



**SANDUSKY CITY COMMISSION  
REGULAR SESSION AGENDA  
APRIL 9, 2018  
CITY HALL, 222 MEIGS STREET**

INVOCATION	Wes Poole
PLEDGE OF ALLEGIANCE	
CALL TO ORDER	
ROLL CALL	D. Waddington, N. Lloyd, G. Lockhart, D. Murray, W. Poole, N. Twine & D. Brady
APPROVAL OF MINUTES	March 26, 2018
AUDIENCE PARTICIPATION	
PRESENTATION	Katie Semo, Ohio Secretary of State's Office 2017 Top Micropolitan City Award Talon Flohr, Neighborhood Outreach Coordinator Youth Commission
COMMUNICATIONS	Motion to accept all communications submitted below
CURRENT BUSINESS	

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#### **CONSENT AGENDA ITEMS**

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##### **A. Submitted by Kelly Kresser, Commission Clerk**

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###### **NEW LIQUOR PERMIT FOR HAVINFUN TOO, LLC**

A Notice to Legislative Authority has been received from the Ohio Division of Liquor Control regarding a new D5I liquor permit (*spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises, in original sealed containers until 2:30 a.m.; restaurant meeting certain criteria*) for Havinfun Too, LLC, 101 East Water Street. It is requested the Commission Clerk notify the Ohio Division of Liquor Control the city has no objection to this permit.

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##### **B. Submitted by Todd Gibson, Facilities & Properties Supervisor**

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###### **DISPOSAL OF UNNEEDED ITEMS**

**Budgetary Information:** Proceeds from the sale of these items will be placed into the city's Issue 8 fund for vehicles.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the City Manager to dispose of vehicles and miscellaneous items 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.

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##### **C. Submitted by Rick Wilcox, Fire Chief**

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###### **RATIFICATION OF GRANT APPLICATION TO THE OHIO BUREAU OF WORKERS COMPENSATION**

**Budgetary Information:** The total amount of the grant project is \$9,216. Of that amount, \$7,680, if awarded, would be paid from the grant and the remaining balance of \$1,536 would be paid from the EMS account.

**RESOLUTION NO. \_\_\_\_\_:** It is requested a resolution be passed approving and ratifying the submission of a grant application to the Ohio Bureau of Workers' Compensation for the safety intervention grant program for the Sandusky Fire Department; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

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##### **D. Submitted by Rick Wilcox, Fire Chief**

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###### **RATIFICATION OF GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND SECURITY**

**Budgetary Information:** The total amount of the grant funds applied for is \$16,500. The matching funds required for this grant is five percent or \$825, which will be paid from the EMS account.

**RESOLUTION NO. \_\_\_\_\_:** It is requested a resolution be passed approving and ratifying the submission of a grant application to the U.S. Department of Homeland Security for the FY 2018 Fire Prevention & Safety program grant for the Sandusky Fire Department; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

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##### **E. Submitted by Rick Wilcox, Fire Chief**

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###### **RATIFICATION OF GRANT APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY**

**Budgetary Information:** There is no budgetary impact. This grant, if awarded, is one hundred percent funded by the Ohio Emergency Medical Services grant through the Ohio Department of Public Safety. There is no matching of funds.

**RESOLUTION NO. \_\_\_\_\_:** It is requested a resolution be passed approving and ratifying the submission of a grant application for the 2018 – 2019 Ohio Emergency Medical Services grant program through the Department of Public Safety for the Sandusky Fire Department; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

REGULAR AGENDA

ITEM #1 - Submitted by Maria Muratori, Development Specialist

GRANT AGREEMENT WITH WINDAU HOLDINGS, LTD.

**Budgetary Information:** The city will be responsible for providing \$15,000 in grant proceeds from the Community Development capital projects account on a reimbursable basis at the completion of the project.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and approving a grant in the amount of \$15,000 through the housing development and beautification grant program to Windau Holdings, Ltd., in relation to the property located at 221 East Water Street; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #2 - Submitted by Matt Lasko, Chief Development Officer

LEASE AGREEMENT WITH BLOCK BY BLOCK, INC. FOR BUILDING AT SHELBY STREET BOAT LAUNCH FACILITY

**Budgetary Information:** The city shall receive the equivalent of \$150 per month for the time period spanning May 1, 2018 to December 31, 2018 (\$1,200 annually). Block by Block, Inc. will make two installment payments to the city instead of monthly payments with the first \$600 installment payment being due on or before June 1, 2018 and the second \$600 installment payment being due on or before September 1, 2018. All revenues are to be deposited into the general fund.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the City Manager to enter into an agreement with Block by Block, Inc. of Louisville, Kentucky, for the lease of the building located at the Shelby Street boat launch ramp facility; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #3 - Submitted by Jane Cullen, Project Engineer

PROFESSIONAL DESIGN SERVICES AGREEMENT WITH K.E. MCCARTNEY & ASSOCIATES, INC. FOR SAFE ROUTES TO SCHOOL PROJECT

**Budgetary Information:** The not to exceed cost for professional design services is \$39,588. This project will be funded with federal highway administration funds through the Ohio Department of Transportation. The funding available for design services, utility relocation, inspection services and construction costs is capped at \$285,000.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the City Manager to enter into an agreement for professional design services with K.E. McCartney & Associates, Inc., of Mansfield, Ohio, for the Safe Routes to School project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #4

FIRST READING – ORDERED IN 3.26.18

AMENDMENT TO SMOKING PROHIBITION IN CITY PARKS

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed amending Part Five (General Offense Code), Chapter 521 (Health, Safety and Sanitation), Section 521.101 (Smoking Prohibited at city parks) of the Codified Ordinances of the City of Sandusky, in the manner and way specifically set forth hereinbelow.

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, April 9 at 8:30 p.m.

Tuesday, April 10 at 5 p.m.

Monday, April 16 at 8:30 p.m.

YouTube: [https://www.youtube.com/channel/UCBxZ482ZeTTixa\\_Rm16YWWTQ](https://www.youtube.com/channel/UCBxZ482ZeTTixa_Rm16YWWTQ)

NOTICE TO LEGISLATIVE  
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX (614)644-3166

TO

3675208		NEW		HAVINFUN TOO LLC	
PERMIT NUMBER		TYPE		101 E WATER ST	
ISSUE DATE				SANDUSKY OH 44870	
03 08 2018					
FILING DATE					
D51					
PERMIT CLASSES					
22	077	B		B89313	
TAX DISTRICT				RECEIPT NO.	



FROM 03/19/2018

PERMIT NUMBER		TYPE	
ISSUE DATE			
FILING DATE			
PERMIT CLASSES			
TAX DISTRICT			RECEIPT NO.



MAILED 03/19/2018

RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/19/2018

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING. **B NEW 3675208**

REFER TO THIS NUMBER IN ALL INQUIRIES

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) - ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF SANDUSKY CITY COUNCIL  
222 MEIGS STREET  
SANDUSKY OHIO 44870

## Commerce Division of Liquor Control : Web Database Search

**OWNERSHIP DISCLOSURE INFORMATION**

This online service will allow you to obtain ownership disclosure information for issued and pending retail liquor permit entities within the State of Ohio.

**Searching Instructions**

Enter the known information and click the "Search" button. **For best results, search only ONE criteria at a time.** If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

	SEARCH CRITERIA
Permit Number	<input type="text" value="3675208"/>
Permit Name / DBA	<input type="text"/>
Member / Officer Name	<input type="text"/>

[Search](#)[Reset](#)[Main Menu](#)

Member/Officer Name	Shares/Interest	Office Held
<b>Permit Number:</b> 3675208; <b>Name:</b> HAVINFUN TOO LLC; <b>DBA :</b> ; <b>Address:</b> 101 E WATER ST SANDUSKY 44870		
DAVIS BIER	MANAGE MEM	
DAWSON FOSTER	MANAGE MEM	

- [Ohio.Gov](#)
- [Ohio Department of Commerce](#)

[Commerce Home](#) | [Press Room](#) | [CPI Policy](#) | [Privacy Statement](#) | [Public Records Request Policy](#) | [Disclaimer](#) | [Employment](#) | [Contacts](#)

## Kelly Kresser

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**From:** Richard Wilcox  
**Sent:** Monday, March 26, 2018 2:25 PM  
**To:** John Orzech; Kelly Kresser; Stephen Rucker; Casey Sparks  
**Subject:** RE: Liquor Permit

No issues from fire.



Rick Wilcox | *Fire Chief*  
**SANDUSKY FIRE DEPARTMENT**  
600 W. Market Street | Sandusky, OH 44870  
T: 419.627.5822 | F: 419.627.5820  
[www.rwilcox@ci.sandusky.oh.us](mailto:www.rwilcox@ci.sandusky.oh.us)



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**From:** John Orzech  
**Sent:** Monday, March 26, 2018 2:24 PM  
**To:** Kelly Kresser <[kkresser@ci.sandusky.oh.us](mailto:kkresser@ci.sandusky.oh.us)>; Stephen Rucker <[srucker@ci.sandusky.oh.us](mailto:srucker@ci.sandusky.oh.us)>; Richard Wilcox <[rwilcox@ci.sandusky.oh.us](mailto:rwilcox@ci.sandusky.oh.us)>; Casey Sparks <[csparks@ci.sandusky.oh.us](mailto:csparks@ci.sandusky.oh.us)>  
**Subject:** RE: Liquor Permit

No objections from police.

