever is higher.

(d) On any premises where it has been deemed necessary to install a backflow prevention assembly, it shall be the consumer's responsibility to have inspections, tests, and overhauls made on such assembly. All assemblies, including air gap separations, reduced pressure principle assemblies, double check valve assemblies, pressure vacuum breakers, and interchangeable connections shall be inspected upon installation, and at least every twelve months thereafter. In cases where, in the judgment of the Water Services Superintendent or the Plumbing Inspector, the hazard is deemed great enough, inspections and tests may be required more frequently.

(e) Inspections of backflow prevention assemblies shall be made at the expense of the consumer, and shall be performed by the Water Services Superintendent, or his authorized representative. All tests and overhauls shall be made at the expense of the water consumer and shall be performed by a Department of Commerce certified tester/installer, approved by the Water Services Superintendent on an annual basis.

(f) Any backflow prevention assembly found to be defective shall be repaired, overhauled, or replaced by a Department of Commerce certified tester/installer at the expense of the water consumer without delay.

(g) The water consumer shall be responsible to maintain a complete record of each backflow preventer on the premises from purchase to date of retirement. These records shall be submitted to the Sandusky Customer Accounting office on an annual basis, along with a ten dollar (\$10) fee for all residential and commercial reports.

(h) Backflow prevention assemblies shall not be bypassed, made inoperative, removed, or in any way made ineffective without specific authorization by the Water Services Superintendent.

#### **943.10 BOOSTER PUMPS.**

(a) Booster pumps that are not intended to be used for fire suppression shall be equipped with a low-suction pressure cut-off designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to ten pounds per square inch gauge or less.

(b) Booster pumps or fire pumps that are used for fire suppression and installed after August 8, 2008 shall be equipped with a minimum pressure-sustaining valve on the pump discharge, which throttles the discharge of the

pump when necessary to keep the suction pressure from dropping below ten pounds per square inch gauge.

(c) It shall be the duty of the water consumer to maintain the low pressure cut-off device and/or minimum pressure sustaining valve, in proper working order, and to certify to the Water Services Superintendent, at least once every twelve months that the minimum pressure sustaining method in place is operating properly.

**943.99 PENALTY.**

(a) Whoever violates any provision of this Chapter, in addition to any fees assessed under this Chapter, shall be guilty of a minor misdemeanor and shall pay a mandatory fine of \$100.00. Each day's violation shall constitute a separate offense.

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. This Ordinance shall be in full force and effect from and after January 1, 2018.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: September 11, 2017 (effective after 30 days)



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City of Sandusky Department of Planning  
222 Meigs Street, Sandusky, OH 44870  
(419) 627-5715

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**TO:** Eric Wobser, City Manager

**FROM:** Angela Byington, Planning Director

**DATE:** August 30, 2017

**SUBJECT:** **Erie County Department of Job and Family Services Transportation Services Contract Addendum**

**ITEM FOR CONSIDERATION:** Legislation requesting approval for the City Manager to enter into a contract addendum to extend transportation services between the City of Sandusky and the County Commissioners of Erie County, Ohio through September 30, 2017.

**BACKGROUND INFORMATION:** The Sandusky Transit System (STS) will provide safe and reliable transportation services in Erie County to Erie County Job and Family Services (ECJFS) clients. The clients will be transported on a daily schedule coordinated between STS and ECJFS.

The original contract was for an initial term of one (1) year from the date of signing at a negotiated rate of \$1.989 per mile, with an option to extend for two (2) additional one (1) year terms. The original agreement was adopted in May 2016, and an addendum agreement was entered on June 22, 2017 to extend the agreement until August 31, 2017. The contract will be amended as follows:

1. That this contract shall be extended and will be in effect through September 30, 2017.
2. That all provisions of the aforesaid agreement shall remain in full force and effect.

In July 2017, the Board of Erie County Commissioners sent out a Request for Proposals for transportation services for Erie County Job and Family Services clients, to which the City of Sandusky submitted a proposal. The County anticipated being under contract with a provider for service starting September 1, 2017, but has not yet awarded the contract.

**BUDGET IMPACT:** STS will bill at a per-mile rate, as established in the Contract, from ECJFS for the length of the proposed contract extension. The revenue from this agreement will be used as matching grant funds for the Ohio Department of Transportation (ODOT) Program Grant.

**ACTION REQUESTED:** It is requested that the Erie County Department of Job and Family Services Transportation Services Contract Addendum be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order to continue to provide transportation services to the ECJFS clients.

I concur with this recommendation:

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Eric Wobser  
City Manager

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Angela Byington, AICP  
Planning Director

cc: Kelly Kresser, Clerk of City Commission  
Hank Solowiej, Finance Director  
Justin Harris, Law Director

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING AND RATIFYING A TRANSPORTATION SERVICES CONTRACT ADDENDUM #2 WITH THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, in 2015 the Erie County Department of Job and Family Services (DJFS) issued a Request for Bids to provide transportation services to eligible DJFS agency clients; and

**WHEREAS**, the City of Sandusky submitted a bid and subsequently was awarded a contract to provide transportation services to eligible DJFS clients throughout Erie County and to specific locations outside of Erie County for an initial term of one (1) year from the date of signing, with an option to extend for two (2) additional one (1) year terms; and

**WHEREAS**, this City Commission approved the Contract for Transportation Services between the City and Board of County Commissioners of Erie County by Ordinance No. 16-066, passed on April 25, 2016; and

**WHEREAS**, this City Commission approved a Transportation Services Contract Addendum with Board of County Commissioners of Erie County to extend the contract through August 31, 2017, by Ordinance No. 17-106, passed on June 12, 2017; and

**WHEREAS**, in July of 2017, the Board of Erie County Commission issued a Request for Proposals for transportation services, which the City submitted a proposal, and anticipated being under contract with a provider beginning September 1, 2017, but has not yet awarded the contract; and

**WHEREAS**, this proposed Addendum #2 will extend the contract through September 30, 2017, and the Sandusky Transit System will continue to receive \$1.989 per mile from Erie County; and

**WHEREAS**, the City Manager notified this City Commission at their August 28, 2017, regularly scheduled meeting of the request by Erie County Job & Family Services to extend the contract and a motion was passed approving the extension through September, 2017; 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 ratify the execution of Addendum #2 to extend the contract, which expired on August 31, 2017, and allow the City to provide continued services to Erie County Department of Job and Family Services' clients; 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 Sandusky Transit System, 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. This City Commission hereby approves and ratifies the execution of a Transportation Services Contract Addendum #2 with the Board of County Commissioners of Erie County for transportation services to extend the contact through September 30, 2017, substantially in the same form as reflected in Exhibit "1" which is attached to this Ordinance and specifically incorporated as if fully rewritten herein together with such revisions or additions as are approved by the Law Director as not being substantially adverse to the City and being consistent with the objectives and requirements of this Ordinance and with carrying out the City's public purposes.

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.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: September 11, 2017

TRANSPORTATION SERVICES CONTRACT ADDENDUM #2

THIS TRANSPORTATION SERVICES CONTRACT ADDENDUM made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2017, by and between City of Sandusky, hereinafter called the "Contractor" and the Board of County Commissioners of Erie County, Ohio, hereinafter called the "Contracting Authority".

WITNESSETH:

WHEREAS, the Contractor passed Ordinance No. 16-066 on April 25, 2016 and the Contractor and Contracting Authority entered into a Contract for Transportation Services on May 12, 2016, under Erie County Resolution 16-267; and whereas the Contractor passed Ordinance No. 17-106 on June 12, 2017 to extend said Contract for Transportation Services under Erie County Resolution 17-279 dated June 22, 2017;

WHEREAS, the parties to said agreement wish to amend the agreement as hereinafter provided.

NOW THEREFORE, in consideration of the premises and of the mutual covenants hereinafter set forth, and of other good and valuable considerations, the Contractor and Contracting Authority hereby concur that the previously entered agreement should be amended as follows:

1. That this contract shall be extended and will be in effect through September 30, 2017.
2. That all other provisions of the aforesaid agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Transportation Services Contract Addendum as of the day and year first written above.

SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF:

City of Sandusky:

Signature

Title

TAX PAYER I.D. #

Approved as to Form:

Elected or Appointed Official

CONTRACTING AUTHORITY  
BOARD OF COMMISSIONERS,  
OF ERIE COUNTY, OHIO

Patrick J. Shenigo, Commissioner

Mathew R. Old, Commissioner

William J. Monaghan, Commissioner



## PUBLIC SERVICES DEPARTMENT

1024 Cement Avenue  
Sandusky, Ohio 44870  
419.627.5884  
[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

To: Eric Wobser, City Manager  
From: Brad Link, Director of Public Services  
Date: August 29, 2017  
Subject: **Commission Agenda Item – 2017 Tree Removal and Trim Project Change Order**

**ITEM FOR CONSIDERATION:** Requesting legislation for approval of Change Order No. 1, for the 2017 Tree Removal and Trim Project.

**BACKGROUND INFORMATION:** This project was awarded to Tree Experts at the February 27, 2017 city commission meeting per ordinance 17-046 in the amount of \$71,689.84. The contract was for removal of 68 dead and trimming of 41 boulevard trees.

Tree Experts is requesting a time extension from the contract original completion date of July 31, 2017 until September 15, 2017. Change Order No. 1 will allow the contractor additional time to complete the work as they experienced time constraints.

**BUDGETARY INFORMATION:** Change Order No. 1 will not impact the contract amount. The contract amount will remain as \$71,689.84 at this time.

**ACTION REQUESTED:** It is recommended that the necessary legislation be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City in order for the contractor, Tree Experts not be charged for liquidated damages per contract document Article 3.2 LIQUIDATED DAMAGES page CITY-CF-2 for completing work beyond the original completion date of July 31, 2017.

I concur with this recommendation:

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Eric Wobser  
City Manager

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Brad Link  
Director of Public Services

cc: K. Kresser, Commission Clerk; H. Solowiej, Finance Director; J. Harris, Law Director



CITY OF SANDUSKY, OHIO  
DEPARTMENT OF PUBLIC SERVICES

Construction Work Order No. 1 & Final

CONTRACT: 2876  
ORDINANCE NO. 17-046

Contractor: **Tree Experts**  
1513 E Scheld Rd  
Huron, OH 44839

STREET OR LOCATON OF WORK: **2017 Tree Removal and TrimProject**

Order is hereby issued and accepted for the following additions to or deductions from the quantities as specified in the original contract.

Bid Item No.	Plan Quantity	Actual Quantity	Difference in Quantity	Unit	Description	Unit Price	Bid Price	Total Deduct	Total After Deduct
1	102	102	0.00		Removal and Trimming of blvd. trees		\$71,689.84	0	\$71,689.84
						Totals	\$71,689.84	\$0.00	\$71,689.84

Original Contract Price= \$71,689.84  
Contract Price after CO1= \$71,689.84

Explanation: Change order reflects completion date change. Original was July 31, 2017 requested is September 15, 2017

Accepted:  Date: 8-29-17, 2017  
Contractor

Accepted: \_\_\_\_\_ Date: \_\_\_\_\_, 2017  
Director of Public Services

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST CHANGE ORDER FOR WORK BEING PERFORMED BY TREE EXPERTS OF HURON, OHIO, FOR THE 2017 TREE REMOVAL AND TRIM PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, this City Commission declared the necessity for the City to proceed with the proposed 2017 Tree Removal and Trim Project, which involved the removal of 68 dead trees and the trimming of 41 trees located on City boulevards, along with seeding at the removal site, by Resolution No. 007-17R, passed on January 23, 2017; and

**WHEREAS**, this City Commission approved the awarding of the contract to Tree Experts of Huron, Ohio, for work being performed for the 2017 Tree Removal and Trim Project by Ordinance No. 17-046, passed on February 27, 2017; and

**WHEREAS**, this First Change Order provides for an extension in the final completion date from July 31, 2017, until September 15, 2017, to allow the contractor additional time to complete the work as they experienced time constraints; 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 approve the change order extending the project completion date which allows the contractor to complete the work beyond the original completion date of July 31, 2017, and avoid being charged for liquidated damages pursuant to the contract documents; 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 Services, 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 hereby authorized and directed to approve this First Change Order extending the final completion date from July 31, 2017, until September 15, 2017, for work being performed by Tree Experts of Huron, Ohio, for the 2017 Tree Removal and Trim Project.