JOHN ORZECH | *Chief of Police*  
**SANDUSKY POLICE DEPT.**  
222 MEIGS STREET | SANDUSKY, OH 44870  
DESK (419) 627-5869 | FAX (419) 627-5862



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**From:** Kelly Kresser  
**Sent:** Monday, March 26, 2018 1:24 PM  
**To:** John Orzech <[JOrzech@ci.sandusky.oh.us](mailto:JOrzech@ci.sandusky.oh.us)>; Stephen Rucker <[srucker@ci.sandusky.oh.us](mailto:srucker@ci.sandusky.oh.us)>; Richard Wilcox <[rwilcox@ci.sandusky.oh.us](mailto:rwilcox@ci.sandusky.oh.us)>; Casey Sparks <[csparks@ci.sandusky.oh.us](mailto:csparks@ci.sandusky.oh.us)>  
**Subject:** Liquor Permit

## Kelly Kresser

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**From:** John Orzech  
**Sent:** Monday, March 26, 2018 2:24 PM  
**To:** Kelly Kresser; Stephen Rucker; Richard Wilcox; Casey Sparks  
**Subject:** RE: Liquor Permit

No objections from police.

JOHN ORZECH | *Chief of Police*  
**SANDUSKY POLICE DEPT.**  
222 MEIGS STREET | SANDUSKY, OH 44870  
DESK (419) 627-5869 | FAX (419) 627-5862



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**From:** Kelly Kresser  
**Sent:** Monday, March 26, 2018 1:24 PM  
**To:** John Orzech <JOrzech@ci.sandusky.oh.us>; Stephen Rucker <srucker@ci.sandusky.oh.us>; Richard Wilcox <rwilcox@ci.sandusky.oh.us>; Casey Sparks <csparks@ci.sandusky.oh.us>  
**Subject:** Liquor Permit

Attached is a request for a new D5I liquor permit (*Spirituuous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers until 2:30 a.m.; resaurant meeting certain criteria*) for Havinfun Too, LLC, 101 East Water Street.

Please provide comments to me regarding this new permit for our next meeting.





## DEPARTMENT OF PUBLIC WORKS

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: Todd Gibson, Facilities & Properties Supervisor

Date: March 27, 2018

**Subject: Commission Agenda Item – Permission to dispose of unneeded items**

**ITEM FOR CONSIDERATION:** It is requested that the City Commission authorize legislation to dispose of unneeded items and three (3) vehicles, pursuant to Section 25 of the City Charter.

**BACKGROUND INFORMATION:** It has been determined by the Fleet Maintenance Chief Foreman that the items and vehicles listed below are beyond their useful life or of no use to the City and that the items should be declared obsolete, unnecessary and unfit for City use. It is requested that the items be sold on GovDeals, an internet auction site for government entities.

2002 Ford Crown Victoria: 2FAFP71W72X142938 – 141,636 miles: This car was purchased new for the Police Department and was most recently used by the Building Department. This car has been replaced by another former police car. Proceeds from this sale will be deposited into the Issue 8 fund for vehicles.

2006 Chevrolet Impala: 2G1WS551469279057 – 147,578 miles: This vehicle was purchased new for the Police Department and was used as a K9 unit. Proceeds of this sale will be deposited into the Issue 8 fund for vehicles.

2011 Chevrolet Impala: 2G1WD5EM9B1222396 – 153,384 miles: This vehicle was purchased new for the Police Department and used as a marked Patrol unit. The overall condition of this car prohibits it from being transferred to another department. Proceeds from this sale will be deposited into the Issue 8 fund for vehicles.

Toro Proline 52" Mower: This mower was most recently used by the Mills Creek Golf Course and has a bad mower deck. Proceeds from this sale will be deposited into the Issue 8 fund for vehicles.

Miscellaneous new and used service parts: These parts no longer fit City equipment. Proceeds from this sale will be deposited into the Issue 8 fund for vehicles.

**BUDGETARY INFORMATION:** Proceeds from the sale of the items will be placed into the City's Issue 8 fund for vehicles.

**ACTION REQUESTED:** It is requested the attached legislation be approved authorizing the disposal of the vehicles and equipment listed above. It is further requested this legislation take immediate effect in full accordance with Section 14 of the City Charter in order to allow for the depreciating items to be placed on the internet and sold at the earliest opportunity to continue with good housekeeping practices.

I concur with this recommendation:

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Eric Wobser, City Manager

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Aaron Klein, Director

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

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

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO DISPOSE OF VEHICLES AND MISCELLANEOUS ITEMS 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 vehicles and miscellaneous items have been determined by the Fleet Maintenance Chief Foreman to be beyond their useful life and/or of no use to the City and is recommending the vehicles be declared obsolete, unnecessary and unfit for City use and it is requested the items be disposed of via [www.Govdeals.com](http://www.Govdeals.com), which is an internet auction site for governmental entities:

<u>Year / Make / Model</u>	<u>Vehicle ID Number</u>	<u>Mileage</u>
2002 Ford Crown Victoria	2FAFP71W72X142938	141,636
2006 Chevrolet Impala	2G1WS551469279057	147,578
2011 Chevrolet Impala	2G1WD5EM9B1222396	155,384

Miscellaneous Items

Toro 52” Mower  
New and used service parts

WHEREAS, the proceeds from the sale of these vehicles and miscellaneous items will be placed into the Issue 8 Fund for vehicles; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to allow the depreciating vehicles and items to be placed on the internet for auction at the earliest opportunity and to continue with good housekeeping practices; 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 finds and determines that the vehicles and miscellaneous items described in the preamble above have become obsolete and are 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 vehicles and miscellaneous items no longer needed for City purposes through internet auction with the proceeds to be placed in the Issue 8 Fund for vehicles.

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: April 9, 2018

March 27, 2018

MEMORANDUM

TO: Eric Wobser, City Manager

FROM: Rick Wilcox, Fire Chief

RE: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Requesting legislation for the approval and ratification of the submission of a grant application to the Ohio Bureau of Workers Compensation Safety Grant, Firefighter Exposure to Environmental Elements Grant Program which was submitted on February 28, 2018. The City Manager notified the City Commission at their meeting on March 26, 2018, of the grant submission.

**BACKGROUND INFORMATION:** The purpose of this grant is to purchase (48) forty eight sets of Honeywell Super Gloves and (48) forty eight InnoTex Gray 25 Particulate Hoods. These items are used to minimize exposure to dangerous environmental elements and to further enhance protective measures the firefighters take every day. These items are NFPA compliant and provide maximum protection from cancer causing agents found at a fire scene. These items will help keep firefighters at the forefront of safety technology in regards to environmental elements and cancer prevention.

**BUDGETARY INFORMATION:** The total amount of the grant project is **\$9,216.00** of that amount \$7,680.00 if awarded would be paid from the grant and the remaining balance of \$1,536.00 would be paid from the EMS account.

**ACTION REQUESTED:** It is requested that the proper legislation be prepared to allow for the approval and ratification of the submission of the grant application to the Ohio Bureau of Workers Compensation Safety Grant, Firefighter Exposure to Environmental Elements Grant Program in the amount of **\$9,216.00**. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter as the grant was submitted on February 28, 2018. The grant money is on a first come first serve basis.

**Approved:**

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Rick Wilcox, Fire Chief

CC: John Orzech, Police Chief  
Hank Solowiej, Finance Director  
Justin Harris, Law Director  
Kelly Kresser, Commission Clerk

**I concur with this recommendation:**

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Eric Wobser, City Manager

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

**A RESOLUTION APPROVING AND RATIFYING THE SUBMISSION OF A GRANT APPLICATION TO THE OHIO BUREAU OF WORKERS' COMPENSATION FOR THE SAFETY INTERVENTION GRANT PROGRAM FOR THE SANDUSKY FIRE DEPARTMENT; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the purpose of the Safety Intervention Grant Program is to gather information about the effectiveness of safety interventions to share the results with Ohio employers and the program is available to any Ohio state-fund or public employer who wishes to purchase equipment to substantially reduce or eliminate injuries and illnesses associated with a particular task or operation and is designed to work and partner with Ohio employers to establish safety intervention best practices for accident and injury prevention; and

**WHEREAS**, the Sandusky Fire Department desires to purchase forty-eight (48) sets of Honeywell Super Gloves and forty-eight (48) InnoTex Gray 25 Particulate Hoods which are used to minimize exposure to dangerous environmental elements and to further enhance protective measures for firefighters and these items are NFPA (National Fire Protection Association) compliant; and

**WHEREAS**, the total cost of the gloves and hoods is \$9,216.00 and if awarded, the grant will provide \$7,680.00 and the remaining balance of \$1,536.00 will be paid with EMS Funds; 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 ratify the submission of the grant application to the Ohio Bureau of Workers' Compensation for the Safety Intervention Grant Program which was submitted on February 28, 2018; 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 Fire 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; and NOW, THEREFORE

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

Section 1. This City Commission hereby approves and ratifies the submission of a grant application to the Ohio Bureau of Workers' Compensation for the Safety Intervention Grant Program for financial assistance to purchase forty-eight (48) sets of Honeywell Super Gloves and forty-eight (48) InnoTex Gray 25 Particulate

Hoods for the Sandusky Fire Department and authorizes and directs the City Manager to lawfully expend funds consistent with the application and execute any grant agreements should they be awarded.