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.

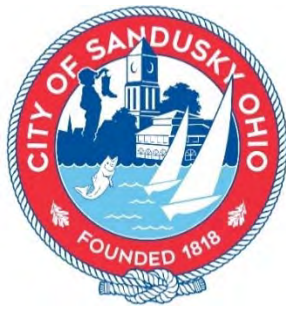
Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted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

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: September 11, 2017



## DEPARTMENT OF PUBLIC WORKS

### *Big Island Water Works*

2425 First Street  
Sandusky, Ohio 44870  
419.627.5829  
[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

To: Eric Wobser, City Manager

From: Aaron M. Klein, P.E.

Date: August 30, 2017

Subject: **Commission Agenda Item – Ohio EPA License to Operate Fee for BIWW CY 2018**

**ITEM FOR CONSIDERATION:** Legislation authorizing payment to the Ohio EPA for the annual licensing fee to operate Big Island Water Works for the calendar year 2018.

**BACKGROUND INFORMATION:** In accordance with Ohio Law (Ohio Revised Code 6109.21), public water systems in Ohio must obtain a License to Operate from the Director of the Ohio Environmental Protection Agency (Ohio EPA). Fees are determined by the number of service connections within the City and fee schedule set by Ohio EPA.

For calendar year 2018, the City of Sandusky is required to pay a license renewal fee for Big Island Water Works in the amount of \$12,180.00.

**BUDGETARY INFORMATION:** The total amount of \$12,180.00 shall be paid with Water funds and has been appropriated in the O & M Budget for 2017.

**ACTION REQUESTED:** It is recommended that the proposed payment of the license to operate fee with the Ohio EPA be approved in order to expend funds appropriated in the O & M budget for 2017 upon receipt of invoice from the Ohio EPA and to make payment prior to the December 31, 2017 due date.

I concur with this recommendation:

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Eric Wobser  
City Manager

cc: K. Kresser, Commission Clerk; H. Solowiej, Finance Director; J. Harris, Law Director



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

ENGINEERING DEPT.

AUG 28 2017

CITY OF SANDUSKY

August 18, 2017

SANDUSKY CITY  
222 MEIGS ST  
SANDUSKY, OH 44870-2835

RE: SANDUSKY CITY  
PWS ID: OH2201411  
PWS TYPE: COMMUNITY  
Number of Service Connections: 10,500  
Water Source: Surfacewater  
Projected 2018 LTO Fee: \$12,180.00

## Pre-Application

### **DO NOT SEND PAYMENT AT THIS TIME**

**The 2018 License to Operate/Invoice will be mailed to you in November 2017  
with a due date of December 31, 2017.**

This is a pre-application for your 2018 Public Water System License to Operate (LTO). As an owner of a public water system in Ohio, you are required to maintain an LTO and pay the appropriate annual LTO fee by December 31, 2017. The annual license fee is based on the number of service connections associated with your public water system. Your LTO will be mailed to you after Ohio EPA has received payment of the appropriate fee and has verified compliance with applicable drinking water laws and regulations.

According to Ohio Administrative Code Rule 3745-84-03, you are required to provide Ohio EPA a pre-application by verifying and updating, if necessary, the enclosed PWS Inventory Summary for your public water system within 45 days.

The projected LTO fee for your public water system is indicated in the upper right corner of this letter and is based on information currently in our database.

#### **Please complete the following:**

1. REVIEW the enclosed PWS Inventory Summary carefully.
2. UPDATE any appropriate information and RETURN to Ohio EPA DDAGW using one of the methods listed below.

#### **DO NOT RETURN if no changes are necessary.**

Email to: DDAGW.IMS@epa.ohio.gov

Mail to: Ohio EPA - DDAGW

Attn: Brian Tarver

Fax to: Ohio EPA - DDAGW  
614-644-2909

PO Box 1049

Columbus, Ohio 43216-1049

3. QUESTIONS - contact the Division of Drinking and Ground Waters 614-644-2752

**License to Operate (Effective July 1, 2003)**

A person applying for a license or license renewal to operate a public water system must pay the appropriate fee at the time of application to the director. Any person who fails to pay the fee at the time must pay an additional amount that equals ten percent of the required fee. Fees must be calculated in accordance with the following schedule:

**COMMUNITY WATER SYSTEMS (Effective July 1, 2003)**

Number of Service Connections	Fee per Service Connection
Not more than 49	\$112 (total)
50-99	176 (total)
100 to 2,499	1.92
2,500 to 4,999	1.48
5,000 to 7,499	1.42
7,500 to 9,999	1.34
10,000 to 14,999	1.16
15,000 to 24,999	1.10
25,000 to 49,999	1.04
50,000 to 99,999	0.92
100,000 to 149,999	0.86
150,000 to 199,999	0.80
200,000 or more	0.76

A public water system may determine how it will pay the total amount of the fee calculated, including the assessment of additional user fees that may be assessed on a volumetric basis. As used in this schedule, "Service Connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

**NON-TRANSIENT NON-COMMUNITY WATER SYSTEMS (Effective July 1, 2003)**

Population Served	Fee Amount
Fewer than 150	\$ 112
150 to 299	176
300 to 749	384
750 to 1,499	628
1,500 to 2,999	1,268
3,000 to 7,499	2,816
7,500 to 14,999	5,510
15,000 to 22,499	9,048
22,500 to 29,999	12,430
30,000 or more	16,820

As used in this schedule, "Population Served" means the total number of individuals receiving water from the water supply during a twenty-four hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number must be calculated at the rate of three individuals per service connection.

**TRANSIENT NON-COMMUNITY WATER SYSTEM (Effective July 1, 2003)**

Number of Wells Supplying System	Fee Amount
1	\$ 112
2	112
3	176
4	278
5	568
System designated as using a surface water source	792

As used in this schedule, "Number of Wells Supplying System" means those wells (either active or inactive) that are physically connected to the plumbing system serving the public water system.

All public water systems designated as using a surface water source must pay a fee of \$792 or the amount calculated using the number of service connections or population served whichever is higher.



## PWS Inventory Summary

**DIRECTIONS:** Please review the following information. If revisions are necessary, please note in the space provided and return to Ohio EPA DDAGW using one of the methods listed below:

**\*\*DO NOT RETURN if no changes are necessary.\*\***

Email to: DDAGW.IMS@epa.ohio.gov

Mail to: Ohio EPA - DDAGW

Fax to: Ohio EPA - DDAGW  
614-644-2909

Attn: Brian Tarver  
PO Box 1049  
Columbus, Ohio 43216-1049

**PWS ID:** OH2201411

**PWS Name:** SANDUSKY CITY

**County:** ERIE

**PWS type:** Community Public Water System

**Number of Service Connections:** 10,500

**Annual Operating Period**

**Residential Population**

1/1 to 12/31

25,793

### **PWS Contact Information**

#### **Public Water System Owner Information (OW)**

All correspondence (with the exception of License to Operate) is sent to:

**Contact Name:** SANDUSKY CITY

**Address Line 1:** ERIC WOBSE

**Address Line 2:** 222 MEIGS ST

**City, State Zip:** SANDUSKY, OH 44870-2835

**Business Number:** 419-627-5815

**Fax Number:** 419-627-5825

**24hr Emergency Number:** 419-271-4852

**E-mail Address:** ewobser@ci.sandusky.oh.us

#### **Public Water System Billing Information (FC)**

License to Operate is sent to:

**Contact Name:** SANDUSKY CITY

**Address Line 1:** 222 MEIGS ST

**Address Line 2:**

**City, State Zip:** SANDUSKY, OH 44870-2835

**Business Number:** 419-627-5815

**Fax Number:**

**24hr Emergency Number:**

**E-mail Address:**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO MAKE PAYMENT TO THE STATE OF OHIO ENVIRONMENTAL PROTECTION AGENCY FOR THE RENEWAL OF THE LICENSE TO OPERATE A PUBLIC WATER SYSTEM FOR THE CY 2018.**

**WHEREAS**, the City of Sandusky as an operator of a public water system is required to pay a licensing fee on an annual basis to the Ohio Environmental Protection Agency pursuant to Ohio Revised Code §6109.21; and

**WHEREAS**, the total cost for the annual licensing fee for calendar year 2018 is \$12,180.00 and will be paid with Water Funds which have been appropriated in the Operation & Maintenance (O&M) budget for 2017; 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 Municipal Departments of the City of Sandusky, Ohio and, NOW, THEREFORE,

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

Section 1. This City Commission hereby authorizes and directs the Finance Director to make payment to the Treasurer of the State of Ohio as required by the Ohio Environmental Protection Agency in an amount **not to exceed** Twelve Thousand One Hundred Eighty and 00/100 Dollars (\$12,180.00) for the renewal of the license to operate a public water system for the CY 2018.

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.

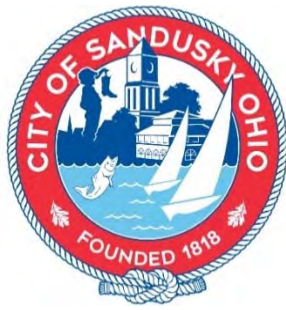


Section 4. That for the reasons set forth in the preamble hereto, this Ordinance shall take effect at the earliest time allowed by Law.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed:



---

DEPARTMENT OF PUBLIC WORKS

*Wastewater Treatment Plant*

304 Harrison Street  
Sandusky, Ohio 44870  
419.627.5829  
[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

To: Eric Wobser, City Manager

From: Aaron M. Klein, P.E.

Date: August 30, 2017

**Subject: Commission Agenda Item – Ohio EPA Annual Discharge Fee for the WWTP CY2017**

**ITEM FOR CONSIDERATION:** Legislation authorizing payment to the Treasurer of the State of Ohio, on behalf of the Ohio EPA, for the annual discharge fee for the year 2017, for National Pollutant Discharge Elimination System (NPDES) Permit Number 2PF00001 for the City's Wastewater Treatment Plant.

**BACKGROUND INFORMATION:** The Ohio EPA, through the NPDES requires a permit for all Wastewater Treatment facilities, discharging pollutants to a body of water within the State of Ohio, to pay an annual discharge fee. Fees are determined by an average daily discharge flow of the following year and set by a flow chart from the Ohio EPA.

For the Calendar Year 2017, the City of Sandusky is required to pay a discharge fee for the operation of the Wastewater Treatment Plant of \$15,550.00.

**BUDGETARY INFORMATION:** The total amount of \$15,550.00 shall be paid with Sewer funds and has been appropriated in the O & M Budget for 2017.