Section 2. 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 3. 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 4. That for the reasons set forth in the preamble hereto, 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: April 9, 2018

March 27, 2018

MEMORANDUM

TO: Eric Wobser, City Manager  
FROM: Rick Wilcox, Fire Chief  
RE: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Requesting legislation for the approval and ratification of the submission of a grant application to the U.S. Department of Homeland Security Federal Emergency Management Agency Fire Prevention and Safety Grant which was submitted on March 16, 2018. The City Manager notified the City Commission at their meeting on March 26, 2018, of the grant submission.

**BACKGROUND INFORMATION:** The purpose of this grant is to purchase education materials, hand-outs, back packs, and water bottles for school aged children to promote fire safety and risk reduction within the City of Sandusky.

**BUDGETARY INFORMATION:** The total amount of the grant funds applied for is **\$16,500.00**. The matching funds required for this grant is (5%) or \$825.00 which will be paid for from the EMS account.

**ACTION REQUESTED:** It is requested that the proper legislation be prepared to allow for the approval and ratification of the submission of the grant application to the U.S. Department of Homeland Security Federal Emergency Management Agency Fire Prevention and Safety Grant in the amount of **\$16,500.00**. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter as the grant application was submitted prior to the deadline of March 16, 2018.

Approved:

I concur with this recommendation:

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Rick Wilcox, Fire Chief

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Eric Wobser, City Manager

CC: John Orzech, Police Chief  
Hank Solowiej, Finance Director  
Justin Harris, Law Director  
Kelly Kresser, Commission Clerk



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

**A RESOLUTION APPROVING AND RATIFYING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND SECURITY FOR THE FY 2018 FIRE PREVENTION AND SAFETY PROGRAM (FP&S) GRANT FOR THE SANDUSKY FIRE DEPARTMENT; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the Department of Homeland Security (DHS) Federal Emergency Management Agency's (FEMA) Grant Programs Directorate is responsible for the implementation and administration of the Assistance to Firefighters Grant (AFG) Program and the Grant Programs Directorate administers the Fire Prevention and Safety (FP&S) Grant Program as part of the AFG Program; and

**WHEREAS**, the purpose of the FP&S Grant Program is to enhance the safety of the public and firefighters with respect to fire and fire-related hazards by assisting fire prevention programs and supporting firefighter health and safety research and development; and

**WHEREAS**, the Sandusky Fire Department submitted an application to the U.S. Department of Homeland Security for the FY 2018 Fire Prevention and Safety (FP&S) Program for funding to purchase education materials, hand-outs, back packs, and water bottles for school aged children to promote fire safety and risk reduction within the City of Sandusky; and

**WHEREAS**, the total amount of funds requested is \$16,500.00, and if awarded, the Federal share providing \$15,675.00 (95%) and the City providing the matching share of \$825.00 (5%) which will be paid with EMS Funds; 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 ratify the submission of the grant application for the FY 2018 Fire Prevention and Safety (FP&S) grant program which was submitted to the U.S. Department of Homeland Security by the submission deadline of March 16, 2018; 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 Fire 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; and NOW, THEREFORE

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

Section 1. This City Commission hereby approves and ratifies the submission of a grant application to the U.S. Department Of Homeland Security for the FY 2018 Fire Prevention and Safety (FP&S) Program for funding to purchase education materials, hand-outs, back packs, and water bottles for school aged children to promote fire safety and risk reduction for the Sandusky Fire Department and authorizes and directs the City Manager to lawfully expend funds consistent with the application and execute any grant agreements should they be awarded.

Section 2. 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 3. 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 4. That for the reasons set forth in the preamble hereto, 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: April 9, 2018

March 27, 2018

MEMORANDUM

TO: Erie Wobser, City Manager

FROM: Rick Wilcox, Fire Chief

RE: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Requesting legislation for the approval and ratification of the submission of a 2018-2019 grant application to the Ohio Emergency Medical Services Grants program through the Ohio Department of Public Safety. The City Manager notified the City Commission at their meeting on March 26, 2018, of the grant submission.

**BACKGROUND INFORMATION:** The Sandusky Fire Department applies for this grant every year and is awarded different amounts of money each year. There is no focus area for this year's Ohio Emergency Medical Services Grant. The Grants Committee and the Emergency Medical Services Board will make all final decisions on award amount, topics of research, and relevance to Ohio Emergency Medical Services operations. Notification of awards will be mailed on July 1, 2018.

The funds if awarded will be used to purchase such items as Airway Supplies and Equipment, Diagnostics and Monitoring, Equipment Carrying Cases, Immobilization and Extrication, I.V. Therapy and Supplies, Mass Casualty, Disaster and Decon, Patient Transport Products and Transport Accessories, Resuscitation and Oxygen Administration, Suction Supplies and Equipment, Data Reporting Hardware or Software, Training and Training Equipment, also an array of small items.

**BUDGETARY INFORMATION:** There is no budgetary impact. This grant if awarded is 100% funded by the Ohio Emergency Medical Services Grant through the Ohio Department of Public Safety. There is no matching of funds.

**ACTION REQUESTED:** It is requested that the proper legislation be prepared to allow for the approval and ratification of the submission of the grant application to the Ohio Emergency Medical Services Grant Program through the Ohio Department of Public Safety. It is further requested that this legislation take immediate effect in full

accordance with Section 14 of the City Charter as the grant application was submitted prior to the deadline of April 1, 2018.

**Approved:**

**I concur with this recommendation:**

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Rick Wilcox, Fire Chief

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Eric Wobser, City Manager

CC: John Orzech, Police Chief  
Hank Solowiej, Finance Director  
Justin Harris, Law Director  
Kelly Kresser, Commission Clerk

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

**A RESOLUTION APPROVING AND RATIFYING THE SUBMISSION OF A GRANT APPLICATION FOR THE 2018-2019 OHIO EMERGENCY MEDICAL SERVICES GRANT PROGRAM THROUGH THE DEPARTMENT OF PUBLIC SAFETY FOR THE SANDUSKY FIRE DEPARTMENT; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the purpose of the State Board of Emergency Medical, Fire, and Transportation Services Grant Program, administered by the Ohio Department of Public Safety, Division of Emergency Medical Services, is to improve and enhance EMS and trauma patient care in Ohio through the provision of grant funding for equipment, training, and research and the funding source for the grant program is fines levied in the State of Ohio for seat belt violations; and

**WHEREAS**, there are six types of EMS grants (Priorities 1 - 6) available and the amount awarded for each priority is determined by the State Board of Emergency Medical, Fire, and Transportation Services and by the amount of funds available during the award year; and

**WHEREAS**, the Sandusky Fire Department applies for this grant annually in which the priority distribution of available funds are defined by Section 4765.07 of the Ohio Revised Code and the first priority is given to training and equipment; and

**WHEREAS**, the Sandusky Fire Department will use these funds, if awarded, for the purchase of items such as Airway Supplies and Equipment, Diagnostics and Monitoring, Equipment Carrying Cases, Immobilization and Extrication, I.V. Therapy and Supplies, Mass Casualty, Disaster and Decon, Patient Transport Products and Transport Accessories, Resuscitation and Oxygen Administration, Suction Supplies and Equipment, Data Reporting Hardware or Software, Training and Training Equipment, and an array of small items; 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 ratify the submission of the grant application for the 2018-2019 Ohio Emergency Medical Services grant program which was submitted to the Ohio Department of Public Safety prior to the submission deadline of April 1, 2018; 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 Fire 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; and NOW, THEREFORE

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

Section 1. This City Commission hereby approves and ratifies the submission of a grant application for the 2018-2019 Ohio Emergency Medical Services Grant Program through the Ohio Department of Public Safety for training and equipment for the Sandusky Fire Department and authorizes and directs the City Manager to lawfully expend funds consistent with the application and execute any grant agreements should they be awarded.

Section 2. 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 3. 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 4. That for the reasons set forth in the preamble hereto, 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: April 9, 2018





## Department of Community Development

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Maria Muratori  
mmuratori@ci.sandusky.oh.us

222 Meigs St.  
Sandusky, OH 44870  
Phone: 419.627.5891  
www.ci.sandusky.oh.us

**To:** Eric L. Wobser, City Manager

**From:** Maria Muratori, Development Specialist

**Date:** March 29, 2018

**Subject:** Commission Agenda Item – Grant Agreement between City of Sandusky and Windau Holdings, Ltd.

**Items for Consideration:** Legislation approving a Grant Agreement to be entered into between the City of Sandusky (“the City”) and Windau Holdings, Ltd. (“the Applicant”), an Ohio Limited Liability Company, for the purposes of furthering housing development efforts in the City.

**Background Information:** The Applicant owns 221 East Water Street (“the Property”) and plans to substantially renovate it. The Property will be converted into two (2) residential units – one for each Ed Windau and Steve Windau. The units will undergo a complete interior renovation and also a new back wall with garages off of Shoreline Drive, new windows and doors. The total project cost for the renovation of both units is \$250,000. According to the Housing Development and Beautification Guidelines and Application, the Applicant is eligible for a grant in an amount of up to \$7,500 per unit for substantial redevelopment projects that cost in excess of \$50,000 per unit. As such, in this case, the Applicant is eligible for a grant of up to \$15,000.

The above grant is conditioned upon compliance with all Planning and Zoning matters and other applicable codes and regulations of the City, including obtaining permits. The Applicant is still required to meet the requirements for disbursement prior to receiving any award funds – as outlined on Page 11 of the Housing Development and Beautification Program Guidelines and Application. Furthermore, the Applicant agrees to display a sign during construction noting the City’s support.

**Budgetary Information:** The City will be responsible for providing \$15,000 in grant proceeds from the Community Development Capital Projects account on a reimbursable basis at the completion of the project.

**Action Requested:** It is requested that the proper legislation be prepared to allow the City to enter into a Grant Agreement with Windau Holdings, Ltd. It is further requested that this legislation be passed in accordance with Section 14 of the City Charter in order

to immediately execute the grant agreement to allow the Applicant to move forward with budgetary planning and facilitate rehabilitation.

I concur with this recommendation:

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Eric L. Wobser  
City Manager

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Maria Muratori  
Development Specialist

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Matthew D. Lasko, MUPDD, MSSA  
Chief Development Officer

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

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

**AN ORDINANCE AUTHORIZING AND APPROVING A GRANT IN THE AMOUNT OF \$15,000.00 THROUGH THE HOUSING DEVELOPMENT AND BEAUTIFICATION GRANT PROGRAM TO WINDAU HOLDINGS, LTD., IN RELATION TO THE PROPERTY LOCATED AT 221 EAST WATER STREET; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, Windau Holdings, Ltd., is the owner of 221 East Water Street, which formerly housed the Windau Heating business and has been vacant since the business was sold to Gundlach, and plans to renovate by transforming the property into two (2) residential units, one each for Ed Windau and Steve Windau; and

**WHEREAS**, it has been determined that the development of this property with the project pursuant to this Agreement and the fulfillment generally of this Agreement are in the vital and best interests of the City and for the health and safety and welfare of its residents, and are necessary to improve the economic and general welfare of the citizens of the City; and

**WHEREAS**, it is recommended to approve a grant to Windau Holdings, Ltd., in the amount of \$15,000.00, in accordance with the Sandusky City Development Programs, to assist with the renovation costs for the purpose of furthering housing development efforts in 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 execute the Grant Agreement and allow Windau Holdings, Ltd. to move forward with budgetary planning and facilitate rehabilitation; 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 Community Development, 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 authorizes and directs the City Manager to enter into a Grant Agreement with Windau Holdings, Ltd., for financial assistance through the Housing Development and Beautification Grant Program for the purpose of furthering housing development efforts in the City, substantially in the same form as Exhibit "A", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein, together with such revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with carrying out the terms of this Ordinance.

Section 2. This City Commission authorizes and approves the grant funding to Windau Holdings, Ltd., and the Finance Director is directed to make payment to Windau Holdings, Ltd., in the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00) from the Community Development Capital Projects Fund of the City of Sandusky pursuant to and in accordance with the terms of the Grant Agreement.

Section 3. 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 4. 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's Commission and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

Section 5. 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: April 9, 2018

## GRANT AGREEMENT

This Grant Agreement (the “Agreement”) is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_ between the CITY OF SANDUSKY, OHIO (the “City”), a municipal corporation and political subdivision duly organized and validly existing under the Constitution, its Charter, and the laws of the State of Ohio, and Windau Holdings, Ltd., (“the Applicant”), an Ohio Limited Liability Company.

### WITNESSETH:

WHEREAS, the Applicant owns 221 East Water Street (“the Property”), which formerly housed the Windau Heating business and has been vacant since the business was sold to Gundlach, and plans to substantially renovate it. The Property will be transformed into two residential units – one each for Ed Windau and Steve Windau. The renovation budget is \$250,000 covering both units. According to the Housing Development and Beautification Guidelines and Application, the Applicant is eligible for a grant in an amount of up to \$7,500 per unit for substantial redevelopment projects that cost in excess of \$50,000 per unit. As such, in this case, the Applicant is eligible for a grant of up to \$15,000. The Applicant will oversee the complete renovation of the Property, herein after referred to as the “Project”; and

WHEREAS, to induce the Project, the City has agreed to provide housing incentive grants to the Applicant to assist in the payment of a portion of the costs of the Project as further described in Section 1 hereof; and

WHEREAS, the City has determined that the development of the Property with the Project pursuant to this Agreement and the fulfillment generally of this Agreement are in the vital and best interests of the City and for the health and safety and welfare of its residents, and are necessary to improve the economic and general welfare of people of the City;

NOW THEREFORE, in consideration of the premises and the covenants contained herein, the parties hereto agree as follows:

#### **Section 1. City Grant.**

The City agrees to grant up to \$15,000 to the Applicant (the “City Grant”) toward the costs of the Project, payable upon completion of the Project. The City Grant will be expensed from the Community Development Capital Projects account (#431-4010-53000). Construction must be done in accordance with and to the reasonable satisfaction of the City, which includes, but is not limited to, compliance with all Planning and Zoning matters, including approval by the Landmarks Commission, and other applicable codes and regulations of the City, including obtaining permits. The Applicant is still required to meet the requirements for disbursement prior to receiving any award funds – as outlined on Page 11 of the Housing Development and Beautification Program Guidelines and Application. Furthermore, the Applicant agrees to display a sign during construction noting the City’s support; and

The Applicant shall notify the City promptly following the completion of the Project consistent with this Section and provide the City with any documents it reasonably requests related to Project costs and construction. The City shall then promptly review those documents

and inspect the site and let the Applicant know if it has satisfied the condition set forth in this Section and, if not, describe what is found to be deficient. In order to receive the City Grant, the Project will need to be completed within one year from the date of Commission approval. This date may be extended at the discretion of the City Manager.

The City shall pay the City Grant by check placed in the U.S. regular mail within fourteen (14) days following confirmation of the satisfactory completion of construction to the notice address provided in Section 6 below.

**Section 2. Authority to Sign.**

The Applicant and the City both represent that this Agreement has been approved by formal action of the duly authorized representatives of both parties.

**Section 3. Assignment or Transfer.**

The Applicant agrees that this Agreement is not transferable or assignable without the express, written approval of the City Manager.

**Section 4. Choice of Law.**

This Agreement shall be governed and interpreted in accordance with the laws of the State of Ohio and the parties hereto agree that any dispute or other matter arising out of the interpretation or operation of this Agreement shall be determined in a Court of competent jurisdiction located within the State of Ohio and County of Erie.

**Section 5. Binding Agreement.**

This Agreement shall be binding on each of the parties and their respective successors and assigns.

**Section 6. Miscellaneous.**

(a) **Notice.** Any notice or communication required or permitted to be given under this Agreement by either party to the other shall be deemed sufficiently given if delivered personally or mailed by United States registered or certified mail postage prepaid or by overnight delivery and addressed as follows:

- (i) TO THE CITY: City Manager  
c/o Development Specialist  
City of Sandusky, Ohio  
City Building  
222 Meigs Street  
Sandusky, OH 44870
- (ii) TO THE APPLICANT: Windau Holdings, Ltd.  
402 Bay Breeze Drive  
Sandusky, Ohio 44870



Attention: Edward Windau

Any party may change its address for notice purposes by providing written notice of such change to the other party.

(b) Amendments. This Agreement may only be amended by written instrument executed by all parties.

(c) Effect of Agreement. This Agreement is signed by the parties as a final expression of all the terms, covenants and conditions of their agreement and as a complete and exclusive statement of its terms, covenants and conditions and is intended to supersede all prior agreements and understandings concerning the subject matter of this Agreement.

(d) Counterparts. This Agreement may be signed in several counterparts, each of which shall be an original, but all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF the parties hereto, by and through their duly authorized representatives, have executed this Agreement on behalf of the corporate entities identified herein, on the date first written above.

**Windau Holdings, Ltd.**  
an Ohio Limited Liability Company

By: \_\_\_\_\_  
TITLE:

**CITY OF SANDUSKY, OHIO**

By: \_\_\_\_\_  
City Manager

The legal form of the within instrument  
is hereby approved.