**ACTION REQUESTED:** It is recommended that the proposed payment of the discharge fee with the Ohio EPA be approved to expend funds appropriated in the O & M Budget for 2017, upon receipt of invoice from the Ohio EPA, and make payment prior to the January 31, 2018, due date.

I concur with this recommendation:

---

Eric Wobser  
City Manager

cc: K. Kresser, Commission Clerk; H. Solowiej, Finance Director; J. Harris, Law Director



**2017 ANNUAL DISCHARGE FEE  
2PF00001 PRELIMINARY NOTICE  
DO NOT SEND PAYMENT AT THIS TIME**

Wednesday, August 16, 2017

SANDUSKY STP  
222 MEIGS ST  
SANDUSKY, OH 44870

**This is a preliminary notification that your 2017 Annual Discharge Fee (ADF), authorized by Ohio Revised Code (ORC) 3745-11, will be due on January 31, 2018. Do not send payment at this time.**

In order to ensure correct invoices are sent out later this year, and to provide you with adequate time to plan for this expense, the flow and fee due for your facility are listed below. The annual discharge fee for the calendar year 2017 is based upon the average volume of wastewater discharged by your facility during the previous year (2016) between May 1 and October 31. The fee schedule, pursuant to ORC 3745-11, is provided below.

Please review this information carefully. If the flow information is incorrect, you must provide a written explanation and include copies of your electronic Discharge Monitoring Report (DMR) EPA 4500 Forms for May through October 2016 showing the Submission ID at the bottom of the forms. Pursuant to ORC 3745-11(5)(a)(ii), if you are entitled to a pro-rated fee, provide a written explanation. This information must be submitted to ADF e-mail at [adf@epa.ohio.gov](mailto:adf@epa.ohio.gov) or hard copies mailed to the address below by October 30, 2017. All communication must include the permit number. Corrections to DMRs must be done in the eDMR system with followup notification of changes by email.

**ADF Adjustment  
Ohio EPA, Division of Surface Water  
P.O. Box 1049, Columbus, Ohio 43216-1049**

**DO NOT SEND PAYMENT AT THIS TIME. THIS IS NOT AN INVOICE.**

Facility Name:	SANDUSKY STP	Base Fee:	\$15,550.00
NPDES Permit No.:	2PF00001	Major Surcharge	
Average Daily Flow:	13.3997 MGD	<b>TOTAL FEE DUE:</b>	<b>\$15,550.00</b>
(Design flow if new facility)			

INDUSTRIAL FACILITIES	
Flow (MGD)	Fee
>0.005 - 0.05	\$ 250
>0.05 - 0.25	\$ 1,200
>0.25 - 1	\$ 2,950
>1 - 5	\$ 5,850
>5 - 10	\$ 8,800
>10 - 20	\$ 11,700
>20 - 100	\$ 14,050
>100 - 250	\$ 16,400
>250	\$ 18,700
Major Surcharge	\$ 7,500

PUBLIC FACILITIES	
Flow (MGD)	Fee
>0.005 - 0.05	\$ 200
>0.05 - 0.1	\$ 500
>0.1 - 0.25	\$ 1,050
>0.25 - 1	\$ 2,600
>1 - 5	\$ 5,200
>5 - 10	\$ 10,350
>10 - 20	\$ 15,550
>20 - 50	\$ 25,900
>50 - 100	\$ 41,400
>100	\$ 62,100

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO MAKE PAYMENT TO THE STATE OF OHIO ENVIRONMENTAL PROTECTION AGENCY FOR THE ANNUAL DISCHARGE FEE FOR NPDES PERMIT NUMBER 2PF00001 FOR THE WASTEWATER TREATMENT PLANT FOR THE CY 2017.**

**WHEREAS**, the Ohio Revised Code Section 3745.11(L) requires that an NPDES permit holder that is a public discharger pay a fee as specified in the statute based upon the average daily flow and the City's flow and the corresponding fee is delineated on the invoice received from the Ohio Environmental Protection Agency; and

**WHEREAS**, the total cost for the annual discharge fee for calendar year 2017 is \$15,550.00 and will be paid with Sewer Funds which have been appropriated in the Operation & Maintenance (O&M) budget for 2017; 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 Municipal Departments of the City of Sandusky, Ohio and, NOW, THEREFORE,

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

Section 1. This City Commission hereby authorizes and directs the Finance Director to make payment to the Treasurer of the State of Ohio as required by the Ohio Environmental Protection Agency in an amount **not to exceed** Fifteen Thousand Five Hundred Fifty and 00/100 Dollars (\$15,550.00) for the annual discharge fee for NPDES Permit Number 2PF00001 for the Wastewater Treatment Plant for the CY 2017.

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

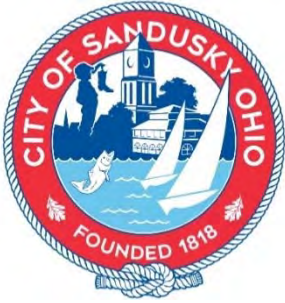
those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance shall take effect at the earliest time allowed by Law.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed:



## DEPARTMENT OF PUBLIC SERVICES

1024 Cement Ave.  
Sandusky, Ohio 44870  
419.627.5884  
[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

TO: Eric Wobser, City Manager  
FROM: Brad Link, Public Services Director  
DATE: August 23, 2017  
SUBJECT: Disposal of Property

**ITEM FOR CONSIDERATION:** It is requested that the City Commission authorize legislation to dispose of bicycles and other equipment pursuant to Section 25 of the City Charter.

**BACKGROUND INFORMATION:** The item list attached is from the respective department listed and is no longer of useful life to the city:

***Sandusky Police Department Special note:** Some of these items have been confiscated to or by the Sandusky Police Department; the criminal cases involving each of these items have been closed and it is no longer necessary to hold the items (they are of no value to the City of Sandusky).*

Any item not sold at the auction will be disposed of.

**BUDGET IMPACT:** Proceeds from the sale of these items will be placed in the General Fund, Law Enforcement Trust and Street Fund.

**ACTION REQUESTED:** It is requested that legislation be approved authorizing the disposal of bicycles and other equipment on the attached list. It is recommended that the necessary legislation be passed under suspension of the rules in full accordance with Section 14 of the City Charter as the auction is scheduled to be held October 7th, 2017 at 9:00 a.m.

I concur with this recommendation:

---

Brad Link, Public Service Director

---

Eric Wobser, City Manager

Cc: Hank Solowiej, Finance Director  
Kelly Kresser, City Commission Clerk  
Justin Harris, Law Director

### POLICE

- (1) Vizio Blue Ray player
- (1) Pair Ralph Lauren jeans 32 x 32
- (7) Pair of shoes/boots
  - UGG boots w/sparkles size 6
  - UGG boots black size 4
  - Timberland boots- pink size junior 4
  - Timberland boots size 8.5
  - Nike air max blue/white size 8
  - Jordans black/white size children 9
  - Jordans white size 9
- Assorted shirts and pants (new) Chaps, Rue 21
- UGG shoe care kit
- Selfie stick
- Cosmetic Jewelry
- 3 subwoofer boxes
- 3 amps
- 2 stereo decks
- 2 large flat screen Tv's
- Pocket bike- mini crotch rocket
- 250 cc Suzuki Dirt bike

### FIRE

- 1- Schwinn stationary bike
- 1- Weedwacker- Troy Built TBOBC
- 1- Weedwacker- 25cc Craftsman
- 1- Handheld leaf blower 32cc
- 1- Apex 19" TV
- 1- Zenith 19" TV
- 1- Sanyo 13" TV
- 1- Emerson 13" TV
- 1- GE 32" TV
- 2- Magnavox DVD players
- 1- Solidex VHS rewinder
- 1- TV ceiling hanging bracket
- 9- Boxes of Polaroid 600 instant camera film (20 photos each)
- 1- 14' roof ladder with hooks
- 3- Stryker Rugged collapsible ambulance cots & mounting equipment
- 1- Stryker power pro xt ambulance cot
- 1- Ray Marine GPS (E120), depth finder & radar
- 2- Fyr Flote floating pumps
- 3- Industrial- MSA SCBA backplates & regulators
- 4- MSA SCBA plastic mask cases
- 8- MSA SCBA mask inhalation tubes
- 15- MSA SCBA masks
- 2- Industrial survivor SCBA 2216 ½ hr. w/ masks

### BIWW

- 3 desks
- 2 window air conditioners
- Stove
- Refrigerator

### COMMUNITY DEVELOPMENT

- Desk with top shelf
- 2 drawer filing cabinet

### HOUSING

- Buell Motorcycle

### SEWER

- 5 allen Bradley electric motors 3 phase ½ HP

### CEMETERY

- Minolta Printer
- Dell Monitor
- Bob cat Push Mower
- Sump pump
- Green Machine weed whip
- Bunn coffee maker
- Paint roller tray
- Air grease gun
- 2 paper towel holders
- Spray bottle
- 8 genie door openers
- 2 lift master door openers
- Atco air freshener container
- 2 metal drill bit boxes
- 2 Dewalt bit boxes
- 5 mower blades
- Paint roller end
- Weed whip strap
- 3 sprayers

### STREET

- 5 Tall filing cabinets
- 5 short filing cabinets
- 2 wooded desks
- Wooden book shelf
- 2 desk lamps
- Air compressor
- Mini bike
- Push lawn mower
- Push edger
- Gas powered hedge trimmers
- 2 gas powered roto tillers
- 1 large box tv
- 2 small box tv's
- Computer monitor
- Multiple office chairs
- Wheel chair
- Gas powered sting trimmer
- 5-10 scooters
- 80-100 bicycles of all makes and models

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO DISPOSE OF PERSONAL PROPERTY AND EQUIPMENT AS HAVING BECOME UNNECESSARY AND UNFIT FOR CITY USE PURSUANT TO SECTION 25 OF THE CITY CHARTER; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Section 25 of the City Charter authorizes the City Manager to conduct all sales of personal property that has become obsolete, unnecessary and unfit for City use; and

WHEREAS, the following items have been forfeited to or confiscated by the Sandusky Police Department and the related Court cases have been adjudicated and closed thereby eliminating the need to retain these items as evidence and these items have been determined to be obsolete, unnecessary and unfit for City use:

POLICE

- |                                      |   |
|--------------------------------------|---|
| (1) Vizio Blue Ray player            | Assorted shirts and pants (new) Chaps, Rue 21 |
| (1) Pair Ralph Lauren jeans 32 x 32  | UGG shoe care kit                             |
| (7) Pair of shoes/boots              | Selfie stick                                  |
| UGG boots w/sparkles size 6          | Cosmetic Jewelry                              |
| UGG boots black size 4               | 3 subwoofer boxes                             |
| Timberland boots- pink size junior 4 | 3 amps  |
| Timberland boots size 8.5            | 2 stereo decks                                |
| Nike air max blue/white size 8       | 2 large flat screen Tv's                      |
| Jordans black/white size children 9  | Pocket bike- mini crotch rocket               |
| Jordans white size 9                 | 250 cc Suzuki Dirt bike                       |

WHEREAS, the following items have been determined to be obsolete, unnecessary and unfit for City use by the respective departments listed:

FIRE

- |   |   |
|---|---|
| 1- Schwinn stationary bike  | 8- MSA SCBA mask inhalation tubes               |
| 1- Weedwacker- Troy Built TBOBC                                   | 15- MSA SCBA masks                              |
| 1- Weedwacker- 25cc Craftsman                                     | 2- Industrial survivor SCBA 2216 ½ hr. w/ masks |
| 1- Handheld leaf blower 32cc                                      |   |
| 1- Apex 19" TV  | BIWW  |
| 1- Zenith 19" TV  | 3 desks   |
| 1- Sanyo 13" TV   | 2 window air conditioners                       |
| 1- Emerson 13" TV   | Stove   |
| 1- GE 32" TV  | Refrigerator                                    |
| 2- Magnavox DVD players   |   |
| 1- Solidex VHS rewinder   | COMMUNITY DEVELOPMENT                           |
| 1- TV ceiling hanging bracket                                     | Desk with top shelf                             |
| 9- Boxes of Polaroid 600 instant camera film (20 photos each)     | 2 drawer filing cabinet                         |
| 1- 14' roof ladder with hooks                                     | HOUSING   |
| 3- Stryker Rugged collapsible ambulance cots & mounting equipment | Buell Motorcycle                                |
| 1- Stryker power pro xt ambulance cot                             | SEWER   |
| 1- Ray Marine GPS (E120), depth finder & radar                    | 5 allen Bradley electric motors 3 phase ½ HP    |
| 2- Fyr Flote floating pumps                                       |   |
| 3- Industrial- MSA SCBA backplates & regulators                   |   |
| 4 -MSA SCBA plastic mask cases                                    |   |



**STREET**

5 Tall filing cabinets  
5 short filing cabinets  
2 wooded desks  
Wooden book shelf  
2 desk lamps  
Air compressor  
Mini bike  
Push lawn mower  
Push edger  
Gas powered hedge trimmers  
2 gas powered roto tillers  
1 large box tv  
2 small box tv's  
Computer monitor  
Multiple office chairs  
Wheel chair  
Gas powered sting trimmer  
5-10 scooters  
80-100 bicycles of all makes and models

**CEMETERY**

Minolta Printer  
Dell Monitor  
Bob cat Push Mower  
Sump pump  
Green Machine weed whip  
Bunn coffee maker  
Paint roller tray  
Air grease gun  
2 paper towel holders  
Spray bottle  
8 genie door openers  
2 lift master door openers  
Atco air freshener container  
2 metal drill bit boxes  
2 Dewalt bit boxes  
5 mower blades  
Paint roller end  
Weed whip strap  
3 sprayers

**WHEREAS**, the proceeds from the sale of these items will be placed into the General Fund, Law Enforcement Trust Fund, and the Street Fund; 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 for the items to be declared unnecessary and unfit for City use prior to the public auction scheduled for October 7, 2017; 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 Services, 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. This City Commission finds and determines that the personal property described in the preamble above has become obsolete and is unnecessary and unfit for City use pursuant to Section 25 of the City Charter and the City Manager is authorized and directed to dispose of the personal property through public auction, sale process or by internet auction and the proceeds from the sale of these items will be placed into the General Fund, Law Enforcement Trust Fund, and the Street Fund.

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.

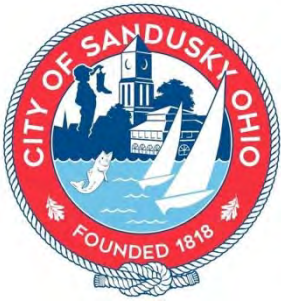
Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted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

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: September 11, 2017



**DEPARTMENT OF FINANCE**  
**HANK S. SOLOWIEJ, CPA, FINANCE DIRECTOR**

222 Meigs Street  
Sandusky, Ohio 44870  
Phone (419) 627-5888  
Fax (419) 627-5892

TO: Eric L. Wobser, City Manager  
FROM: Hank S. Solowiej, CPA, Finance Director  
DATE: September 1, 2017  
RE: Commission Agenda Item

**ITEM FOR CONSIDERATION:**

Ohio Rev. Code Section 5705.34 requires each taxing authority to pass an ordinance or resolution to authorize the necessary tax levies. Each such authority is to certify the levies to the county auditor before October 1st.

I am requesting a resolution accepting the amounts and rates as determined by the Erie County Budget Commission; authorizing the necessary tax levies and certifying them to the Erie County Auditor.

**BUDGETARY INFORMATION:**

The City is required to accept the tax rates as determined by the Erie County Budget Commission before October 1, 2017. This approval establishes funding for 2018. The prior year resolution was passed by City Commission on September 12, 2016 (Resolution No. 046-16R).

**ACTION REQUESTED:**

It is recommended that the resolution be approved in accordance with Section 14 of the City Charter under suspension of the rules. The need for immediate action is because the deadline for approval is October 1, 2017.

CC: Justin Harris, Law Director

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE ERIE COUNTY BUDGET COMMISSION; AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Erie County Budget Commission has certified its action regarding the amounts and rates and necessary tax levies to this Commission together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Commission and what part thereof is without of and what part is within the ten-mill tax limitation; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to meet the statutory deadline of October 1, 2017, for approval as required by O.R.C. §5705.34; 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 Municipal Departments, including the Finance Department, 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 Resolution 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 RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission approves the amounts and rates as determined by the Budget Commission in its certification to this Commission.

Section 2. There be and hereby is levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten-mill limitation as set forth below:

**SCHEDULE A**

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX  
APPROVED BY THE ERIE COUNTY BUDGET COMMISSION, AND THE ERIE COUNTY  
AUDITOR’S ESTIMATED TAX RATES**

AMOUNTS APPROVED BY THE BUDGET COMMISSION  
INSIDE 10-MILL LIMITATION

		INSIDE 10-MILL
General Fund	\$1,680,089.00	3.65
Police Pension Fund	\$ 138,089.00	.30
Fire Pension Fund	\$ 138,089.00	.30
TOTAL	\$1,956,267.00	4.25

AMOUNTS TO BE DERIVED FROM LEVIES  
OUTSIDE 10-MILL LIMITATION

		OUTSIDE 10-MILL
Library - Bond Fund	\$460,298.00	1.00
TOTAL	\$460,298.00	1.00

Section 3. The Clerk of the City Commission be and is hereby directed to certify a copy of this Resolution to the Erie County Auditor.

Section 4. If any section, phrase, sentence, or portion of this Resolution 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 5. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution 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 6. That for the reasons set forth in the preamble hereof, this Resolution 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.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: September 11, 2017

**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY  
THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES  
AND CERTIFYING THEM TO THE COUNTY AUDITOR**

(City Commission)

Revised Code Secs. 5705.34, 5705.35

The City Commission of **Sandusky**, Erie County, Ohio met in \_\_\_\_\_  
session on the \_\_\_\_\_ day of \_\_\_\_\_, 2017 at the office of \_\_\_\_\_  
with the following members present:

M \_\_\_\_\_

M \_\_\_\_\_

M \_\_\_\_\_

M \_\_\_\_\_

M \_\_\_\_\_

M \_\_\_\_\_

M \_\_\_\_\_

RECEIVED  
SANDUSKY FINANCE DEPT  
2017 AUG 23 AM 8:18

M \_\_\_\_\_ moved the adoption of the following resolution:

**RESOLVED**, by the City Commission of **Sandusky**, Erie County, Ohio,  
in accordance with the provisions of law has previously adopted a tax budget for the next  
succeeding fiscal year commencing on January 1st, 2018; and

**WHEREAS**, The Budget Commission of Erie County, Ohio has certified its action thereon  
to this Board together with an estimate by the County Auditor of the rate of each tax necessary  
to be levied by this Board, and what part thereof is without, and what part within the ten-mill tax  
limitation; therefore be it

**RESOLVED**, by the City Commission of **Sandusky**, Erie County, Ohio that the  
amounts and rates as determined by the Budget Commission in its certification,  
be and the same are hereby accepted; and be it further

**RESOLVED**, That there be and is hereby levied on the tax duplicate of said City the rate of  
each tax necessary to be levied within and without the ten mill limitation as follows:

## SCHEDULE A

### SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY THE BUDGET COMMISSION, AND THE COUNTY AUDITOR'S ESTIMATED TAX RATES

FUND	Amount to be derived from levies outside 10 mill limit	Approved by Budget Commission inside 10 mill limit	County Auditor's Estimate of Tax rate to be levied		
			Inside 10 mill limit	Outside 10 mill limit	
	Column II	Column IV	V	VI	
General Fund		1,680,089	3.65		
Police Pension		138,089	0.30		
Fire Pension		138,089	0.30		
Library - Bond	460,298			1.00	
Fund					
Fund					
Fund					
Fund					
<b>TOTAL</b>	460,298	1,956,267	4.25	1.00	

## SCHEDULE B

### LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate	County Auditor's Estimate of yield of levy (Carry to schedule A, Column II)
GENERAL FUND:		
Current expense levy authorized by voters on _____ 19 for not to exceed _____ years.		
Current expense levy authorized by voters on _____ 19 for not to exceed _____ years.		
Current expense levy authorized by voters on _____ 19 for not to exceed _____ years.		
Current expense levy authorized by voters on _____ 19 for not to exceed _____ years.		
Current expense levy authorized by voters on _____ 19 for not to exceed _____ years.		
Total General Fund outside 10 mill limitation:		

**SCHEDULE B (continued)**  
**LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES**

FUND	Maximum Rate	County Auditor's Estimate of yield of levy (Carry to schedule A, Column II)
Library bond issue authorized by voters on __ November 3, 1998 and continuing through tax year 2022	1.00	460,298
Current expense levy authorized by voters on __ November 2, 1999 for not to exceed _____ years		
Current expense levy authorized by voters on May 8, 2001 for not to exceed _____ years		
Current expense levy authorized by voters on _____ 19____ for not to exceed _____ years		
Current expense levy authorized by voters on _____ 19____ for not to exceed _____ years		

and be it further

**RESOLVED**, That the Clerk of this Commission be, and is hereby directed to certify a copy of this resolution to the County Auditor of said County.

M \_\_\_\_\_ seconded the Resolution and the roll  
being called upon its adoption of the vote resulted as follows:

M \_\_\_\_\_ , \_\_\_\_\_

M \_\_\_\_\_ , \_\_\_\_\_

M \_\_\_\_\_ , \_\_\_\_\_

M \_\_\_\_\_ , \_\_\_\_\_

M \_\_\_\_\_ , \_\_\_\_\_

M \_\_\_\_\_ , \_\_\_\_\_

M \_\_\_\_\_ , \_\_\_\_\_

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

ATTEST:

\_\_\_\_\_  
Clerk of the Commission of  
**City of Sandusky**  
**Erie County, OHIO**



# CERTIFICATE TO COPY

ORIGINAL ON FILE

**The State of Ohio, Erie County, ss**

I, \_\_\_\_\_, Clerk of the City Commission of  
**Sandusky**, in said County, and in whose custody the files and records of said Board  
are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing  
is taken and copied from the original \_\_\_\_\_

---

now on file, that the foregoing has been compared by me with said original document, and that  
the same is a true and correct copy thereof.

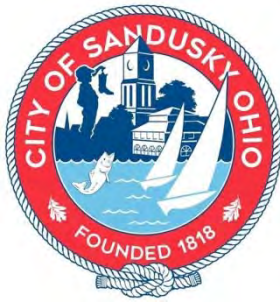
Witness my signature, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

---

Clerk of the City Commission of

**Sandusky**  
Erie County, Ohio

A copy of this resolution must be certified to the County Auditor before the first day of October in each year,  
or at such later date as may be approved by the Board of Tax Appeals.



**DEPARTMENT OF FINANCE**  
**HANK S. SOLOWIEJ, CPA, FINANCE DIRECTOR**

222 Meigs Street  
Sandusky, Ohio 44870  
Phone (419) 627-5888  
Fax (419) 627-5892

TO: Eric L. Wobser, City Manager  
FROM: Hank S. Solowiej, CPA, Finance Director  
DATE: August 31, 2017  
RE: Commission Agenda Item

**ITEM FOR CONSIDERATION:**

City Commission approval of an ordinance authorizing payment in the amount of \$36,208.72 to the Ohio Department of Natural Resources (ODNR) for submerged land lease SUB-0530-ER, the Sandusky Sailing Club, for the period of September 1, 2016 to August 31, 2017 and September 1, 2017 to August 31, 2018.

**BACKGROUND INFORMATION:**

As part of the Lease agreement approved by City Commission in October, 2007, the Sandusky Sailing Club agreed to become a sub-lessee to the City's Submerged Land Lease with respect to their Club grounds and marina basin. ODNR has approved the new metes and bounds description of the property and prepared new Submerged Land Lease and Consent to Sub-Lease documents in 2008.

**BUDGETARY INFORMATION:**

This submerged land lease is payable by the City of Sandusky as the lease holder. The Sandusky Sailing Club will reimburse the City for the cost of the lease pursuant to their Lease agreement with the City. ODNR does not allow a sub-lease holder to make a Submerged Land Lease payment on the City's behalf.

Ordinance No. 15-116 was passed by the City Commission on August 24, 2015, approving payment in the amount of \$18,020.14, for the period September 1, 2015 to August 31, 2016.

**ACTION REQUIRED:**

It is requested that the City Commission enact the ordinance and have it take immediate effect under Section 14 of the City Charter in order to make timely payment to the Ohio Department of Natural Resources. Payment is due September 16, 2017.

CC: Justin Harris, Law Director



# Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

August 22, 2017

City of Sandusky  
Director of Public Works  
Attn: Megan E. Stookey  
222 Meigs Street  
Sandusky, Ohio 44870  
mstookey@ci.sandusky.oh.us

*Via email*

RE: Lake Erie Submerged Lands Lease File Number SUB-0530-ER (Lease)

Dear Ms. Stookey:

Per your email on August 16, 2017, attached is invoice DNRSL180017 for \$18,104.36 for the Lease year that commenced on 9/1/2016; and invoice DNRSL180018 for \$18,104.36 for the Lease year commencing 9/1/2017. Both invoices are dated August 17, 2017 with a total amount due of \$36,208.72 for Lake Erie Submerged Lands Lease File Number SUB-0530-ER.

Please return page 2 of the each of the enclosed invoices along with payment payable to Ohio Treasurer of State to the following address: Ohio Department of Natural Resources, Office of Coastal Management, 105 West Shoreline Drive, Sandusky, Ohio 44870-2501.

If you have any questions or need further assistance, please contact me at (419) 609-4121.

Sincerely,

Virginia R. Bahs  
Property Management Specialist

## Attachments

cc: Scudder D. Mackey, Ph.D., Chief, Office of Coastal Management  
cc: File

RECEIVED  
SANDUSKY FINANCE DEPT  
2017 AUG 24 AM 9:36

State of Ohio - Ohio Dept of Natural Resources  
Submerged Lands Lease Invoice

Please Remit To:

105 West Shoreline Dr.  
Sandusky OH 44870

Page:

1

Invoice No:

DNRSLL180017

Consolidated Invoice No:

Invoice Date:

08/17/2017

Customer Number:

SUB-0530-ER001

Payment Terms:

NET 30

Due Date:

09/16/2017

Bill To:

City of Sandusky  
Attn: Director of Public Works  
222 Meigs St.  
Sandusky OH 44870

AMOUNT DUE:

18,104.36 USD

Make Checks Payable To: Ohio Treasurer of State

Billing Service Period: From 01-SEP-2016 To 31-AUG-2017

For billing questions, please call (419) 626-7980

To ensure proper payment processing, please be sure the invoice number is on all payments.

Line	Adj	Identifier	Description	Quantity	UOM	Unit Amt	Net Amount
Purchase Order			Contract Number	From Date	To Date		
1		SLL LEASE		1.00	EA	18,104.3600	18,104.36
				09/01/16	08/31/17		
SUBTOTAL:							18,104.36
TOTAL AMOUNT DUE :							18,104.36

Lease Periods: 09/01/2016 to 08/31/2017.

Please remit 2nd copy of invoice with your payment.

STANDARD

Original

RECEIVED  
SANDUSKY FINANCE DEPT  
2017 AUG 24 AM 9:36

State of Ohio - Ohio Dept of Natural Resources  
Submerged Lands Lease Invoice

Please Remit To:

105 West Shoreline Dr.  
Sandusky OH 44870

Page: 2  
Invoice No: DNRSL180017  
Consolidated Invoice No:  
Invoice Date: 08/17/2017  
Customer Number: SUB-0530-ER001  
Payment Terms: NET 30  
Due Date: 09/16/2017

Bill To:

City of Sandusky  
Attn: Director of Public Works  
222 Meigs St.  
Sandusky OH 44870

AMOUNT DUE: 18,104.36 USD

Amount Remitted

Make Checks Payable To: Ohio Treasurer of State

Billing Service Period: From 01-SEP-2016 To 31-AUG-2017

For billing questions, please call (419) 626-7980

To ensure proper payment processing, please be sure the invoice number is on all payments.

Invoice Summary

SUBTOTAL of Invoice Details:

18,104.36

TOTAL AMOUNT DUE :

18,104.36

RECEIVED  
SANDUSKY FINANCE DEPT  
2017 AUG 24 AM 9:36

STANDARD

Original

State of Ohio - Ohio Dept of Natural Resources  
Submerged Lands Lease Invoice

Please Remit To:

105 West Shoreline Dr.  
Sandusky OH 44870

Page: 1  
Invoice No: DNRSL180018  
Consolidated Invoice No:  
Invoice Date: 08/17/2017  
Customer Number: SUB-0530-ER001  
Payment Terms: NET 30  
Due Date: 09/16/2017

Bill To:

City of Sandusky  
Attn: Director of Public Works  
222 Meigs St.  
Sandusky OH 44870

AMOUNT DUE: 18,104.36 USD

Make Checks Payable To: Ohio Treasurer of State

Billing Service Period: From 01-SEP-2017 To 31-AUG-2018

For billing questions, please call (419) 626-7980

To ensure proper payment processing, please be sure the invoice number is on all payments.

Line	Adj	Identifier	Description	Quantity	UOM	Unit Amt	Net Amount
Purchase Order			Contract Number	From Date	To Date		
1		SLL LEASE		1.00	EA	18,104.3600	18,104.36
				09/01/17	08/31/18		
SUBTOTAL:							18,104.36
TOTAL AMOUNT DUE :							18,104.36

Lease Periods: 09/01/2017 to 08/31/2018.

Please remit 2nd copy of invoice with your payment.

STANDARD

Original

RECEIVED  
SANDUSKY FINANCE DEPT  
2017 AUG 24 AM 9:37

State of Ohio - Ohio Dept of Natural Resources  
Submerged Lands Lease Invoice

**Please Remit To:**

105 West Shoreline Dr.  
Sandusky OH 44870

Page:

2

Invoice No:

DNRSLL180018

Consolidated Invoice No:

Invoice Date:

08/17/2017

Customer Number:

SUB-0530-ER001

Payment Terms:

NET 30

Due Date:

09/16/2017

**Bill To:**

City of Sandusky  
Attn: Director of Public Works  
222 Meigs St.  
Sandusky OH 44870

**AMOUNT DUE:**

**18,104.36 USD**

Amount Remitted

**Make Checks Payable To:** Ohio Treasurer of State

Billing Service Period: From 01-SEP-2017 To 31-AUG-2018

For billing questions, please call (419) 626-7980

To ensure proper payment processing, please be sure the invoice number is on all payments.

Invoice Summary

SUBTOTAL of Invoice Details:

18,104.36

**TOTAL AMOUNT DUE :**

18,104.36

RECEIVED  
SANDUSKY FINANCE DEPT  
2017 AUG 24 AM 9:37

STANDARD

Original

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO MAKE PAYMENT TO THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR), OFFICE OF COASTAL MANAGEMENT FOR RENTAL PAYMENT ON SUBMERGED LANDS LEASE FILE NO. SUB-0530-ER FOR THE PERIOD OF SEPTEMBER 1, 2016, THROUGH AUGUST 31, 2018; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City Commission authorized a replacement Submerged Lands Lease with the Ohio Department of Natural Resources, a Sublease Agreement with the Sandusky Sailing Club, Inc., a Consent to Sublease with the Ohio Department of Natural Resources and the Sandusky Sailing Club, Inc, and an Agreement to provide scholarships for sailing programs and related activities for low income children and families by Ordinance Nos. 08-079, 08-080 and 08-081, passed on August 25, 2008; and

**WHEREAS**, the City of Sandusky is the Lessee of Submerged Lands Lease, File No. SUB-0530-ER, for the submerged land which is part of the Sandusky Sailing Club and as the Lessee, is responsible for all terms and conditions contained in the Submerged Lands Lease, including any annual rent; and

**WHEREAS**, as part of the Sublease Agreement with the Sandusky Sailing Club, the cost for the annual Submerged Lands Lease rental payment is to be reimbursed by the Sandusky Sailing Club to the City; and

**WHEREAS**, the total cost for Submerged Lands Lease File No. SUB-0530-ER, as reflected on the current unpaid invoices is \$36,208.72 and will initially be paid by the City and then reimbursed by the Sandusky Sailing Club in accordance with their Agreement with the City; 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 make payment in a timely manner and before the due date of September 16, 2017; 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 Finance Department, 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 and/or Finance Director is authorized and directed to make payment to the Treasurer of the State of Ohio as requested by the Ohio Department of Natural Resources (ODNR), Office of Coastal Management, Sandusky, Ohio, for rental payment for Submerged Lands Lease File No. SUB-0530-ER, for the period September 1, 2016, through August 31, 2017, in the amount of Eighteen Thousand One Hundred Four and 36/100 Dollars (\$18,104.36), and for the period September 1, 2017, through August 31, 2018, in the amount of Eighteen Thousand One Hundred Four and 36/100 Dollars (\$18,104.36), for a total amount **not to exceed** Thirty Six Thousand Two Hundred Eight and 72/100 Dollars (\$36,208.72), consistent with the invoices submitted to the City.

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.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: September 11, 2017



**DEPARTMENT OF FINANCE**  
**HANK S. SOLOWIEJ, CPA, FINANCE DIRECTOR**

222 Meigs Street  
Sandusky, Ohio 44870  
Phone (419) 627-5888  
Fax (419) 627-5892

TO: Eric L. Wobser, City Manager  
FROM: Hank S. Solowiej, CPA, Finance Director  
DATE: August 31, 2017  
RE: Commission Agenda Item

**ITEM FOR CONSIDERATION:**

City Commission approval of an ordinance authorizing payment in the amount of \$27,528.68 to the Ohio Department of Natural Resources (ODNR) for submerged land lease SUB-2119B-ER, the Chesapeake Lofts, for the period of April 1, 2016 to March 31, 2017 and April 1, 2017 to March 31, 2018.

**BACKGROUND INFORMATION:**

This Submerged Lands Lease is payable by the City of Sandusky as the leaseholder. The Chesapeake Lofts Condominium Association, Mid-States Development Corporation's assigned sub-lessee, will reimburse the City for the cost of the lease payment pursuant to Submerged Lands Lease Agreement SUB-2119B-ER, between the City, Mid-States Bayfront Development, LLC and the Ohio Department of Natural Resources.