\_\_\_\_\_  
Director of Law  
City of Sandusky

## **CERTIFICATE OF DIRECTOR OF FINANCE**

The undersigned, fiscal officer of the City of Sandusky, Ohio, hereby certifies that the money required to meet the obligations of the City under the foregoing Agreement has been lawfully appropriated by the City Commission of the City for such purposes and are in the treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

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Director of Finance



## Department of Community Development

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Matthew D. Lasko  
mlasko@ci.sandusky.oh.us

222 Meigs St.  
Sandusky, OH 44870  
Phone: 419.627.5707  
Fax: 419.627.5933  
[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

**To:** Eric L. Wobser, City Manager

**From:** Matthew D. Lasko, Chief Development Officer

**Date:** April 2, 2018

**Subject:** Commission Agenda Item – Block By Block, Inc. - Lease Agreement

**Items for Consideration:** Legislation authorizing and directing the City Manager to enter into a Lease Agreement with Block By Block, Inc.

**Background Information:** Block by Block, Inc. is the most experienced provider of safety, cleaning and hospitality services in the country. Block by Block, Inc. has, as an independent company, been providing services for seventeen (17) years, with the first district they served starting over twenty (20) years ago with their former parent company, Brantley Security. That district, the Louisville Downtown Partnership, still remains a customer of the company. The programs provided by Block By Block, Inc. are customized to meet the needs of the areas in which they serve. Many of their programs are a combination of cleaning, hospitality, safety, outreach, and landscaping services.

Downtown Sandusky, Inc. has entered into contract with Block By Block, Inc. to undertake a pilot “clean and safe” program in downtown Sandusky for calendar year 2018. As part of the program, Block By Block, Inc. is in need of space to house their staffing operations. The City owned facility at the Shelby Street Boat Launch serves the needs of the company. The Shelby Street Boat Launch facility will be used to house the operations center for the Sandusky Ambassador team. Essentially its function would be to serve as a touch point for the Ambassador team to receive their assignments, take breaks and store the equipment used in cleaning downtown Sandusky. The building fits their operational needs for a variety of reasons but most notably, its close proximity to the district they will serve - which is ideal for moving Ambassadors to and from the district efficiently.

The proposed Lease Agreement will be for the time period beginning May 1, 2018 and ending December 31, 2018. Block By Block, Inc. will be responsible for paying the City rent equivalent to \$150.00 per month but paid to the City in two (2) equal installments of

\$600.00 due on or before June 1, 2018 and September 1, 2018 respectively. The \$150.00 monthly rent equivalent will offset the modest utilization of the building utilities.

**Budgetary Information:** The City shall receive the equivalent of \$150.00 per month for the time period spanning May 1, 2018 – December 31, 2018 (\$1,200.00 annually). Block by Block Inc. will make two (2) installment payments to the City, instead of monthly payments, with the first \$600.000 installment payment being due on or before June 1, 2018 and the second \$600.00 installment payment being due on or before September 1, 2018. All revenues are to be deposited into the General Fund.

**Action Requested:** It is requested that the proper legislation be prepared to allow the City Manager to enter into a Lease Agreement with Block by Block, Inc. It is further requested that this legislation be passed in accordance with Section 14 of the City Charter to expedite passage for operations to commence at the Shelby Street Boat Launch facility on May 1, 2018.

I concur with this recommendation:

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Eric L. Wobser  
City Manager

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Matthew D. Lasko, MUPDD, MSSA  
Chief Development Officer

cc: Kelly Kresser, Clerk of the City Commission  
Justin Harris, Law Director  
Hank Solowiej, Finance Director  
Angela Byington, Planning Director  
Greg Voltz, Assistant Planner

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BLOCK BY BLOCK, INC. OF LOUISVILLE, KENTUCKY, FOR THE LEASE OF THE BUILDING LOCATED AT THE SHELBY STREET BOAT LAUNCH RAMP FACILITY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, Block by Block, Inc. is the most experienced provider of safety, cleaning and hospitality services in the country and provides programs customized to meet the needs of the areas in which they service and many of their programs are a combination of cleaning, hospitality, safety, outreach, and landscaping services; and

**WHEREAS**, Downtown Sandusky, Inc. has contracted with Block by Block, Inc. to undertake a pilot “clean and safety” program in downtown Sandusky for 2018 and Block by Block, Inc. is in needs of space to house their staffing operations; and

**WHEREAS**, the City desires to lease the building located at the Shelby Street Boat Launch Ramp Facility to Block by Block, Inc. to house the operations center for the Sandusky Ambassador team for the time period beginning May 1, 2018, through December 31, 2018; and

**WHEREAS**, the City will received a rental fee equivalent to \$150.00 per month for a total of \$1,200.00, which will be payable in two (2) equal installments of \$600.00 and the revenue received will be placed into the General 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 execute the agreement and allow the operations to commence on May 1, 2018, 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 Community Development, 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 an agreement with Block by Block, Inc., of Louisville, Kentucky, for the lease of the building located at the Shelby Street Boat Launch Ramp Facility for the period of May 1, 2018, through December 31, 2018, substantially in the same form as attached to this Ordinance, marked Exhibit “1”, and specifically incorporated as if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with

carrying out the terms of this Ordinance.

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 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 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 upon its passage, and its 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: April 9, 2018

## **AGREEMENT**

This Agreement made on and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2018, between the City of Sandusky, Ohio, a Chartered Municipal Corporation of the State of Ohio, herein referred to as "Lessor," and Block by Block Inc., 640 South Fourth Street, Suite 110, Louisville, Kentucky 40202, herein referred to as "Lessee"

In consideration of the mutual covenants herein set out, the parties agree as follows:

### **1. Description of Premises**

In consideration of the rents, charges, and payments, hereinafter reserved and of the covenants and agreements herein expressed on the part of the Lessee, to be kept, performed and fulfilled, Lessor hereby leases to Lessee the premises known as the building located at the Shelby Street Boat Launch Ramp Facility located in the City of Sandusky, alternatively referred to as the leased premises. The leased premises are more specifically described in Exhibit "A" which is attached and specifically incorporated as if fully rewritten herein.

### **2. Term**

The term of this Lease shall be for the period of the May 1<sup>st</sup>, 2018 and concluding on December 31<sup>st</sup>, 2018, and shall include the rights, privileges, licenses, and appurtenances attached hereto, subject to the rights reserved herein on the part of the Lessor.

### **3. Delivery of Possession at Beginning of Term / Acceptance / Use**

Lessee has inspected the building located at the Shelby Street Boat Launch Ramp Facility and knows the condition as depicted by the pictures in Exhibit "A" and accepts same as in a clean and sanitary condition.

Lessee agrees that the leased premises shall be used exclusively for the staffing of their operations center for the Sandusky Ambassador team. The building's function

shall serve as a touch point for the Sandusky Ambassador team to receive their assignments, take breaks and stores the equipment used in cleaning downtown Sandusky. No other use of the leased premises shall be allowed unless prior written consent is obtained from the City Manager.

#### **5. Use of Equipment / Damages to Property**

Lessee agrees that all personal property of every kind and description kept, stored or placed in or on the leased premises shall be at Lessee's sole risk and hazard and that the owner, its employees, agents, officers, elected officials and representatives shall not be responsible for any loss or damage to any of such personal property.

#### **6. Obligations of Lessee**

Lessee shall comply at all times with all applicable federal, state, and local statutes, ordinances, regulation, policies and executive orders pertaining to all aspects of its operations.

- a. Lessee agrees to pay a rental and electric service fee for the leased premises in the amount of One Hundred and Fifty Dollars (\$150.00) per month payable in two installments with the first \$600.00 installment due on or before June 1, 2018, and the second \$600.00 installment due on September 1, 2018.
- b. Lessee agrees to maintain the public restroom facilities located in the leased premises in a clean and sanitary condition including the provision of hand wash soap, paper towels, and toilet paper. The Lessor shall provide to the Lessee the necessary cleaning supplies as well as the hand soap, paper towels, and toilet paper.
- c. Lessee further agrees to keep and maintain the leased premises in a good, safe and clean manner and shall obey and comply with all lawful requirements, regulations, orders, rules, laws and Ordinances of all public authorities that in any way affect the facilities at the building located at the Shelby Street Boat Launch Ramp Facility or the use of those facilities and improvements.



- d. Lessee shall maintain the leased premises and all improvements and appurtenances to the premises in a good repair and in at least as good condition as when delivered, ordinary wear and tear excepted. Lessee shall not commit any waste or cause damage to the building located at the Shelby Street Boat Launch Ramp Facility.
- e. Lessee shall not be responsible for snow removal, lawn care or repairs to the building or its necessary appurtenances at the Shelby Street Boat Launch Ramp Facility, Lessor shall be responsible therefore.

## **7. Liability and Insurance**

**7.1 Public Liability Insurance.** Lessee shall procure and maintain public liability insurance for the Premises with single limits of at least One Million Dollars (\$1,000,000.00) for personal injury or death to one or more persons arising out of any one accident or occurrence and property damage. Lessor and all City Departments, Boards, Commissions, Officials, and employees shall be named as additional insureds under this policy. The policy shall contain an agreement by the insurer that it will not cancel or make material change to the policy except after fifteen (15) days' prior written notice to Lessor and Lessee and that any loss otherwise payable shall be payable notwithstanding any act or negligence of Lessor or Lessee that might, absent such agreement, result in a forfeiture of all or a part of the insurance payment.

**7.2 Fire and Casualty Insurance.** Lessor shall keep the Building and all other improvements located on the Property, insured against loss by fire and all of the risks and perils insured against in an extended coverage insurance policy, in an amount equal to the full replacement cost of the building, including vandalism and malicious mischief endorsements. Lessee shall be responsible for insuring all other property including Lessee's personal property, improvements, betterments, vehicles, and any employee's personal property.

**7.3 Certificates.** At the commencement of the term of this Lease, Lessee shall deliver to Lessor a certificate of the insurance required to be maintained under Section

7.1, this shall include evidence of no cross-liability restrictions and a copy of the insurance policy coverage terms, conditions and exclusions all acceptable to the Lessor. Lessee shall also deliver to Lessor at least ten (10) days prior to the expiration date of such policy or of any renewal policy, certificates for the renewal of this insurance and shall provide a notice of any material change thereto.

**7.4 Indemnification.** Lessee shall indemnify and hold Lessor and all City Departments, Boards, Commissions, operating units, Officials, and employees harmless against any and all claims, liabilities, damages or losses, and any attorney's fees and other incidental expenses, resulting from injury or death of any person or damage to property occurring on or about the Premises, as a result of any tortuous or negligent act of the Lessee or of its employees, agents or contractors, or arising in conjunction with the use and occupancy of the Premises by Lessee or others claiming under Lessee, unless the death, injury or damage was sustained as a result of any tortuous or gross negligent act of Lessor or its employees, agents, or contractors, or by reason of the breach of any of Owner's obligations under this Lease Agreement.

#### **8. Public Access**

Lessee acknowledges that it is the express intent of the Lessor to allow lawful public access to all permitted areas of the Shelby Street Boat Launch Ramp Facility, with the exception of the inside of the building and the gated Fire Patrol and ODNR Patrol boat dock and Lessee agrees to operate and maintain the leased premises without unduly interfering with the lawful access of the public.

#### **9. Non-Assignment**

The Lessee shall not assign this Lease, nor sublet said leased premises nor any part thereof without the written consent of Lessor.

#### **10. Termination**

If Lessee breaches any of terms of this Lease and/or fails to comply with the Lessor's covenants contained herein or if said payment or any part of it shall at any time

be in arrears and unpaid for thirty (30) days after the same ought to have been paid, or if the Lessee shall at any time fail or neglect to perform and observe any of the covenants, conditions, or agreements herein contained and on their part to be performed and observed, or shall be adjudged bankrupt or insolvent, then and in such case, Lessor may give Lessee written notice of such default and if Lessee does not cure any default within thirty (30) days, after giving of such notice then Lessor may immediately terminate this Lease. On the date specified in the notice the term of this Lease shall terminate and Lessee shall then quit and surrender the premises to Lessor, but Lessee shall remain liable for their payments until vacating the premises. If this lease shall have been so terminated by Lessor, Lessor may immediately thereafter resume possession of the premises by any lawful means and remove Lessee and their personal property.

#### **11. Loss Due to Catastrophe**

In case of damage to the leased premises at the building located at the Shelby Street Boat Launch Ramp Facility by an act of God or other casualty beyond the Lessor's control, the Lessor shall have the option to terminate this Lease or to repair the facility.

#### **12. Non-Discrimination**

The Lessee shall not discriminate against any employee or applicant for employment, because of race, color, religion, national origin, ancestry, age, handicap, disability, or sex. All pertinent Federal laws prohibiting any such discrimination will be adhered to. The Lessee shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, national origin, ancestry, handicap, disability, or sex. Such action shall include, but is not limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. The Lessee agrees to post in conspicuous places, available to employees and applicants for

employment, notices as may be provided by the Lessor, setting forth the provisions of the non-discrimination clause.

### **13. Severability of Clauses**

No waiver of any covenant or condition or of the breach of any covenant or condition of this Agreement shall be taken to constitute a waiver of any subsequent breach of such covenant or condition nor to justify or authorize the non-observance or any other occasion of the same in any other covenant or condition hereof.

### **14. Notice**

Whenever in this Lease there shall be required or permitted that notice or demand be given in or served by either party to this Agreement, to or on the other, such notice or demand shall be given or served in writing by certified mail, return receipt requested addressed as follows:

**Lessor**

City of Sandusky  
c/o City Manager  
222 Meigs Street  
Sandusky, OH 44870

**Lessee**

Block by Block  
Project Manager  
640 South 4<sup>th</sup> St., Suite 110  
Louisville, KY 40202

### **15. Entire Agreement**

No amendment, change, modification or addition to this Lease shall be binding upon the parties unless it is in writing and signed by both Lessor and Lessee.

### **16. Binding Effect**

This Lease, and all the terms and provisions hereof, shall inure to the benefit of and be binding upon the parties hereto, their respective heirs, administrative, executors, successors and assigns.

**SIGNATURE PAGES TO FOLLOW**

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly  
executed in their respective names, all as of the date hereinbefore written.

WITNESSES:

CITY OF SANDUSKY:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Eric L. Wobser, City Manager

STATE OF OHIO )

) ss:

ERIE COUNTY )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2018, before me, a Notary Public in  
and for said County and State, personally appeared Eric L. Wobser, City Manager of the  
City of Sandusky, Ohio, and acknowledged his execution of the foregoing instrument as  
said officer of said City on behalf of said City and by its authority and that the same is his  
voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed by  
official seal on the day and year aforesaid.

\_\_\_\_\_  
Notary Public

My Commission Expires:\_\_\_\_\_

WITNESSES:

LESSEE: Block by Block Inc.,

\_\_\_\_\_

\_\_\_\_\_  
(signature)

\_\_\_\_\_

\_\_\_\_\_  
(printed name & title)

STATE OF OHIO )

) ss:

ERIE COUNTY )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2018, before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, and acknowledged their execution of the foregoing instrument as said Lessee on behalf of themselves and that the same is their voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed by official seal on the day and year aforesaid.

\_\_\_\_\_  
Notary Public

My Commission Expires:\_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Trevor Hayberger  
Ohio Supreme Court #0075112  
Assistant Law Director, City of Sandusky

**Exhibit "A"**



















## DEPARTMENT OF PUBLIC WORKS

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: Jane E. Cullen, P.E.

Date: March 27, 2018

**Subject: Commission Agenda Item- Professional Design Services Agreement with K.E. McCartney & Associates, Inc. for D03 SRTS City of Sandusky INF PID 103737 Project**

**ITEM FOR CONSIDERATION:** Legislation for approval to enter into a Professional Services Agreement for the design of the Safe Routes to Schools (SRTS) Project with K.E. McCartney & Associates, Inc. (KEM) of Mansfield, Ohio.

In March of 2016, the City of Sandusky applied to the Ohio Department of Transportation for Safe Routes to School (SRTS) funding for several infrastructure projects at the Sandusky Middle School. In July of 2016, ODOT notified the City of Sandusky, the Sandusky Middle School infrastructure improvements were selected for funding. Below is a summary of those improvements.

Line Item No.	Item Description
1	Install bicycle racks on campus.
2	Install school flashers with radar feedback & create school zone on Perkins Avenue.
3	Install ADA compliant curb ramps, stop bars, and crosswalks as applicable at the intersections on Buchanan Street including Camp Street, Carr Street, Shelby Street, McDonough Street, and Hayes Avenue.
4	Install ADA compliant curb ramps, stop bars, and crosswalks as applicable at the intersections on Johnson Street including Camp Street, Carr Street, Shelby Street, McDonough Street, and Hayes Avenue.
5	Install ADA compliant curb ramps, stop bars, and crosswalks as applicable at the intersections on Camp Street including Forest Drive and Grant Street.
6	Install ADA compliant curb ramps, stop bars, and crosswalks as applicable at the intersections on Hayes Avenue at Grant Street and Rockwell Street.
7	Install countdown pedestrian signals at the existing traffic signals and upgrade striping at the intersection of Hayes Avenue and Pierce Street.
8	Replace the existing sidewalk as needed for approximately 1700 feet along Camp Street between West Perkins Avenue and Pierce Street.

The City of Sandusky accepted Statements of Qualifications to obtain design services for the for D03 SRTS City of Sandusky INF PID 103737 Project. K.E. McCartney & Associates, Inc. was selected using a qualifications based selection process as described in Chapter 141 of the City's Codified Ordinances. Seven engineering firms submitted qualifications and based on the firm's experience, ability to perform, personnel experience, and overall project scope K.E. McCartney & Associates, Inc. was determined to be the most qualified firm. K.E. McCartney & Associates, Inc. will be providing the design services per the City of Sandusky and Ohio Department of Transportation (ODOT) requirements.

**BUDGETARY INFORMATION:** The not to exceed cost for professional design services is \$39,588.00. This project will be funded with Federal Highway Administration (FHWA) funds through the Ohio Department of Transportation (ODOT). The funding available for design services, utility relocation, inspection services and construction costs is capped at \$285,000.00.