**BUDGETARY INFORMATION:**

This submerged land lease is payable by the City of Sandusky as the lease holder. The Chesapeake Lofts Condo Association will reimburse the City for the cost of the lease. ODNR does not allow a sub-lease holder to make a Submerged Land Lease payment on the City's behalf.

Ordinance No. 15-046 was passed by the City Commission on March 23, 2015, approving payment in the amount of \$13,764.34, for the period April 1, 2015 to March 31, 2016.

**ACTION REQUIRED:**

It is requested that the City Commission enact the ordinance and have it take immediate effect under Section 14 of the City Charter in order to make timely payment to the Ohio Department of Natural Resources. Payment is due September 16, 2017.

CC: Justin Harris, Law Director



# Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

August 22, 2017

City of Sandusky  
Director of Public Works  
Attn: Megan E. Stookey  
222 Meigs Street  
Sandusky, Ohio 44870  
mstookey@ci.sandusky.oh.us

*Via email*

RE: Lake Erie Submerged Lands Lease File Number SUB-2119B-ER (Lease)

Dear Ms. Stookey:

Per your email on August 16, 2017, attached is invoice DNRSL180023 for \$13,764.34 for the Lease year that commenced on 4/1/2016; and invoice DNRSL180024 for \$13,764.34 for the Lease year commenced on 4/1/2017. Both invoices are dated August 17, 2017 with a total amount due of \$27,528.68 for Lake Erie Submerged Lands Lease File Number SUB-2119B-ER.

Please return page 2 of each of the enclosed invoices along with payment payable to Ohio Treasurer of State to the following address: Ohio Department of Natural Resources, Office of Coastal Management, 105 West Shoreline Drive, Sandusky, Ohio 44870-2501.

If you have any questions or need further assistance, please contact me at (419) 609-4121.

Sincerely,

A handwritten signature in blue ink, appearing to read "Virginia R. Bahs".

Virginia R. Bahs  
Property Management Specialist

## Attachments

cc: Scudder D. Mackey, Ph.D., Chief, Office of Coastal Management  
cc: File

State of Ohio - Ohio Dept of Natural Resources  
Submerged Lands Lease Invoice

Please Remit To:  
105 West Shoreline Dr.  
Sandusky OH 44870

Page: 1  
Invoice No: DNRSL180023  
Consolidated Invoice No:  
Invoice Date: 08/17/2017  
Customer Number: SUB-2119B-ER001  
Payment Terms: NET 30  
Due Date: 09/16/2017

Bill To:  
City of Sandusky  
Attn: Director of Public Works  
222 Meigs St.  
Sandusky OH 44870

AMOUNT DUE: 13,764.34 USD

Make Checks Payable To: Ohio Treasurer of State

Billing Service Period: From 01-APR-2016 To 31-MAR-2017

For billing questions, please call (419) 626-7980

To ensure proper payment processing, please be sure the invoice number is on all payments.

Line	Adj	Identifier	Description	Contract Number	Quantity	UOM	Unit Amt	Net Amount
Purchase Order					From Date	To Date		
1		SLL LEASE			1.00	EA	13,764.3400	13,764.34
					04/01/16	03/31/17		
SUBTOTAL:							13,764.34	
TOTAL AMOUNT DUE :							13,764.34	

Lease Periods: 04/01/2016 to 03/31/2017.

Please remit 2nd copy of invoice with your payment.

STANDARD

Original

State of Ohio - Ohio Dept of Natural Resources  
Submerged Lands Lease Invoice

**Please Remit To:**  
105 West Shoreline Dr.  
Sandusky OH 44870

Page: 2  
Invoice No: DNRSL180023  
Consolidated Invoice No:  
Invoice Date: 08/17/2017  
Customer Number: SUB-2119B-ER001  
Payment Terms: NET 30  
Due Date: 09/16/2017

**Bill To:**  
City of Sandusky  
Attn: Director of Public Works  
222 Meigs St.  
Sandusky OH 44870

**AMOUNT DUE:** 13,764.34 USD

Amount Remitted

**Make Checks Payable To:** Ohio Treasurer of State

Billing Service Period: From 01-APR-2016 To 31-MAR-2017

For billing questions, please call (419) 626-7980

To ensure proper payment processing, please be sure the invoice number is on all payments.

Invoice Summary

SUBTOTAL of Invoice Details:

13,764.34

**TOTAL AMOUNT DUE :**

13,764.34

**State of Ohio - Ohio Dept of Natural Resources  
Submerged Lands Lease Invoice**

**Please Remit To:**  
105 West Shoreline Dr.  
Sandusky OH 44870

Page: 1  
Invoice No: DNRSL180024  
Consolidated Invoice No:  
Invoice Date: 08/17/2017  
Customer Number: SUB-2119B-ER001  
Payment Terms: NET 30  
Due Date: 09/16/2017

**Bill To:**  
City of Sandusky  
Attn: Director of Public Works  
222 Meigs St.  
Sandusky OH 44870

**AMOUNT DUE: 13,764.34 USD**

**Make Checks Payable To:** Ohio Treasurer of State  
Billing Service Period: From 01-APR-2017 To 31-MAR-2018  
For billing questions, please call (419) 626-7980  
To ensure proper payment processing, please be sure the invoice number is on all payments.

Line	Adj	Identifier	Description	Contract Number	Quantity	UOM	From Date	To Date	Unit Amt	Net Amount
1		SLL LEASE			1.00	EA	04/01/17	03/31/18	13,764.3400	13,764.34
<b>SUBTOTAL:</b>										13,764.34
<b>TOTAL AMOUNT DUE :</b>										13,764.34

Lease Periods: 04/01/2017 to 03/31/2018.

Please remit 2nd copy of invoice with your payment.

STANDARD

Original

State of Ohio - Ohio Dept of Natural Resources  
Submerged Lands Lease Invoice

**Please Remit To:**

105 West Shoreline Dr.  
Sandusky OH 44870

Page: 2  
Invoice No: DNRSL180024  
Consolidated Invoice No:  
Invoice Date: 08/17/2017  
Customer Number: SUB-2119B-ER001  
Payment Terms: NET 30  
Due Date: 09/16/2017

**Bill To:**

City of Sandusky  
Attn: Director of Public Works  
222 Meigs St.  
Sandusky OH 44870

**AMOUNT DUE: 13,764.34 USD**

Amount Remitted

**Make Checks Payable To:** Ohio Treasurer of State

Billing Service Period: From 01-APR-2017 To 31-MAR-2018

For billing questions, please call (419) 626-7980

To ensure proper payment processing, please be sure the invoice number is on all payments.

Invoice Summary

SUBTOTAL of Invoice Details:

13,764.34

**TOTAL AMOUNT DUE :**

13,764.34

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO MAKE PAYMENT TO THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR), OFFICE OF COASTAL MANAGEMENT FOR RENTAL PAYMENT ON SUBMERGED LANDS LEASE FILE NO. SUB-2119B-ER FOR THE PERIOD OF APRIL 1, 2016, THROUGH MARCH 31, 2018; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City of Sandusky is the Lessee of a Submerged Lands Lease, File No. SUB-2119B-ER, for the submerged land which is part of the Chesapeake Lofts and as the Lessee, is responsible for all terms and conditions contained in the Submerged Lands Lease, including any annual rent; and

**WHEREAS**, as part of the agreement with Mid-States Development Corporation, the cost for the annual Submerged Lands Lease rental payment is to be reimbursed by Mid-States to the City; and

**WHEREAS**, the total cost for Submerged Lands Lease File No. SUB-2119B-ER, as reflected on the current unpaid invoices, is \$27,528.68 and will initially be paid by the City and then reimbursed by the Chesapeake Lofts Condominium Association, Mid-States Development Corporation's assigned sub-lessee, in accordance with 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 make payment in a timely manner and before the due date of September 16, 2017; 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 Finance Department 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 and/or Finance Director is authorized and directed to make payment to the Ohio Treasurer of State as requested by the Ohio Department of Natural Resources (ODNR), Office of Coastal Management, Sandusky, Ohio, for rental payment for Submerged Lands Lease File No. SUB-2119B-ER, for the period April 1, 2016, through March 31, 2017, in the amount of Thirteen Thousand Seven Hundred Sixty Four and 34/100 Dollars (\$13,764.34),



and for the period April 1, 2017, through March 31, 2018, in the amount of Thirteen Thousand Seven Hundred Sixty Four and 34/100 Dollars (\$13,764.34), for a total amount **not to exceed** Twenty Seven Thousand Five Hundred Twenty Eight and 68/100 Dollars (\$27,528.68), consistent with the invoices submitted to the City.

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.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: September 11, 2017

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING PART THREE (TRAFFIC CODE), TITLE NINE (PEDESTRIANS, BICYCLES AND MOTORCYCLES), CHAPTER 379 (GOLF CARTS), OF THE CODIFIED ORDINANCES, IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW.

**WHEREAS**, in order to permit the use of “gators, mules, and other utility vehicles” on City streets, this City Commission ordered legislation at their regularly scheduled City Commission meeting on August 28, 2017, and therefore it is requested to amend Chapter 379 (Golf Carts) of the Codified Ordinances of the City of Sandusky to include the definition and use of utility vehicles; 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 Municipal Departments of the City of Sandusky, Ohio and, NOW, THEREFORE,

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

**NEW LANGUAGE APPEARS IN BOLD PRINT**

**LANGUAGE TO BE STRICKEN APPEARS WITH A STRIKE THROUGH IT**

**LANGUAGE TO REMAIN UNCHANGED APPEARS IN REGULAR PRINT**

Section 1. Part Three (Traffic Code), Title nine (Pedestrians, Bicycles and Motorcycles), Chapter 379 (Golf Carts), of the Codified Ordinances of the City is hereby amended as follows:

CHAPTER 379  
GOLF CARTS **AND UTILITY VEHICLES**

379.01 DEFINITIONS.

379.02 INSPECTION OF GOLF CARTS **AND UTILITY VEHICLES.**

379.99 PENALTY.

379.01 DEFINITIONS.

(a) “Vehicle” has the same meaning as set forth in Ohio R.C. 4501.01(A).

(b) “Motor Vehicle” has the same meaning as set forth in Ohio R.C. 4501.01(B).

(c) “Operator” has the same meaning as set forth in Ohio R.C. 4501.01(X).

(d) “Golf cart” is a motor vehicle as that term is defined under Ohio R.C. 4501.01(B).

(e) **“Utility Vehicle” has the same meaning as set forth in Ohio R.C. 4501.01(VV).**

~~{Ord. 08-051. Passed 6-23-08.}~~

379.02 INSPECTION OF GOLF CARTS **AND UTILITY VEHICLES.**

(a) No person shall operate a golf cart **or utility vehicle** on the streets within the City of Sandusky unless the golf cart **or utility vehicle** has been inspected by the Chief of Police or designee for compliance with the State of Ohio's statutory requirements that are applicable to motor vehicles.

(b) The owner or operator of any golf cart **or utility vehicle** shall be required to pay an inspection fee as established by the Chief of Police. If the Chief of Police or designee determines that the golf cart **or utility vehicle** complies with the State of Ohio's statutory requirements that are applicable to motor vehicles, the Chief of Police or designee shall issue the owner or operator a certificate of compliance entitling the owner or operator to operate the golf cart **or utility vehicle** on the streets within the City of Sandusky. The owner or operator shall also show the Chief of Police or designee proof of liability insurance for the golf cart **or utility vehicle** before a certificate of compliance is issued.

(c) The owner of a golf cart **or utility vehicle** shall also comply with all requirements of Ohio law regarding proper title, registration and license plates prior to operating a golf cart **or utility vehicle** on any street within the City of Sandusky.

**(d) No person shall operate a golf cart or utility vehicle on the streets within the City of Sandusky where the posted speed limit is greater than 35 miles per hour.**

~~(Ord. 08-051. Passed 6-23-08.)~~

379.99 PENALTY.

Whoever violates this chapter is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; and each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

(Ord. 08-051. Passed 6-23-08.)

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.

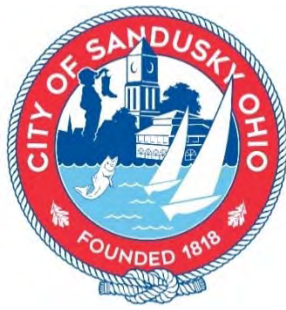
Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted 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 shall take effect at the earliest time allowed by Law.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed:



## DEPARTMENT OF PUBLIC WORKS

### *Division of Streets & Utilities*

222 Meigs Street  
Sandusky, Ohio 44870  
419.627.5829  
[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

To: Eric Wobser, City Manager

From: Aaron M. Klein, P.E.

Date: August 30, 2017

**Subject: Commission Agenda Item – Maintenance of State Route 2 in Sandusky City Limits**

**ITEM FOR CONSIDERATION:** Legislation to authorize the payment to the Treasurer of State, C/O Ohio Department of Transportation (ODOT) for maintenance of State Route 2, located within the city limits, in the amount of \$12,256.07.

**BACKGROUND INFORMATION:** Ordinance 8203-C, passed March 27, 1978, required the City of Sandusky to annually pay ODOT for maintenance that includes but is not limited to snow plowing, drainage repair, guardrail repair, pavement patching and crack sealing.

Beginning in the late 1990's an informal arrangement with ODOT was that the City plowed Cleveland Road from the City limits to Camp Road in Huron Township for ODOT and in return ODOT had "forgiven" the actual charges for snow and ice control costs on S.R. 2 within the City limits. In 2010, City staff worked out a new agreement with ODOT to include language that provided for this past practice of swapping of services and in 2012 approved a similar agreement which renews annually unless either party terminates the agreement. The fee for 7/1/15 through 6/30/16 was \$11,114.30.

**BUDGETARY INFORMATION:** The total cost for the State Route 2 maintenance services for dates 7/1/16 through 6/30/17, is \$12,256.07 and will be paid with the City of Sandusky State Highways Fund.

**ACTION REQUESTED:** It is recommended that proper legislation be prepared and approved to make the payment in the amount of \$12,256.07 to the Treasurer of State, C/O Department of Transportation (ODOT), for work performed 7/1/16 to 6/30/17, and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter to make payment as soon as possible for services already provided and prior to the due date of September 16, 2017.

I concur with this recommendation:

---

Eric Wobser, City Manager

cc: K. Kresser, Commission Clerk; H. Solowiej, Finance Director; J. Harris, Law Director



# INVOICE

## THE OHIO DEPARTMENT OF TRANSPORTATION

**IN ACCOUNT WITH:**

SANDUSKY CITY

222 MEIGS STREET  
SANDUSKY, OH 44870
**ADDRESS QUESTIONS CONCERNING  
THIS INVOICE TO:**
OHIO DEPARTMENT OF TRANSPORTATION  
906 NORTH CLARK AVE

ASHLAND

District - 3

(419)207-7031 Ext.

(419)207-7031 Ext.

COUNTY	INVOICE NO.	INVOICE DATE	PATROL REPORT	DUE DATE
	030066	8/17/2017		9/16/2017

DESCRIPTION OF WORK DONE:	UNIT	QUANTITY	UNIT PRICE	TOTAL
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Annual Maintenance Agreement for SR2, in Erie County. Period covers 07/01/16 through 06/30/17.

DESCRIPTION OF WORK DONE:	UNIT	QUANTITY	UNIT PRICE	TOTAL
ANNUAL MAINTENANCE AGREEMENT	YEAR	1	\$12,256.07	\$12,256.07



SUBMISSION OF THIS INVOICE TO YOUR INSURANCE COMPANY OR EMPLOYER IS YOUR RESPONSIBILITY  
FOR VISA/MASTERCARD PAYMENT PLEASE CALL THE ABOVE DISTRICT OFFICE FOR DETAILS

<b>TOTAL AMOUNT DUE</b>	<b>\$ 12,256.07</b>
-------------------------	---------------------



PLEASE RETURN BOTTOM PORTION OF INVOICE WITH PAYMENT


**MAKE CHECKS PAYABLE TO:**
TREASURER OF STATE  
C/O DEPARTMENT OF TRANSPORTATION

INVOICE NUMBER: 030066

**REMIT TO:**
OFFICE OF BUDGET AND FORECASTING  
1980 WEST BROAD STREET, 4th FLOOR  
COLUMBUS, OH 43223  
ATTN: ACCOUNTS RECEIVABLE 2130

TOTAL DUE: \$ 12,256.07

DUE DATE: 9/16/2017

## **SANDUSKY AGREEMENT**

This Agreement is made by and between the State of Ohio, Department of Transportation, 1980 West Broad Street, Columbus, Ohio 43223 (ODOT), hereinafter referred to as **STATE**, and the City of Sandusky, 222 Meigs Street, Sandusky, OH 44870, hereinafter referred to as **CITY**.

### **1. Introduction**

- 1.1 Pursuant to Ohio Revised Code Sections 5501.03(A), 5501.31, and 5511.01, the Ohio General Assembly has provided that the Director of the Ohio Department of Transportation shall have general supervision of all roads comprising the State Highway System outside of a municipal corporation, including maintenance and repair thereof, and that the director may enter into such contracts necessary to fulfill such supervision and maintenance.
- 1.2 Major Repair, Rehabilitation or Reconstruction – The STATE shall continue to program projects and let contracts for major repair, reconstruction and/or rehabilitation as determined by the STATE in accordance with departmental policies. These projects shall include, but not be limited to, resurfacing in accordance with STATE pavement policies, major bridge repair, bridge painting, bridge deck replacement, upgrading of signs, or major drainage repairs. These projects will be programmed and administered by the STATE to maximize the use of Federal funds.
- 1.3 Pursuant to Ohio Revised Code Section 723.01, it is the duty of CITY to maintain all highways within the limits of its municipal corporation.
- 1.4 In the interest of public safety and convenience, it is the desire of the parties hereto to enter into an agreement for performing snow and ice control and routine maintenance on certain portions of state highway in and around the city of Sandusky.

### **2 Snow and Ice Removal**

- 2.1 The STATE will perform snow and ice control on the following portions of roadway within the corporation limits:
  - SR2: from rural areas west of Sandusky to rural areas east of Sandusky. This includes lane miles within the city of Sandusky [3.79 to 4.84 (1.05 miles x 4 lanes) = 4.20 lane miles]
  - SR2 Ramps at US6 (west jct.): within the city of Sandusky - approximately 2.40 lane miles
- 2.2 The CITY will perform snow and ice control on the following portions of roadway outside of the corporation limits:
  - US6: from within the city to Camp Rd. (including rural section from east corporation limit to Camp Rd. [11.26 to 13.85 = 5.18 lane miles]



## 2.3 Snow and Ice Control

2.3.1 The goal of effective snow and ice control is to provide traction and uniformity of the pavement surface, as soon as practical.

2.3.2 Guidelines from the Ohio Department of Transportation Maintenance Administration Manual

Route Goals during an Event

First Priority - Maintain 90% clear pavement when practical. (Edge line to Edge line)

Second Priority - Maintain 60% clear pavement when practical. (Edge line to Edge line)

Third Priority - Maintain 50% clear pavement when practical. (Edge line to Edge line)

Cleanup after an Event

First Priority - Obtain 100% clear pavement as soon as practical. (Edge line to Edge line)

Second and Third Priority - Obtain 95% clear pavement as soon as practical. (Edge line to Edge line)

2.3.3 Route Priorities

SR2 = First Priority

US6 = First Priority

## 3. **Routine Maintenance**

3.1 Routine maintenance is defined as the act of preserving and keeping each type of roadway, roadside structure or facility within the right-of-way as nearly as possible in its original condition as constructed or as subsequently improved, to provide satisfactory and safe highway transportation. Routine maintenance may include, but may not be limited to: crack sealing, pothole patching, pavement repairs, pavement markings (long line and auxiliary), sign repair, mowing, possibly herbicidal spraying, street and bridge sweeping, litter pickup, guardrail repair, lighting maintenance, minor drainage repairs (less than \$15,000 total cost) as determined by the CITY or STATE depending on jurisdiction, catch basin and drainage structure cleaning.

3.2 This agreement excludes permit issuance, signal maintenance, culvert replacements and major drainage repairs (\$15,000 total cost or more). These items will remain the responsibility of the agency with jurisdictional responsibility based on corporation limits. (in City = CITY; rural = STATE).



3.3 The STATE will perform routine maintenance on the following portions of roadway within the city:

- SR2: from rural areas west of Sandusky to rural areas east of Sandusky. This includes lane miles within the city of Sandusky [3.79 to 4.84 (1.05 miles x 4 lanes) = 4.20 lane miles]
- SR2 Ramps at US6 (west jct.): within the city of Sandusky - approximately 2.40 lane miles

3.4 The CITY will perform routine maintenance on the following portions of roadway within rural areas:

none

#### 4 **Signal/Lighting Maintenance**

4.1 This agreement does not include signal maintenance; the CITY will continue to perform preventive and routine maintenance on systems within the city and the STATE will maintain the systems within their jurisdiction.

#### 5 **Notices**

Notices given under the terms of this Agreement shall be deemed sufficiently received if in the case of notice to either party, such notice is mailed by certified or registered United States Mail or is personally delivered to either party's above referenced address.

#### 6. **Reimbursement / exchange of services**

6.1 As reimbursement for STATE performing snow and ice control on the sections described, the CITY shall perform snow and ice control on those portions of the highways described; in accordance with the procedures, as applicable, set forth in this agreement (from section 900 of the Maintenance Administration Manual).

6.2 As reimbursement for the STATE performing routine maintenance on the sections described the CITY shall reimburse the STATE for the cost.

6.2.1 The STATE shall use a formula to calculate appropriate routine maintenance costs, excluding snow and ice removal (snow and ice costs are traded per 6.1). The STATE will track all routine maintenance costs on SR2 within Erie county and determine a per lane mile cost based on all SR2 lane miles, including ramps, within Erie and apply this rate to the lane miles maintained in Sandusky (6.6 lane miles).

7. **Dispute Resolution**

- 7.1 In the event a dispute arises regarding responsibilities under this Agreement, notification of such dispute shall be sent to the District Deputy Director of District 3, Ohio Department of Transportation, and a designated representative of the City of Sandusky, in writing, within 90 days of discovery of such dispute. In such notification, the disputing party shall present such evidence as may support their position. Within a reasonable time, District Deputy Director of District 3, Ohio Department of Transportation, and a designated representative of the City of Sandusky shall review the facts and circumstances surrounding the dispute for the purpose of determination. Said dispute shall be resolved within a reasonable period of time.

8. **Time of Performance: Termination**

- 8.1 This Agreement shall be effective for the time frame of July 1, 2013 through June 30, 2014. The agreement will renew annually unless either party determines to terminate per 8.2
- 8.2 Either party may unilaterally terminate this Agreement by giving thirty (30) days written notice to the other party.

9. **Third Parties**

- 9.1 Nothing stated in this Agreement shall inure to the benefit of any third parties. Nothing stated in this Agreement shall act as a waiver of any immunities or defenses available to either party, either by statute or common law.

10. **Equal Employment Opportunity**

- 10.1 In carrying out this Agreement, CITY shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. CITY will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin, disability, or age. Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
- 10.2 CITY agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. CITY will, in all solicitations or advertisements for employees placed by or on behalf of CITY, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin, disability, or age. CITY shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

11. **Responsibility for Claims**

- 11.1 Each party to this Agreement recognizes that the other is self-insured. Nothing in this Agreement shall be construed as an indemnification by one party of the other for liabilities of the other party or third parties for property loss or damage or personal injury or death arising out of and/or during the use described in this Agreement. Any liability for claim for property loss or damage or personal injury or death by a party, its employees, agents, invitees, or contractors, or by third persons, arising out of and during the activities associated with the Agreement shall be determined in accordance with laws of the State of Ohio.

12. **Compliance with Law**

- 12.1 CITY agrees to comply with all applicable federal, state, and local laws in the conduct of the work hereunder. CITY accepts full responsibility for payment of all taxes including without limitation, workers' compensation, unemployment compensation insurance premiums, all income tax deductions, social security deductions, and any and all other taxes or payroll deductions required for all employees engaged by CITY in the performance of the work authorized by this Agreement. ODOT shall not be liable for any taxes under this Agreement.

13. **Certification of Funds**

- 13.1 It is expressly understood by the parties that none of the rights, duties, and obligations described in this Agreement shall be binding on either party until all statutory provisions under the Ohio Revised Code, including but not limited to Section 126.07, have been complied with and until such time as all necessary funds are made available and forthcoming from the appropriate state agencies, and, when required, such expenditure of funds is approved by the General Assembly and by the Controlling Board of the State of Ohio or, in the event that federal funds are used, until such time that the State gives CITY written notice that such funds have been made available to STATE by STATE's funding source.

14. **Change or Modification**

- 14.1 This Agreement constitutes the entire agreement between the parties, and any changes or modifications to this Agreement shall be made and agreed to in writing.

15. **Assignment**

- 15.1 CITY may assign this Agreement and any of its rights, duties and obligations hereunder to the Erie County Board of County Commissioners. No Further assignment shall be made without the prior express written consent of the both parties. CITY shall provide ODOT a copy of any additional agreement(s) that would assign its rights, duties and obligations hereunder to the Erie County Board of County Commissioners.

16. **Construction**

16.1 This Agreement shall be construed and interpreted and the rights of the parties determined in accordance with the laws of the State of Ohio.

17. **Drug Free Workplace**

17.1 CITY agrees to comply with all applicable state and federal laws regarding a drug free workplace. CITY shall make a good faith effort to ensure that all CITY employees, while working on state property, will not purchase, transfer, use or possess illegal drugs or alcohol, or abuse prescription drugs in any way.

18. **Signatures**

18.1 Any person executing this Agreement in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this Agreement on such principal's behalf.

IN WITNESS THEREFORE, the parties hereunto have caused this Agreement to be executed by officials thereunto duly authorized as of the day and year last written below.

FOR THE OHIO DEPARTMENT OF  
TRANSPORTATION

Jerry Wray  
Director  
Ohio Department of Transportation

Date

8-5-13

FOR THE CITY OF SANDUSKY

Name: Nicole Ard  
Title: City Manager

Date

7/26/13

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING AND DIRECTING PAYMENT TO THE TREASURER OF STATE, OHIO DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF STATE ROUTE 2 IN THE CITY OF SANDUSKY BY THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PERIOD OF JULY 1, 2016 THROUGH JUNE 30, 2017; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City of Sandusky consented to the maintenance of State Route 2 within the corporate limits of the City that may include but is not limited to snow plowing, drainage repair, guardrail and pavement patching and crack sealing by the Ohio Department of Transportation by Ordinance 8203-C, passed on March 27, 1978, and further agreed to annually pay the Ohio Department of Transportation for said services; and

**WHEREAS**, since the late 1990's the City has plowed Cleveland Road from the City Limits to Camp Road in Huron Township for the Ohio Department of Transportation and in return ODOT had "forgiven" the actual charges for snow and ice control costs on S.R. 2 within the City limits for which ODOT provides service in addition to the routine maintenance; and

**WHEREAS**, in 2010 the City and the Ohio Department of Transportation approved a new agreement that included language to reflect the current arrangement and changed the term of the agreement to coincide with ODOT's fiscal year which ends on June 30<sup>th</sup> and subsequently a similar agreement was approved by the City Commission in 2012, which renews annually unless either party determines to terminate the agreement; and

**WHEREAS**, the cost for maintenance services for the period of July 1, 2016, through June 30, 2017, is \$12,256.07 and will be paid with from the City's State Highways Fund; 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 to allow payment to be made to the Treasurer of State, Ohio Department of Transportation as soon as possible for services already provided and prior to the due date of September 16, 2017; 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. This City Commission hereby authorizes and directs the City Manager and/or Finance Director to make payment to the Treasurer of State, Department of Transportation for the maintenance of State Route 2 for the period of July 1, 2016, through June 30, 2017, in an amount **not to exceed** Twelve Thousand Two Hundred Fifty Six and 07/100 Dollars (\$12,256.07), consistent with the invoice received by the City.

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.

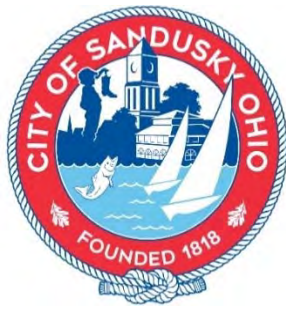
Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission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

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: September 11, 2017





## DEPARTMENT OF PUBLIC WORKS

### *Division of Engineering Services*

222 Meigs Street  
Sandusky, Ohio 44870  
419.627.5829  
[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

To: Eric Wobser, City Manager

From: Aaron M. Klein, P.E.

Date: September 5, 2017

Subject: **Commission Agenda Item – Award the 2017 Sidewalk Repair & Replacement Project - Rebid**

**ITEM FOR CONSIDERATION:** Legislation awarding a contract to Pit Concrete Masonry, LTD. of Chesterland, Ohio for the revised 2017 Sidewalk Repair & Replacement project.

**BACKGROUND INFORMATION:** The revised 2017 Sidewalk Repair & Replacement Project will consist of 7,121 square feet of replacement at 27 addresses where sidewalks will be repaired under the base bid. This equates to approximately 1,700 linear feet of sidewalk replacement. In addition, the curb ramps will be repaired on Market Street at the Wayne Street and Jackson Street intersections to accommodate handicap accessibility per the ADA committee's request. One final location of note that is included in the project is the sidewalk and curb on Jackson Street in front of the Rieger Place.

No contractors submitted bids for the original bid acceptance so it was subsequently rebid. As part of the rebidding process, four residential properties were transferred from the base bid to create Add Alternate #2. The reason for the need to rebid is that the price of cement has increased more than previously expected and the unit prices are slightly higher than the 2016 project because the quantities are much lower.

The following bid was received on September 1, 2017:

Pit Concrete Masonry, LTD	\$84,198.50	Base Bid Only
Chesterland, Ohio	\$ 8,000.00	Alternate #1
100% Bond	\$12,148.00	Alternate #2
	<b>\$104,346.50</b>	<b>Total Bid</b>

The engineer's estimate for the base bid (rebid) was \$89,594.74. To move forward with the project staff recommends awarding the base bid plus Add Alternate #1 to include the \$8,000 contingency bringing the total contract price to \$92,198.50, which is only 3% over the base bid.

The schedule requires completion within 90 days of the Notice to Proceed, which would be in December.

**BUDGETARY INFORMATION:** The estimated cost of the project based on bids, including engineering, inspection, advertising and miscellaneous costs, is \$94,000.00 and will be paid with Capital Projects Funds made available through Issue 8.

Issue 8 proceeds have allocated \$100,000.00 annually. Including this project, the sidewalk sub-fund was also used for the concrete walkway repairs behind the art wall (\$9,800) and installation of a curb ramp at Facer Park (\$2,600) removing ADA impediments in conjunction with other existing projects. By awarding Add Alternate #1, the total allocation from this sub-fund for 2017 totals \$106,400, which slightly exceeds than the annual allocation.

**ACTION REQUESTED:** It is recommended that proper legislation be prepared to award a contract to Pit Concrete & Masonry LTD for the revised 2017 Sidewalk Repair & Replacement Project in an amount not to exceed \$92,198.50 be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City for the contractor to begin removing and preparing for sidewalk replacement as soon as possible as concrete work cannot be completed during inclement weather.

I concur with this recommendation:

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Eric Wobser  
City Manager

cc: K. Kresser, Commission Clerk; H. Solowiej, Finance Director; J. Harris, Law Director



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PIT CONCRETE MASONRY, LTD, OF CHESTERLAND, OHIO, FOR THE 2017 SIDEWALK REPAIR & REPLACEMENT PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, this City Commission declared the necessity for the City to proceed with the proposed 2017 Sidewalk Repair & Replacement Project by Resolution No. 037-17R, passed on July 10, 2017; and

**WHEREAS**, the original 2017 Sidewalk Repair & Replacement Project consisted of 8,381 square feet of sidewalk repairs at 33 addresses, including the sidewalk and curb on Jackson Street in front of the Rieger Place, and additional repaired curb ramps on Market Street at the Wayne Street and Jackson Street intersections to accommodate the A.D.A. Advisory Board; and

**WHEREAS**, upon formal competitive bidding as required by law, no bids were received and subsequently the project was rebid transferring four (4) residential properties from the base bid to a new Alternate #2 which reduced the engineer's base bid estimate to \$89,594.74; and

**WHEREAS**, the revised 2017 Sidewalk Repair & Replacement Project consists of 7,121 square feet of replacement at 27 addresses and includes curb ramp repairs on Market Street at the Wayne Street and Jackson Street intersections to accommodate handicap accessibility as requested by the A.D.A. Advisory Board and the sidewalk and curb on Jackson Street in front of the Rieger Place; and

**WHEREAS**, upon public competitive bidding as required by law one (1) appropriate bid was received and the bid from Pit Concrete Masonry, LTD, of Chesterland, Ohio, was determined to be the lowest and best bid; and

**WHEREAS**, the total estimated cost of this project based on bids, including engineering, inspection, advertising, and miscellaneous costs, and an \$8,000.00 contingency, is \$94,000.00 and will be paid with Issue 8 funds from the Capital Projects Fund; 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 for the contractor to begin removing and preparing for sidewalk replacement as soon as possible as concrete work cannot be completed during inclement weather; 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 contract with Pit Concrete Masonry, LTD, of Chesterland, Ohio, for the revised 2017 Sidewalk Repair & Replacement Project in an amount **not to exceed** Ninety Two Thousand One Hundred Ninety Eight and 50/100 Dollars (\$92,198.50) consistent with the bid submitted by Pit Concrete Masonry, LTD, of Chesterland, Ohio, currently on file in the office of the Director of Public Works.

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.

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DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: September 11, 2017