**ACTION REQUESTED:** It is recommended that an ordinance for a professional design services contract for the D03 SRTS City of Sandusky INF Project in the amount of \$39,588.00 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 proceed with the design services and to meet the ODOT schedule deadline of stage 2 preliminary plan submittal of August 2018.

I concur with this recommendation:

---

Eric Wobser  
City Manager

---

Aaron Klein, P.E.  
Director

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL DESIGN SERVICES WITH K.E. MCCARTNEY & ASSOCIATES, INC., OF MANSFIELD, OHIO, FOR THE SAFE ROUTES TO SCHOOL (SRTS) PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City Commission approved a Resolution of Support for the Safe Routes to School (SRTS) Program and the development of Sandusky's School Travel Plan by Resolution No. 011-11R, passed on March 28, 2011; and

**WHEREAS**, the Ohio Safe Route to School (SRTS) Program is funded by the Federal Highway Administration and administered by the Ohio Department of Transportation to support projects and programs that enable and encourage walking and bicycling to and from school; and

**WHEREAS**, a School Travel Plan for Sandusky City Schools was completed and approved by the Ohio Department of Transportation which allowed the City to apply for funding for infrastructure and non-infrastructure projects listed in the School Travel Plan; and

**WHEREAS**, this City Commission authorizing the filing of an application with the Ohio Department of Transportation for the 2016 Safe Routes to School (SRTS) Cost Reimbursement Program by Resolution No. 013-16R, passed on February 22, 2016, and subsequently was awarded grant funds up to a maximum of \$285,000.00; and

**WHEREAS**, the Sandusky Middle School project includes installation of bicycle racks, school flashers, ADA compliant curb ramps, stop bars and crosswalks, countdown pedestrian signals, and replacing existing sidewalks as needed along Camp Street between West Perkins Avenue and Pierce Street; and

**WHEREAS**, pursuant to Chapter 141 (Professional Design Services Selection) of the Codified Ordinances, seven (7) engineering firms submitted statements of qualifications and based on the firm's experience, ability to perform, personnel experience and overall project scope, K.E. McCartney & Associates, Inc. was determined to be the most qualified; and

**WHEREAS**, the cost for the professional services is \$39,588.00 and will be paid with Federal Highway Administration (FHWA) funds through the Ohio Department of Transportation (ODOT); 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 proceed with the design services and to meet the ODOT schedule deadline to submit stage two of preliminary design plans by August of 2018; 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 an agreement with K.E. McCartney & Associates, Inc., of Mansfield, Ohio, for Professional Design Services for the Safe Routes to School Project (D03 SRTS City of Sandusky INF PID 103737 Project), substantially in the same form as attached to this Ordinance, marked Exhibit "1", and specifically incorporated as if fully rewritten herein, together with such revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with the objectives and requirements of this Ordinance at an amount **not to exceed** Thirty Nine Thousand Five Hundred Eighty Eight and 00/100 Dollars (\$39,588.00).

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: April 9, 2018



CITY OF SANDUSKY  
AGREEMENT NO. 31951

This Agreement No. 31951 entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between City of Sandusky, acting by and through the City Engineer, hereinafter referred to as the City, and K.E. McCartney & Associates, Incorporated, hereinafter referred to as the Consultant, with an office located at 52 North Diamond Street, Mansfield, Ohio 44902.

W I T N E S S E T H:

That the City and the Consultant, for the mutual considerations herein contained and specified, have agreed and do hereby agree as follows:

CLAUSE I - WORK DESCRIPTION

The Consultant agrees to perform all professional services as may be authorized by the City for preparation of the Project Development Process for a Safe Routes to School project in Erie County, Ohio, identified as D03 SRTS City of Sandusky Inf.

CLAUSE II - INVOICE & PROJECT SCHEDULE

The City and the Consultant agree to the attached Invoice & Project Schedule including the overall Agreement length, and Scheduled Submittal dates and Review Times set out in the Project Schedule.

The Consultant agrees to submit the completed Invoice & Project Schedule transmittal letter together with the updated Invoice & Project Schedule for all billing purposes for all Parts of this Agreement every thirty (30) days as follows:

- (a) Signed original transmittal letter and invoice (IPS) and three (3) copies of same.
- (b) Two (2) copies of the updated Project Schedule.

CLAUSE III - PRIME COMPENSATION

The City agrees to compensate the Consultant for the performance of the authorized portions of the Work specified in this Agreement.

## Project Development Process.

### Part 1: Planning thru Environmental Engineering.

Lump sum fee of Twenty-Six Thousand, Seventy Dollars (\$26,070.00). However, the maximum prime compensation shall not exceed Twenty-Six Thousand, Seventy Dollars (\$26,070.00).

#### Part 1.1: Pedestrian Heads (if authorized)

Lump sum fee of Two Thousand, Three Hundred Dollars (\$2,300.00). However, the maximum prime compensation shall not exceed Two Thousand, Three Hundred Dollars (\$2,300.00)

### Part 2: Final Engineering.

Lump sum fee of Eleven Thousand, Two Hundred Eighteen Dollars (\$11,218.00). However, the maximum prime compensation shall not exceed Eleven Thousand, Two Hundred Eighteen Dollars (\$11,218.00).

The total maximum prime compensation of all Parts which may be authorized for the subject Agreement is Thirty-Nine Thousand, Five Hundred Eighty-Eight Dollars (\$39,588.00).

Prime Compensations, only as agreed and by proper modification of this Agreement and authorized in writing by the City, may be added to or subtracted from under the authority of the Department of Transportation's "Specifications for Consulting Services, 2016 Edition".

## CLAUSE IV - INCORPORATION BY REFERENCE

The following documents, or specified portions thereof, are hereby incorporated into and made a part of this Agreement as though expressly rewritten herein:

- (a) The Department of Transportation's "Specifications for Consulting Services, 2016 Edition".
- (c) The attached Final Scope of Services Minutes dated February 28, 2018.
- (d) The Invoice & Project Schedule.
- (e) The most current Office of Budget and Management Travel Policy as published on the State of Ohio Website (<http://obm.ohio.gov/TravelRule/default.aspx>).

## CLAUSE V - GENERAL PROVISIONS

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.

Additionally, 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 such time as the expenditure of funds is certified by the Director of Budget and Management, pursuant to Section 126.07 of the Ohio Revised Code.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written by affixing the signature of the duly authorized officer of Consultant and the signature of the City Manager.

K.E. MCCARTNEY & ASSOCIATES, INCORPORATED

By: \_\_\_\_\_

Title: \_\_\_\_\_

CITY OF SANDUSKY

\_\_\_\_\_  
Eric Wobser  
City Manager

APPROVED AS TO FORM:

By: \_\_\_\_\_

Title: \_\_\_\_\_

## Engineering Services Agreement

<b>Engineer:</b> K.E. McCartney & Associates, Inc. 52 N. Diamond St. Mansfield, Ohio 44902	<b>Client:</b> City of Sandusky Attn: Aaron M. Klein, Director of Public Works 222 Meigs St. Sandusky, Ohio 44870
<b>Project No.</b> HY-252 PID 103737	<b>Date:</b> February 28, 2018
<b>Project Name:</b> D03 SRTS City of Sandusky Inf.	<b>Location:</b> City of Sandusky
<b>Description:</b> Engineering Services for the design and preparation of construction contract plans for intersection improvements.	
<b>Scope of Services:</b> Engineer will prepare Construction Contract Documents for intersection improvements. The proposed improvements are located within a half mile radius of the Sandusky Middle School. The proposed project includes installing bicycle racks, school flashers, ADA compliant curb ramps, stop bars and crosswalks at 14 intersections near the school as well as replacing sidewalks along Camp Street. Pedestrian countdown signals at Hayes Ave. and Pierce St. may be included if authorized. See attached location map provided by the City for all proposed work.	
<b>Surveying</b> 1. KEM will complete all necessary topo field work and develop the base map of existing conditions.	
<b>Field Review and Scope of Services</b> 1. Perform field review and confirm the Scope of Services prepared for ODOT.	
<b>Preliminary Plans</b> 1. Title Sheet 2. General Notes 3. Typical Sections 4. Plan Sheets 5. Traffic/Ped Signal Design 6. Intersection Details 7. Utility Coordination 8. Preliminary Cost Estimate 9. Preliminary Design Submission and Revisions	
<b>Final Plans</b> 1. Upon approval of the preliminary design, KEM will proceed with final design including: <ul style="list-style-type: none"> <li>a. Complete Title Sheet</li> <li>b. General Notes</li> <li>c. Subsummaries</li> <li>d. General Summary and Calculations</li> <li>e. Complete Plan Sheets including pavement markings and signage</li> <li>f. Traffic/Ped Signal Plans               <ul style="list-style-type: none"> <li>i. Traffic control notes and specifications</li> </ul> </li> <li>g. Utility Coordination</li> <li>h. Construction Cost Estimate including quantities and summaries</li> <li>i. Review Submissions &amp; Revisions               <ul style="list-style-type: none"> <li>i. Final Submission</li> <li>ii. Tracings Submission</li> <li>iii. Coordination with ODOT for necessary approvals</li> </ul> </li> </ul>	
2. Preparation of Construction Plans in conformance with ODOT requirements for Local Let Projects	

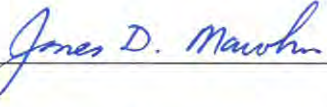
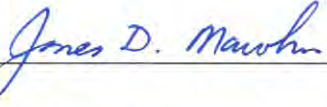
**General**

1. All specifications will be included on the construction plans or will reference the 2016 ODOT Construction and Material Specifications.
2. No right of way takes are anticipated.
3. No Environmental Document work anticipated by consultant.
4. City to provide existing plans of intersections.
5. City to prepare the Bid/Contract Documents
6. On-going services during construction are not included, but can be provided on an as requested basis.

<b>Fee Arrangement:</b>	Lump Sum billed on percent complete and based on following assumed distribution of cost:	
	Preliminary Engineering	\$26,070
	Detailed Design	11,218
	<u>Ped Heads (if authorized)</u>	<u>2,300</u>
	Total	\$39,588
<b>Total Combined Lump Sum: \$ 39,588.00</b>		


**Special Conditions:**

1. Additional services include any not listed in the Scope of Services and will be billed at standard hourly rates following approval of the Client.
2. All permit fees are the responsibility of the Client.
3. Site assessments including archaeological, environmental, ecological and wetland, or other such; and site investigations including soil borings; are the responsibility of the Client. The Client shall provide KEM with any such assessments, delineations, or investigations that may impact project design.
4. Standard hourly rates may be adjusted annually as of 2018 to reflect current cost associated with inflation and overhead expenses.

<b>Offered by: (Engineer):</b>		<b>Accepted by: (Client):</b>	
			
Signature	Date	Signature	Date
			
<b>JAMES D. MAWHORR SR. VICE PRES.</b>			
Printed name / title		Printed name / title	
		Signature indicates the authority to bind the Client to the terms herein	
James D. Mawhorr, P.E., P.S., Senior Vice President			
Engineer's Designated Representative		Client's Designated Representative(s)	

The terms and conditions on pages 4 thru 9 are part of this Agreement.

**D03 SRTS City of Sandusky Inf**  
City of Sandusky

PID 103737

**ESTIMATE BY HOURS**

Category	Principal	Senior Proj. Manager	Proj. Manager	Proj. Eng.	Tech.	GIS Survey	Survey Crew	Survey Crew Member	Miles	KEM	Sub and/or Equip	SUBTOTAL	PHASE TOTALS
<b>1 Surveying</b>													<b>\$6,104.00</b>
1.01 Field Work - layout existing conditions at intersections		1	16	16					350	\$3,676.00		\$3,676.00	
1.02 Base Map		2	8		16					\$2,428.00		\$2,428.00	
<b>2 Field Review and Scope of Services</b>													<b>\$1,265.00</b>
2.01 Field Review and Scope of Services Confirmation		8							125	\$1,265.00		\$1,265.00	
<b>3 Preliminary Plans</b>													<b>\$20,001.00</b>
3.01 Title Sheet		1	2	1	3					\$704.00		\$704.00	
3.02 General Notes		2	4	8	2					\$1,698.00		\$1,698.00	
3.03 Typical Sections		1	3	1	2					\$733.00		\$733.00	
3.04 Plan Sheets		3	4	8	8					\$2,322.00		\$2,322.00	
3.05 Intersection Details		3	24	8	24					\$5,746.00		\$5,746.00	
3.06 Traffic/Ped Signal (Pavement Markings & Signing Plan)		1	4	8						\$1,390.00		\$1,390.00	
3.07 Sidewalk Replacement on Camp St.		1	8	8						\$1,822.00		\$1,822.00	
3.08 Utility Coordination		1	2							\$366.00		\$366.00	
3.09 Preliminary Cost Estimate		2	4							\$732.00		\$732.00	
3.10 General Oversight		8	8							\$2,064.00		\$2,064.00	
3.11 Preliminary Design Submission & Revisions		8	8	2	2					\$2,424.00		\$2,424.00	
<b>4 Final Plans</b>													<b>\$12,218.00</b>
4.01 Complete Title Sheet		1			2					\$308.00		\$308.00	
4.02 General Notes		1	3	2	2					\$834.00		\$834.00	
4.03 Subsummaries		1	1	2						\$460.00		\$460.00	
4.04 General Summary, Calculations		1	2	4	2					\$928.00		\$928.00	
4.05 Complete Plan & Profile		1	2	4	4					\$1,086.00		\$1,086.00	
4.06 Traffic/Ped Signal (Pavement Markings & Signing Plan)		4	8	4	2					\$2,026.00		\$2,026.00	
4.07 MOT Plans		1	1	3						\$561.00		\$561.00	
4.08 Utility Coordination		1	2	2						\$568.00		\$568.00	
4.09 Construction Cost Estimate		2	3							\$624.00		\$624.00	
4.10 Review Submissions & Revisions		2	4	2	3					\$1,171.00		\$1,171.00	
4.11 Bid Documents & Award Evaluation										\$-		\$-	
4.12 General Oversight		8	8	2						\$2,266.00		\$2,266.00	
4.13 Final Tracing Submission		3	2	4	4					\$1,386.00		\$1,386.00	

<b>Hours Subtotal</b>	<b>0.00</b>	<b>68.00</b>	<b>131.00</b>	<b>89.00</b>	<b>76.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>475.00</b>				
Hourly Rate	150.00	150.00	108.00	101.00	79.00	69.00	115.00	60.00	0.52				
<b>Project Budget Subtotal</b>	<b>\$-</b>	<b>\$10,200.00</b>	<b>\$14,148.00</b>	<b>\$8,989.00</b>	<b>\$6,004.00</b>	<b>\$-</b>	<b>\$-</b>	<b>\$-</b>	<b>\$247.00</b>	<b>\$39,588.00</b>	<b>\$-</b>		
<b>TOTAL DESIGN BUDGET</b>												<b>\$39,588.00</b>	

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

**AN ORDINANCE AMENDING PART FIVE (GENERAL OFFENSE CODE), CHAPTER 521 (HEALTH, SAFETY, AND SANITATION), SECTION 521.101 (SMOKING PROHIBITED AT CITY PARKS) OF THE CODIFIED ORDINANCES OF THE CITY OF SANDUSKY, IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW.**

**WHEREAS**, this City Commission established Section 521.101 to prohibit smoking in in City parks by Ordinance 16-103, passed on July 11, 2016; and

**WHEREAS**, this City Commission passed a motion at their regularly scheduled meeting on March 26, 2018, to create an expansion of the current smoking ban legislation; 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 Department of Community Development, 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 Five (General Offense Code), Chapter 521 (Health, Safety, and Sanitation), Section 521.101 (Smoking Prohibited at City Parks) of the Codified Ordinances of the City of Sandusky be amended as follows:

**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 521.101  
SMOKING PROHIBITED AT CITY PARKS**

(a) Definitions:

(1) As used in this section, “smoke” or “smoking” means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted smoking device for burning tobacco or any other plant.

(2) As used in this section, “City Parks” is defined as Amvets Park, Battery Park, Central Park, Churchwell Park (MacArthur), Dorn Community Park, Facer Park, Farwell Park, Foxborough Park, Huron Park (including splash pad), Wightman-Wieber Park (Jaycee North), Jaycee Park South, Kiwanis Park, Lions Park, Orlando Pace Park, Schaeffer Park, Shoreline Park, Sprau Park, Sandusky Bay Pavilion, Venice Park, Washington Parks, Wilbert Park, and any other City Park(s) established after the effective date of this legislation.

~~(3) As used in this section “Playground equipment” is defined as including, but not limited to, items such as the seesaw, merry go round, swings or~~

~~swing set, slide, jungle gym, chin-up bars, sandbox, spring rider, splash pad, trapeze rings, playhouses, or mazes.~~

~~(4) As used in this section “Playground area” is defined as any area including but not limited to, baseball diamond, basketball court, ice skate area, skate board area, or any playground surface border (the border around the playground equipment, sometimes delineated by a plastic or wood border).~~

**(3) As used in this section, “Enclosed Public Place” is an enclosed area to which the public is invited or in which the public is permitted and that is not a private residence.**

**(4) As used in this section, “Enclosed Area” means an area with a roof or other overhead covering of any kind and walls or side coverings of any kind, regardless of the presence of openings for ingress and egress, on all sides or on all sides but one. Enclosed Areas also include park shelters.**

**(b) No person shall smoke or be smoking at any of the City Parks or any Enclosed Public Places, including any ingress and egress access points (sidewalks, driveways, and parking lots) to the City Parks or Enclosed Public Places. No person shall smoke or be smoking within 25 feet of any playground equipment or any playground area at any of the City parks.**

~~(c) A person who violates section (b) is subject to a citation only if he or she refuses or fails to cease smoking immediately upon being requested or ordered to do so by a City of Sandusky Police Officer.~~

**(cd) Whoever violates this section is guilty of a minor misdemeanor.**

**(d) Lack of intent to violate this Section shall not be used as a defense to a violation of this Section.**  
~~(Ord. 16-103. Passed 7-11-16.)~~

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: