



**SANDUSKY CITY COMMISSION
REGULAR SESSION AGENDA
SEPTEMBER 9, 2019 at 5 p.m.
CITY HALL, 240 COLUMBUS AVENUE**

INVOCATION	Greg Lockhart
PLEDGE OF ALLEGIANCE	
CALL TO ORDER	
ROLL CALL	W. Poole, D. Waddington, N. Twine, D. Murray, N. Lloyd, D. Brady & G. Lockhart
APPROVAL OF MINUTES	August 26, 2019
AUDIENCE PARTICIPATION	
PRESENTATION	Lori Brodie, Northwest Regional Liaison with the Ohio Auditor of State State Auditor's Award Dr. Swathi Ravichandran, Director of Cedar Fair Resort & Attraction Management Program Talon Flohr, Neighborhood Outreach Coordinator Neighborhood Initiative Update
COMMUNICATIONS	Motion to accept all communications submitted below
CURRENT BUSINESS	

CONSENT AGENDA ITEMS

A. Submitted by Aaron Klein, Director of Engineering Services

ANNUAL AGREEMENT WITH ODOT FOR MAINTENANCE OF STATE ROUTE 2

Budgetary Information: The total cost for the State Route 2 maintenance services for the dates of July 1, 2018 through June 30, 2019 is \$12,632.33 and will be paid with the City of Sandusky's State Highway fund.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing payment to the Treasurer of State, Ohio Department of Transportation, for the maintenance of State Route 2 in the City of Sandusky by the Ohio Department of Transportation for the period of July 1, 2018, through June 30, 2019; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

B. Submitted by Todd Gibson, Facilities & Properties Supervisor

AUTHORIZATION TO DISPOSE OF VEHICLES THROUGH INTERNET AUCTION

Budgetary Information: Proceeds from the sale of the items will be placed into the city's Issue 8 Capital fund – vehicles, facilities and equipment.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to dispose of vehicles 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.

C. Submitted by Hank Solowiej, Finance Director

APPROVING THE ANNUAL AMOUNTS AND RATES TO THE ERIE COUNTY BUDGET COMMISSION

Budgetary Information: The city is required to accept the tax rates as determined by the Erie County Budget Commission before October 1, 2019. This approval establishes funding for 2020. The prior year resolution was passed by the City Commission on September 10, 2018 (036-18R).

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

D. Submitted by Debi Eversole, Housing Development Specialist

PURCHASE & SALE AGREEMENT FOR PARCEL IN COLD CREEK SUBDIVISION THROUGH LAND BANK PROGRAM

Budgetary Information: The city will recoup the cost of the expenses from the sale, if any. All remaining proceeds will be deposited into the special assessment bond retirement fund. \$13,195.97 will be applied to the future assessments on the property and the rest will be applied to the assessments paid to date.

ORDINANCE NO. _____: It is requested an ordinance be passed declaring that certain real property owned by the city as part of the land reutilization program identified as Parcel #60-00043.069, located at 806 South Meadow Drive in the Cold Creek Crossing subdivision is no longer needed for any municipal purpose and authorizing the execution of a purchase agreement with respect to that real property; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

E. Submitted by Nicole DeFreitas, Transit Administrator

AMENDMENT TO AGREEMENT WITH ERIE COUNTY JOB & FAMILY SERVICES FOR SANDUSKY TRANSIT SYSTEM

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

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a second amendment for the contract for transportation services between the City of Sandusky and the Board of County Commissioners of Erie County for the Department of Job & Family Services; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

F. Submitted by Debi Eversole, Housing Development Specialist

REPEAL OF PURCHASE & SALE AGREEMENT FOR PARCEL ON A STREET AND APPROVAL OF NEW PURCHASE & SALE AGREEMENT TO ADJOINING PROPERTY OWNER THROUGH LAND BANK PROGRAM

Budgetary Information: There is no budget impact and the city has already recouped the cost of the expenses from the sale through receipt of earnest monies and in-kind maintenance performed on the property. The purchasers, Mr. and Mrs. Hartlage, will be responsible for the expense of the deed preparation of \$90. The taxing districts will begin collecting approximately \$120 per year in real estate taxes.

ORDINANCE NO. _____: It is requested an ordinance be passed repealing Ordinance No. 16-167, passed on October 11, 2016, and declaring that certain real property owned by the city as part of the land reutilization program identified as Parcel No. 58-02249.000, located at 919 A Street is no longer needed for any municipal purpose and authorizing the execution of a purchase agreement with respect to that real property; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

G. Submitted by Jane Cullen, Assistant City Engineer

CHANGE ORDER FOR COLUMBUS/SCOTT/CAMPBELL INTERSECTION PROJECT (DEDUCT ONLY)

Budgetary Information: Change Order #1, a deduction of \$9,545.44, will revise the original contract amount of \$173,912.36 to \$164,366.92. The final costs will be split as follows: ODOT Active Transportation funding, \$125,000 and \$39,366.92 from the city’s capital projects fund (Issue 8 infrastructure).

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to approve the first and final change order for work performed by Perram Electric, Inc. of Wadsworth, Ohio, for the Columbus/Scott/Campbell intersection project, Phase 3; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

REGULAR AGENDA ITEMS

ITEM #1 – ORDERED IN 8.26.19

RESOLUTION OF SUPPORT REGARDING THE CABLE COMMUNICATIONS POLICY ACT

RESOLUTION NO. _____: It is requested a resolution be passed urging the FCC to reconsider its proposed third report and order on the implementation of Section 621 (a) (1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Completion Act of 1992 (MB Docket No. 05-311); and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #2 – Submitted by Josh Snyder, Assistant City Engineer

AWARD OF CONTRACT FOR DEMOLITION OF CEDAR POINT WATER TOWER

Budgetary Information: The cost of the project based on the lowest and best bid, including advertising and inspection, is \$95,000 and will be paid with water funds.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with Baumann Enterprises, Inc., of Garfield Heights, Ohio, for the Cedar Point Chaussee water tower demolition project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #3 – Submitted by Josh Snyder, Assistant City Engineer

PERMISSION TO BID BUCHANAN STREET PROJECT

Budgetary Information: The estimated cost of the project including engineering, inspection, advertising, construction and miscellaneous costs is \$395,000 paid with \$175,000 Ohio Public Works funding and \$220,000 of Issue 8 infrastructure funds from the capital projects account.

RESOLUTION NO. _____: It is requested a resolution be passed declaring the necessity for the city to proceed with the proposed Buchanan Street reconstruction project – Hayes Avenue to Campbell Street; approving the specifications and Engineer’s estimate of cost thereof; and directing the City Manager to advertise for and receive bids in relation thereto; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

CITY MANAGER’S REPORT

OLD BUSINESS

NEW BUSINESS

AUDIENCE PARTICIPATION: Open discussion on any item (5 minute limit)

EXECUTIVE SESSION(S)

ADJOURNMENT

Buckeye Broadband broadcasts on Channel 76:

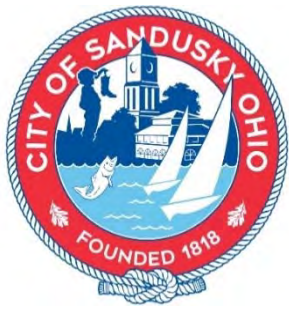
Monday, September 9 at 8:30 p.m.

Tuesday, September 10 at 5 p.m.

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

Online:

www.ci.sandusky.oh.us – Click “Play” 



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Aaron M. Klein, P.E.

Date: August 30, 2019

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

ITEM FOR CONSIDERATION: Legislation to authorize the payment to the Treasurer of State, C/O Ohio Department of Transportation (ODOT) for maintenance of State Route 2, located within the city limits, in the amount of \$12,632.33.

BACKGROUND INFORMATION: Per state law, maintenance of state routes and US routes are the responsibility of the municipality where they cross through the corporation limit. Ordinance 8203-C, passed March 27, 1978, required the City of Sandusky to annually pay ODOT for maintenance that includes but is not limited to snow plowing, drainage repair, guardrail repair, pavement patching and crack sealing.

Beginning in the late 1990s an informal arrangement with ODOT was that the City plowed Cleveland Road from the City limits to Camp Road in Huron Township for ODOT and in return ODOT had “forgiven” the actual charges for snow and ice control costs on S.R. 2 within the City limits. In 2010, City staff worked out a new agreement with ODOT to include language that provided for this past practice of swapping of services, and in 2012 approved a similar agreement which renews annually unless either party terminates the agreement. In October 2018, Ordinance 18-191 passed containing a new modification proposed by ODOT, effective July 1, 2018, whereby the City will perform snow and ice control on 5.312 lane miles of S.R. 101 from approximately .2 miles south of S.R. 2 to the southern City limit, including two (2) and four (4) lane sections, instead of the previous location on Cleveland Road. ODOT will continue to brine the overhead bridge on S.R. 101 as a pre-treatment and will assist the removal of the snow along the walls. The City is to plow and salt the bridge as normal within the limits of the swap being to the south of the bridge over S.R. 2.

The fee for 7/1/17 through 6/30/18 was \$28,193.14. Costs were higher along State Route 2 during that fiscal year mainly because ODOT increased pavement patching, spot paving, partial depth repairs and reconditioning of shoulders, which is work that is performed on a much smaller scale annually, similar to a typical street resurfacing program.

BUDGETARY INFORMATION: The total cost for the State Route 2 maintenance services for dates 7/1/18 through 6/30/19, is \$12,632.33 and will be paid with the City of Sandusky State Highway Fund.

ACTION REQUESTED: It is recommended that proper legislation be prepared and approved to make the payment in the amount of \$12,632.33 to the Treasurer of State, C/O Department of Transportation (ODOT), for work performed 7/1/18 to 6/30/19, and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter to make payment as soon as possible for services already provided and since payment was due by September 7, 2019.

I concur with this recommendation:

Eric Wobser, City Manager

cc: K. Kresser, Commission Clerk; H. Solowiej, Finance Director; T. Hayberger, Law Director



INVOICE

THE OHIO DEPARTMENT OF TRANSPORTATION

IN ACCOUNT WITH:

SANDUSKY CITY
222 MEIGS STREET
SANDUSKY, OH 44870

**ADDRESS QUESTIONS CONCERNING
THIS INVOICE TO:**

OHIO DEPARTMENT OF TRANSPORTATION
906 NORTH CLARK AVE

ASHLAND
(419)207-7031 Ext.
(419)207-7031 Ext.

District - 3

COUNTY	INVOICE NO.	INVOICE DATE	PATROL REPORT	DUE DATE
	030053	8/8/2019		9/7/2019

DESCRIPTION OF WORK DONE:	UNIT	QUANTITY	UNIT PRICE	TOTAL
Annual Maintenance Agreement for SR2, in Erie County. Period covers 07/01/18 through 06/30/19.				
ANNUAL MAINTENANCE AGREEMENT	YEAR	1	\$12,632.33	\$12,632.33

RECEIVED
SANDUSKY FINANCE DEPT
2019 AUG 19 AM 8:41

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

TOTAL AMOUNT DUE \$ 12,632.33



PLEASE RETURN BOTTOM PORTION OF INVOICE WITH PAYMENT


MAKE CHECKS PAYABLE TO:

TREASURER OF STATE
C/O DEPARTMENT OF TRANSPORTATION

INVOICE NUMBER: 030053

REMIT TO:

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

TOTAL DUE: \$ 12,632.33

DUE DATE: 9/7/2019

Annual Lane Mile Reimbursement

For the City of Sandusky

State Route 2 in Erie County

FY19 - From 7/1/18 to 6/30/2019

	To	From	Center line Miles				
City corporation Limits - ERI SR2	3.706	4.761	1.055	4	Lanes	4.22	Lane miles
City corporation Limits - ERI US6 west jct - RAMPS				1	ramps	2.4	Lane miles
					city lane miles	6.62	
Erie County ODOT Responsibility for Route 2	0.00	30.56	30.56	4	Lanes	122.24	Lane miles
RAMPS					ramps	19.92	
Erie County ODOT Responsibility, Total Lane Miles SR2						142.16	Lane miles
Erie County ODOT Responsibility, Total snow and ice Lane Miles						386.21	Lane miles
Direct Snow and Ice cost for Erie County ODOT						\$1,133,421.12	
Erie County ODOT Responsibility, Total Lane Miles						386.21	
Total Snow and Ice Cost Per Lane Mile for Erie County ODOT						\$2,934.73	TRADED
Direct Maintenance Cost for Route 2 in Erie County						\$271,270.78	
Erie County ODOT Responsibility for State Route 2						142.16	
Total Maintenance Cost Per Lane Mile for Route 2 in Erie County						\$1,908.21	
Direct Snow and Ice Cost Per Lane Mile for Erie County ODOT						\$2,934.73	
City of Sandusky Lane Miles on Route 2						6.62	
City of Sandusky cost for Snow and Ice						\$19,427.90	TRADED
Direct Maintenance Cost Per Lane Mile for Route 2 in Erie County						\$1,908.21	
City of Sandusky Lane Miles on State Route 2						6.62	
City of Sandusky cost for Maintenance						\$12,632.33	
Total Reimbursement for FY19						\$12,632.33	

**CHIEF FINANCIAL OFFICER'S CERTIFICATION OF
FUNDS AVAILABLE**

In the matter of: State Route 2 maintenance

It is hereby certified that the moneys required to meet the obligations of the City of Sandusky have been lawfully appropriated for such purposes and are in the treasury of the City of Sandusky or are in the process of collection to an appropriate fund, free from any previous encumbrances. This certificate is given in compliance with Ohio Rev. Code Sections 5705.41 and 5705.44.



Hank S. Solowiej, CPA
Finance Director

8-27-19

Date

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING PAYMENT TO THE TREASURER OF STATE, OHIO DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF STATE ROUTE 2 IN THE CITY OF SANDUSKY BY THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PERIOD OF JULY 1, 2018, THROUGH JUNE 30, 2019; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

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

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

WHEREAS, in 2010 the City and the Ohio Department of Transportation approved a new agreement that included language to reflect the current arrangement and changed the term of the agreement to coincide with ODOT's fiscal year which ends on June 30th and subsequently a similar agreement was approved by the City Commission in 2012; and

WHEREAS, in September of 2018, ODOT proposed a new modification to the agreement whereby the City will perform snow and ice control on a section of S.R. 101 instead of the previous section located on Cleveland Road and this City Commission approved this amendment by Ordinance No. 18-180, passed on September 10, 2018, and this agreement renews annually unless either party determines to terminate the agreement; and

WHEREAS, the cost for maintenance services for the period of July 1, 2018, through June 30, 2019, is \$12,632.33 and will be paid with the City's State Highway Funds; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to allow payment to be made to the Treasurer of State, Ohio Department of Transportation as soon as possible for services already provided and as the payment was due on September 7, 2019; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is

advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. This City Commission hereby authorizes and directs the City Manager and/or Finance Director to make payment to the Treasurer of State, Department of Transportation for the maintenance of State Route 2 for the period of July 1, 2018, through June 30, 2019, in an amount **not to exceed** Twelve Thousand Six Hundred Thirty Two and 33/100 Dollars (\$12,632.33), consistent with the invoice received by the City.

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

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

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

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

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: September 9, 2019



DEPARTMENT OF PUBLIC WORKS

Division of Facilities & Properties

1024 Cement Avenue
Sandusky, Ohio 44870
419.627.5884
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Todd Gibson, Facilities & Properties Supervisor

Date: August 28, 2019

Subject: Commission Agenda Item – Permission to dispose of unneeded vehicles

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

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

2006 Chevrolet Impala: VIN No. 2G1WS551169276598 – 169,198 miles: This vehicle was purchased and used as a marked Police car then used by other divisions. This vehicle is no longer operational and is beyond its service life. It will be sold for parts.

2006 Chevrolet Impala: Vin No. 2G1WS551869274038 – 192,347 miles: This vehicle was purchased and used as a marked Police car then used by other divisions. This vehicle is no longer operational and is beyond its service life. It will be sold for parts.

1990 Chevrolet C30 Dump Truck: VIN No. 1GDJC34J3LE524486 - 94,411 miles: This vehicle was purchased and used by the Streets & Traffic Division for its entire service life for general construction and plowing. This vehicle is beyond its useful life and has been replacement with a 2012 Ford F450 transferred from the Division of Sewer Maintenance as specified in Ordinance No. 19-087, passed on May 13, 2019.

BUDGETARY INFORMATION: Proceeds from the sale of the items will be placed into the City's Issue 8 Capital Fund - Vehicles, Facilities & Equipment.

ACTION REQUESTED: It is requested the attached legislation be approved authorizing the disposal of the vehicles 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 vehicle to be placed on the internet and sold at the earliest opportunity to continue with good housekeeping practices.

I concur with this recommendation:

Eric Wobser
City Manager

Aaron Klein, P.E.
Director

cc: K. Kresser, Commission Clerk; H. Solowiej, Finance Director; T. Hayberger, Law Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO DISPOSE OF VEHICLES 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 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, which is an internet auction site for governmental entities:

<u>Year / Make / Model</u>	<u>Vehicle ID Number</u>	<u>Mileage</u>
2006 Chevrolet Impala	2G1WS551169276598	169,198
2006 Chevrolet Impala	2G1WS551869274038	192,347
1990 Chevrolet Dump Truck	1GDJC34J3LE524486	94,411

WHEREAS, the proceeds from the sale of these vehicles will be placed into the Issue 8 Capital Fund - Vehicles, Facilities & Equipment; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to allow for the depreciating vehicles and items to be placed on the internet for auction at the earliest opportunity 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, 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 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 no longer needed for City

purposes through internet auction with the proceeds to be placed in the City's Issue 8 Capital Fund – Vehicles, Facilities & Equipment.

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

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

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

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

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: September 9, 2019



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

240 Columbus Avenue
Sandusky, Ohio 44870
Phone (419) 627-5888
Fax (419) 627-5892

TO: Eric L. Wobser, City Manager
FROM: Hank S. Solowiej, CPA, Finance Director
DATE: August 28, 2019
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

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

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

BUDGETARY INFORMATION:

The City is required to accept the tax rates as determined by the Erie County Budget Commission before October 1, 2019. This approval establishes funding for 2020. The prior year resolution was passed by City Commission on September 10, 2018 (Resolution No. 036-18R).

ACTION REQUESTED:

It is recommended that the resolution be approved in accordance with Section 14 of the City Charter under suspension of the rules. The need for immediate action is because the deadline for approval is October 1, 2019.

CC: Trevor Hayberger, Law Director

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

(City Commission)

Revised Code Secs. 5705.34, 5705.35

The City Commission of **Sandusky**, Erie County, Ohio met in _____
session on the _____ day of _____, 2019 at the office of _____
with the following members present:

M _____
M _____
M _____
M _____
M _____
M _____
M _____

RECEIVED
SANDUSKY FINANCE DEPT
2019 AUG 27 PM 2:50

M _____ moved the adoption of the following resolution:

RESOLVED, by the City Commission of **Sandusky**, Erie County, Ohio,
in accordance with the provisions of law has previously adopted a tax budget for the next
succeeding fiscal year commencing on January 1st, 2020; and

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

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

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

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

FUND	Amount to be derived from levies outside 10 mill limit	Approved by Budget Commission inside 10 mill limit	County Auditor's Estimate of Tax rate to be levied		
			Inside 10 mill limit	Outside 10 mill limit	
	Column II	Column IV	V	VI	
General Fund		1,703,814	3.65		
Police Pension		140,039	0.30		
Fire Pension		140,039	0.30		
Library - Bond	434,122			1.00	
Fund					
Fund					
Fund					
Fund					
TOTAL	434,122	1,983,892	4.25	1.00	

SCHEDULE B
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

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

SCHEDULE B (continued)

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate	County Auditor's Estimate of yield of levy (Carry to schedule A, Column II)
Library bond issue authorized by voters on __ November 3, 1998 and continuing through tax year 2022	1.00	434,122
Current expense levy authorized by voters on __ November 2, 1999 for not to exceed _____ years		
Current expense levy authorized by voters on May 8, 2001 for not to exceed _____ years		
Current expense levy authorized by voters on _____ 19____ for not to exceed _____ years		
Current expense levy authorized by voters on _____ 19____ for not to exceed _____ years		

and be it further

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

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

M _____

M _____

M _____

M _____

M _____

M _____

M _____

Adopted this _____ day of _____ 2019.

ATTEST:

Clerk of the Commission of
City of Sandusky
Erie County, OHIO

CERTIFICATE TO COPY

ORIGINAL ON FILE

The State of Ohio, Erie County, ss

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

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

Witness my signature, this _____ day of _____, 2019.

Clerk of the City Commission of

Sandusky
Erie County, Ohio

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

CITY OF SANDUSKY

2019 Tax year
2020 Collection year
based on 2018 Total Valuation

466,798,170

TOTAL PROPERTY TAXES TO BE COLLECTED BY LEVY			
	PER BUDGET COMMISSION	PER BUDGET SUBMITTED	VARIANCE
General	1,703,814	1,685,285	18,529
Fire Pension	140,039	138,517	1,522
Police Pension	140,039	138,517	1,522
Library Bond	434,122	461,722	(27,600)
TOTAL	2,418,014	2,424,041	(6,027)

LOCAL GOV. FUNDS TO BE COLLECTED			
	PER BUDGET COMMISSION	PER BUDGET SUBMITTED	VARIANCE
2019 Estimated Allocation	427,595	400,000	27,595

RECEIVED
SANDUSKY FINANCE DEPT.
2019 AUG 27 PM 2:50

RESOLUTION NO. _____

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

WHEREAS, the Erie County Budget Commission has certified its action regarding the amounts and rates and necessary tax levies to this Commission together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Commission and what part thereof is in excess of, and what part within, the ten-mill tax limitation; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to meet the statutory deadline of October 1, 2019, for approval as required by O.R.C. §5705.34; and

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

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

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

Section 2. There be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied in excess of, and within, the ten-mill limitation as set forth below:

SCHEDULE A

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

AMOUNTS APPROVED BY THE BUDGET COMMISSION
INSIDE 10-MILL LIMITATION

		INSIDE 10-MILL
General Fund	\$1,703,814.00	3.65
Police Pension Fund	\$ 140,039.00	.30
Fire Pension Fund	\$ 140,039.00	.30
TOTAL	\$1,983,892.00	4.25

AMOUNTS TO BE DERIVED FROM LEVIES
OUTSIDE 10-MILL LIMITATION

		OUTSIDE 10-MILL
Library - Bond Fund	\$434,122.00	1.00
TOTAL	\$434,122.00	1.00

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

Section 4. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 6. That for the reasons set forth in the preamble hereof, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

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

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: September 9, 2019



COMMUNITY DEVELOPMENT

240 Columbus Avenue, 4th Floor
Sandusky, Ohio 44870
419.627.5832
www.ci.sandusky.oh.us

TO: Eric Wobser, City Manager

FROM: Debi Eversole, Housing Development Specialist

DATE: August 28, 2019

RE: City Commission Agenda Item

ITEM FOR CONSIDERATION: The purpose of this communication is to request approval of legislation allowing the City Manager to execute a 'Purchase & Sale Agreement' for one (1) parcel of land currently in the City of Sandusky's Land Reutilization Program, that is no longer needed for any municipal purpose located at 806 South Meadow Drive and further identified by the Erie County Auditor as Permanent Parcel No. 60-00043.069.

BACKGROUND INFORMATION: Pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code. The City Commission approved acquisition of the parcel on February 24, 2014 pursuant to Resolution 008-14R and received a Sheriffs Deed on December 10, 2015, through foreclosure for delinquent real estate taxes. Lawrence Fuqua Jr. and Allean Fuqua have requested acquisition of this vacant nonproductive land and the Land Bank Committee unanimously recommended the acquisition and sale on August 22, 2019.

The vacant lot is located in the Cold Creek Crossing Subdivision and Mr. and Mrs. Fuqua propose the construction of a single family residential structure on the parcel that will be owner occupied. Wayne Homes will be contracted to construct a 1,882 sq. ft. home with an attached two (2) car garage that will have three (3) bedrooms and two (2) baths.

Sale of lots in the Cold Creek Crossing Subdivision slowly came to a halt during the housing crisis of 2008 and soon thereafter, the development company quit paying property taxes and assessments. The Land Bank has acquired the remaining parcels consisting of forty seven (47) parcels of vacant residential land and five (5) reserve areas. Subject to future City Commission approval, it is the Land Bank Committee's intent that a request for proposals (RFP) be issued for the Cold Creek Crossing Subdivision parcels in order to solicit a private developer to purchase the lots in bulk and complete the construction of the subdivision. However in the interim, the Land Bank Committee does not want to impede progress and would like to be responsive to those that request to purchase a parcel for new construction thereby putting the non-productive property back into tax producing status in a timely fashion.

The purchase price for the property will be twenty eight thousand, eight hundred ninety dollars (\$28,890.00), which is the current Erie County Auditor's valuation of the property and no less than fair market value.

The sale of the parcel will provide new residential in-fill housing that will protect and enhance surrounding property values and will help work toward the completion of the Cold Creek Crossing Subdivision. Not only will

this vacant non-productive parcel be put back into tax producing status, but the new residential construction will provide increased revenue for the taxing districts.

BUDGET IMPACT: The City will recoup the cost of the expenses from the sale, if any. All remaining proceeds will be deposited into the Special Assessment Bond Retirement Fund. (\$13,195.97 will be applied to the future assessments on the property and the rest will be applied to the assessments paid to date).

The taxing districts will begin collecting real estate taxes of approximately five hundred forty three dollars and eighty six cents (\$543.86) per year for the vacant land, plus real property taxes that will be assessed at 35% of the appraised value of the new structure.

ACTION REQUESTED: It is requested legislation be adopted allowing the City Manager to enter into a purchase & sale agreement with Lawrence Fuqua Jr. and Allean Fuqua to sell the property no longer needed for any municipal purpose located at 806 South Meadow Drive, and further identified by the Erie County Auditor as Permanent Parcel No. 60-00043.069 for a purchase price of twenty eight thousand, eight hundred ninety dollars (\$28,890.00). Mr. & Mrs. Fuqua will begin construction in March, 2020, but would like transfer of the title as soon as possible so they can finalize design and finish selections. Therefore it is further requested that the legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter in order to promptly execute the closing.

Debi Eversole
Housing Development Specialist

I concur with this recommendation:

Matthew D. Lasko
Chief Development Officer

Eric L. Wobser
City Manager

cc: Kelly Kresser, Clerk of the City Commission
Trevor Hayberger, Law Director
Hank Solowiej, Finance Director

ORDINANCE NO. _____

AN ORDINANCE DECLARING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY AS PART OF THE LAND REUTILIZATION PROGRAM IDENTIFIED AS PARCEL NO. 60-00043.069, LOCATED AT 806 SOUTH MEADOW DRIVE IN THE COLD CREEK CROSSING SUBDIVISION IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT WITH RESPECT TO THAT REAL PROPERTY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, the City Commission previously authorized the acquisition of the property located at 806 South Meadow Drive, Parcel No. 60-00043.069 by Resolution No. 008-14R, passed on February 24, 2014, under said Land Reutilization Program, which property is more specifically described in Exhibit "A" (the "Property") attached to a certain Purchase Agreement, a copy of which is marked Exhibit "1" with respect thereto (the "Purchase Agreement"), which property is no longer needed for any municipal purposes; and

WHEREAS, Lawrence and Allean Fuqua have requested to purchase this vacant nonproductive land for the purpose to construct a single-family residential structure with three (3) bedrooms, two (2) bathrooms, and an attached two (2) car garage; and

WHEREAS, the purchase price of the property is \$28,890.00, which is the current Erie County Auditor's valuation of the property and no less than fair market value; and

WHEREAS, the Land Bank Committee met on August 22, 2019, and approved the acquisition and sale of this property to Lawrence and Allean Fuqua; and

WHEREAS, any customary fees that may be due and payable in the ordinary course of the sale and purchase transaction will be recouped by the City upon sale and all remaining proceeds will be deposited into the Special Assessment Bond Retirement 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 promptly execute the closing within (30) days as usual and customary in the sale of real estate and allow the purchasers to finalize design and finish selections and proceed with construction in March of 2020; 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 finds, determines and declares that the Property, Parcel No. 60-00043.069, located at 806 South Meadow Drive in the Cold Creek Crossing Subdivision, Sandusky, more specifically described in Exhibit "A", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein, is no longer needed for any municipal purpose and that the execution of the Purchase Agreement providing for the sale, pursuant to Section 25 of the Charter of this City, to the Purchasers of the Property at the purchase price set forth in the Purchase Agreement, is in the economic interest of the City and in furtherance of the City's Land Reutilization Program referenced in those preambles in accordance with the provisions of Chapter 5722 of the Ohio Revised Code. The City Manager is hereby authorized and directed to execute the Purchase Agreement on behalf of the City, 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 City's public purpose. Upon the exercise by the Purchasers to purchase the Property pursuant to that Purchase Agreement, the City Manager is also hereby authorized and directed on behalf of the City to execute a quit claim deed conveying the Property to the Purchasers, which quit claim deed shall be in a form satisfactory to the Law Director. The City Manager, Law Director, Finance Director, and other City officials, as appropriate, are each hereby authorized to execute and deliver such instruments, certificates and other documents and take such actions as are necessary and in the best interests of the City in order to carry out and consummate the foregoing actions authorized by 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 City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this

Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

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

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

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: September 9, 2019

PURCHASE AND SALE AGREEMENT

This Agreement is made and entered into this ____ day of _____, 2019, by and between the City of Sandusky, Erie County, Ohio, a Municipal Corporation, 222 Meigs Street, Sandusky, Ohio hereinafter referred to as the "Seller" and Lawrence Fuqua Jr. and Allean Fuqua, 1932 Clinton Street, Sandusky, Ohio 44870 hereinafter referred to as the "Purchasers".

WITNESSETH:

In consideration of the premises and the mutual promises and covenants hereinafter contained, the parties do hereby agree as follows:

1. The Seller agrees to sell to the Purchasers and the Purchasers agree to purchase from the Seller, one unimproved parcel of real property known as Lot Number Sixty-nine (69) located on South Meadow Drive in the Cold Creek Crossing Subdivision, Sandusky, Ohio, and identified as Erie County Parcel No. 60-00043.069, and more fully described in the legal description marked Exhibit "A" and attached hereto.
2. The total purchase price for the real property located on known as Lot Number Sixty-nine (69) located on South Meadow Drive in the Cold Creek Crossing Subdivision, Sandusky, Ohio, shall be twenty eight thousand, eight hundred ninety dollars (\$28,890.00), which is the current Erie County Auditor's valuation of the property.
3. Purchasers have read and fully understand the Deed Restrictions of the Cold Creek Subdivision filed for record at RN 200312407, Erie County, Ohio Records and agree to abide by the same. A copy of the Deed Restrictions are attached hereto and incorporated herein as Exhibit "B."
4. Seller shall furnish to Purchasers a quit claim deed conveying to Purchasers all of the Seller's interest in the Property. The Property shall be free and clear of liens, delinquent taxes and assessments, and penalties and interest upon transfer of title. Purchasers shall pay all of the taxes and assessments due and payable after the date of closing.
5. Purchasers shall construct one (1) single-family residential dwelling on the Property in accordance with the plans attached hereto and incorporated herein as Exhibit "C", which shall be owner occupied. Completion of construction shall occur within twelve (12) months from start of construction, which is scheduled to be on or before April 1, 2020. If the Purchasers

fail to complete construction within twelve (12) months from the start of construction, the title to the Property together with all improvements made or erected shall automatically be forfeited and revert to and vest in the City of Sandusky. The City shall have the right to re-enter and take possession of the property. An extension of twelve (12) additional months may be granted by the Land Bank Committee upon written request from the Purchasers.

6. The closing date of this transaction shall be no later than 30 days of the executed Purchase Agreement or at such other time as may be mutually agreed upon, in writing, by the parties. The escrow agent herein shall be Hartung Title Agency Inc., 327 E. Washington Street, Sandusky, Ohio 44870. All funds and documents required to close this transaction shall be deposited with said escrow agent on or before the closing date. An executed counterpart of this Agreement shall be deposited with the escrow agent by the Seller and this Agreement shall serve as the escrow instructions. The escrow agent may attach its standard conditions of acceptance thereto; provided, however, that in the event such standard conditions are inconsistent or in conflict with the terms of this Agreement, this Agreement shall control.

7. The Seller and the Purchasers represent that no real estate broker or agent was involved in this transaction and that no brokerage fees, commissions, or other compensation is due any real estate broker or agent because of this transaction.

8. On the closing date, the escrow agent shall first, pay to the Erie County Treasurer the balance of the future special assessments due on the Property out of the proceeds of the sale, and then file for record the deeds, and other instruments, if any, required to be recorded pursuant to this Agreement and thereupon deliver to each of the parties, the funds and documents to which they shall be respectively entitled, together with its escrow statement.

9. The expenses of closing shall be paid in the following manner:

- a) The cost of securing a title insurance commitment and policy of insurance shall be paid by Purchasers.
- b) The cost of preparing, executing, and acknowledging any deeds or other instruments required to convey title to Purchasers in the manner described in this Agreement shall be paid by Purchasers.
- c) Each party hereto shall be responsible for their own attorney fees relating to this Agreement and its implementation.
- d) The cost of transfer and recording of the deed shall be paid by Purchasers.

- e) Any tax imposed on the conveyance of title to the property to Purchasers shall be paid by Purchasers.
- f) Any fee charged by the escrow agent shall be equally shared between the Seller and the Purchasers.

10. Purchasers shall be entitled to possession of the Property upon the closing of this transaction.

11. The Purchasers have examined the Property, has had the opportunity to fully inspect and ask questions about conditions of the same, and acknowledge that they are accepting the Property "AS IS" subject to no warranties as of the date of the execution of this Agreement and that there have been no representations by the Seller as to the condition of the property.

12. In the event that the Purchasers breach this Agreement by not closing this transaction on or before 30 days of the executed Purchase Agreement or at such other time as may be mutually agreed upon, in writing, by the parties, earnest money deposited, if any, shall be immediately paid to the Seller, which payment may be treated as liquidated damages (the precise amount of damages being difficult or impossible to ascertain).

13. This Agreement sets forth the entire understanding between the parties with respect to the subject matter hereof, and no agreements or understandings nor any representations concerning the same shall be binding upon the parties unless specifically set forth herein.

14. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instruments.

15. This Agreement shall be binding upon and inure to the benefit of Seller and Purchasers and their respective heirs, legal representative, and assigns.

SIGNATURE PAGES TO FOLLOW

SELLER:

CITY OF SANDUSKY

Eric L. Wobser
City Manager

STATE OF OHIO)
) ss:
ERIE COUNTY)

On this _____ day of _____, 2019, 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 as said officer on behalf of said City and the voluntary act and deed of said City.

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

NOTARY PUBLIC

PURCHASERS:

Lawrence Fuqua Jr. Fuqua

Allean Fuqua

STATE OF OHIO)

) ss:

ERIE COUNTY)

On this _____ day of _____, 2019, before me, a Notary Public in and for said County and State, personally appeared Lawrence Fuqua Jr. Fuqua and Allean Fuqua and acknowledged their execution of the foregoing instrument and that the same is their voluntary act and deed.

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

NOTARY PUBLIC

Approved as to Form:

Trevor Hayberger #0075112
Law Director, City of Sandusky

EXHIBIT A

Situated in the City of Sandusky, County of Erie and State of Ohio:

Being Lot Number Sixty-nine (69) in Cold Creek Crossing Subdivision Phase I as recorded in Plat Volume 43, Pages 82 & 83, Erie County, Ohio Records.

Property Address: South Meadow Drive, Sandusky, Ohio 44870
Tax ID No: 60-00043.069
Tax Mailing Address: 240 Columbus Avenue, Sandusky, Ohio 44870

DRAFT

MIDLAND TITLE SECURITY, INC.
490897

RN 200312407 Page 1 of 7
ERIE COUNTY OHIO RECORDER
Tish Fraley 7P
RECORDING FEE: 34.00
CTR Date 06/27/2003 Time 13:44:58

**DEED RESTRICTIONS
COLD CREEK SUBDIVISION
SANDUSKY, ERIE COUNTY, OHIO**

KNOW ALL MEN BY THESE PRESENTS, that the Cold Creek Development Co., Ltd an Limited Liability Company organized under the laws of the State of Ohio, whose principal place of business is in the City of Sandusky, County of Erie and State of Ohio, the Grantor, all reference herein to which shall be held to include its designees, successors and assigns, with reference to the following property:

Lot numbers one (1) through ninety-five (95) of the Cold Creek Subdivision on file with the Erie County Recorder.

For its benefit and for the benefit of its heirs, assigns, and grantees hereby reserves and subjects the property listed herein and any later subdivisions thereof to the following restrictions that shall run with the land and be binding upon all subsequent purchasers conveyed.

PROTECTIVE COVENANTS AND RESTRICTIONS

This conveyance and the rights of grantee under it are subject to the following restrictions, which are part of a general plan to maintain residential standards in the subdivision. The other lots in the subdivision are subject to similar restrictions.

(A) No lot shall be used except for residential purposes. All buildings constructed on the Subdivision for use as single-family dwellings shall have the following minimum footprint, exclusive of basements, attics, garages, garage spaces, porches, decks, and unheated areas:

- (i) One-story-1200 square feet;
- (ii) One and ½ story-800 square feet on the main floor
- (iii) Two-story-700 square feet on the main floor; and
- (iv) All other, including split levels-1200 square feet, except patio homes, which shall have a minimum of 1200 square feet; provided, that because of the different sizes and characters of Lots that may be in the Additional Property, different minimum footprints may be established for such Lots in supplemental declarations subjecting those Lots to this plan.

No building constructed on the Subdivision for use as a single family dwelling shall have a height greater than 35 feet, measured from the finish grade of the Subdivision at the main entrance of the building to the ridge of the roof or to any other element of the building (excluding chimneys, flues, and vents), or such other height as may be contained in any restriction that Grantor may impose on any particular Lot or

Handwritten signature

RECORDED
SERIAL

EXHIBIT B

Lots. All buildings constructed on the Subdivision for use as a single-family dwelling shall include as part of the construction a two (2) car attached garage.

(B) No excavation, building, or other structure or thing, including a fence, shall be commenced, built, or installed, nor shall any addition, change, or alteration to any structure on any lot be made, unless plans and specifications, including location, elevations, slopes, landscaping, and grades, have been submitted to, and approved in writing by, the Grantor or its designee.

Neither Grantor or its designee nor any member of any property owner's association designated by the Grantor to review such plans and specifications nor any of their respective heirs, personal representatives, successors or assigns, shall be liable to anyone submitting plans and specifications for approval by reason of mistakes in judgment, negligence of nonfeasance arising out of or in connection with the approval or disapproval or failure to approve the same. Every person and entity who submits plans and specifications to the Grantor or its designees, covenants by submission thereof, that he, she or it will not bring any action or suit against any of the foregoing to act or to recover any damages.

An owner of any Lot shall cause any improvement thereon to be diligently pursued to completion, including the installation of approved landscaping and a lawn, within eighteen (18) months after the date of construction was commenced. In the event construction of any improvement is not completed within the aforesaid time limits, or as extended by the Grantor or its designee, in their sole discretion (but only for good cause shown), the owner shall pay the Association as liquidated and agreed damages, since the ascertainment of actual damages would be difficult if not impossible to accurately ascertain, the sum of \$50 per day that the construction remains incomplete after the date required herein.

(C) No building shall be located on any lot nearer to the front lot line or to a side street than the minimum setback lines shown on the recorded subdivision plat. Eaves and steps shall not be considered in determining compliance with setback lines, but this shall not be construed to permit encroachment by any part of a structure on another's land.

(D) No obnoxious or offensive activity, and no activity which is or may become an annoyance or nuisance to the neighborhood, shall be carried on or permitted on any lot.

(E) No trailer, basement, tent, shack, garage, barn, outbuilding, or temporary structure shall be used on any lot as a temporary or permanent residence.

(F) No livestock, poultry, or animals of any kind shall be raised, bred, or kept on any lot, other than cats, dogs, or other household pets not raised, bred, or kept for a commercial purpose.

(G) No soil shall be removed for any commercial purpose.

(H) No lot shall be used or maintained as a dumping ground. Trash, garbage, garden waste, and other rubbish and waste shall be placed in proper containers for

collection. Incinerators, trash cans, and other equipment for storing or disposing of rubbish and waste shall be kept clean.

ERIE COUNTY OHIO RECORDER
RN 200312407
Page 3 of 7

(I) No fence, wall, or planting which obstructs sight lines between the heights of two and six feet shall be placed on any lot nearer than twenty-five feet from the intersection of the centerlines of two streets or alleys, or nearer than twenty-five feet from the point where a driveway enters a street, or otherwise so as to obstruct the view of a driver approaching an intersection or driveway or entering a street from a driveway.

(J) No motor vehicle, motor home, or other motor-driven vehicle in inoperable condition shall be parked on a lot, or on a street abutting a lot, for longer than thirty days, after which time the vehicle shall be considered a nuisance and removed from the lot. Recreational vehicles including campers, motor homes, boats and boat trailers, personal watercraft and personal watercraft trailers, and buses converted for recreational use shall not be parked between the right of way and the front of the main structure on a lot. On corner lots, recreational vehicles shall also not be parked in the side yard adjacent to the right of way. A minimum setback of three feet in width shall be maintained between recreational vehicles and the lot line of any side yard or rear yard.

(K) No sign of any kind shall be displayed on any lot, except for one sign of not more than five square feet to advertise the property for sale or rent, and except for promotional signs used by a builder during construction.

(L) Any fuel tank on a lot shall be placed underground or inside a dwelling. This restriction does not apply to a propane tank system installed by a public utility or its subsidiary.

(M) Each Lot owner agrees to maintain the Common Property between their Lot and the roadway curb, including, but not limited to, installation and maintenance of five foot sidewalks, the installation and maintenance of landscaping and /or a lawn, and the maintenance of trees in the boulevard along the street line originally supplied and installed by the Grantor. Trees shall be planted along the street on every lot in front of the house at locations and intervals so as to cause the least interference with street lighting and underground utilities. In the event that the trees supplied are in need of replacement the cost thereof shall be the responsibility of the lot owner and the replacement tree shall be of the same type as the original and the size of the replacement tree shall be of such height so as to substantially blend in with the surrounding trees.

(N) In order that the natural beauty of the Subdivision may be preserved, no living tree having a caliper measurement or diameter of two (2) inches or more shall be destroyed or removed from the Subdivision unless approved by the Grantor or its designee, in connection with their approval of the plans and specifications of the construction of improvements on the Subdivision or otherwise with the prior express written consent of the Grantor or its designee. In the event of a violation of this subparagraph, Grantor or its designee, may, at its option, cause any tree so removed or destroyed to be replaced with another tree and whoever has caused the removal or

destruction shall be liable for the cost of the replacement and the cost may be collected through all legal means including placing a lien against the lot owners real property.

(O) Each records owner of a fee interest in a Lot, at the time he, she or it acquires such fee interest, shall automatically become a member of the Cold Creek Property Owner's Association or its successor. The membership of the owner of a Lot shall automatically terminate at such time as that Lot owner ceases to own a fee interest in a Lot.

(i) The Property Association shall be known as the Cold creek Property Owner's Association and have the rights, powers, and duties established, invested, or imposed pursuant hereto, its Articles of Incorporation, Code of Regulations, its duly adopted rules and regulations, and the laws of the State of Ohio applicable with respect to Ohio corporations not-for-profit. Among other things, the Association, through its trustees, shall have the power to enforce and administer the restrictions set forth herein and in the design standards, own, maintain and operate the Common Property, dedicate public streets and thoroughfares, assume and fulfill its responsibilities hereunder, provide security for the Subdivision, pledge assets and receivables, levy and collect assessments, file property liens, maintain reserves, enter into contracts, and take such other actions as the trustees deem appropriate in fulfilling the Association's purposes. The property owner's association shall be formed, directed, and managed by a Board of Trustees consisting of three members who shall be property owners in said allotment, which Trustees shall be actual residents of said allotment except those Trustees who maybe such temporarily by virtue of representation of the Grantor during the period of the development of said allotment. The Grantor shall appoint the first members of the Board of Trustees. Thereafter the Trustees shall fill any vacancy on the Board of Trustees through the selection of a replacement by a majority vote of the trustees.

(ii) Voting rights of members shall be as provided in the Association's Code of Regulations.

(P) Violation or breach of any restriction contained herein shall give to the Grantor or its designee, successor, or assigns, including but not limited to the Cold Creek Property Owner's Association or any of its duly appointed committees the right, but not the obligation, to enter the property involved and correct the violation at the expense of the owner or owners of the property involved, the cost of which may be assessed and collected as a special individual Lot assessment.

(Q) Notwithstanding any other provision hereof, neither Grantor or its designee, successor, or assigns, including but not limited to the Cold Creek Property Owner's Association or any of its duly appointed committees shall owe a duty to any Lot owner,

or any party claiming through an owner, to enforce any covenant, restriction, condition, term, or provision of this Declaration. By purchasing a Lot, the owners thereof and the irrelative personal representatives, heirs, successors, and assigns hereby waive any claim against Grantor or its designee, successor, or assigns, including but not limited to the Cold Creek Property Owner's Association or any of its duly appointed committees and the respective successors and assigns and release Grantor or its designee, successor, or assigns, including but not limited to the Cold Creek Property Owner's Association or any of its duly appointed committees, and their respective successors and assigns, from any liability arising from the failure to enforce the provisions hereof.

(R) The Grantor reserves the sole right to grant consents for the construction and operation of public utility facilities in and upon any and all highways now existing or hereafter established upon which any portion of said premises may now or hereafter front or abut.

(S) The Grantor reserves the sole and exclusive right to establish grades and slopes on the premises hereby conveyed, and to fix the grade at which any building shall be hereafter erected or placed thereon, so that the same may conform to a general plan.

(T) The Grantor reserves and is hereby granted the exclusive right to grant consents and to petition the proper authorities for any and all street improvements such as grading, seeding, tree planting, sidewalks, paving, sewer and water installation, whether it be on the surface or sub-surface, which in the opinion of the Grantor are necessary in the Subdivisions of which the premises hereby conveyed are a part; and future Grantees agree to and by virtue of these restrictions do hereby consent to and affirm any agreements that may be entered into between the Grantor and any public authorities with respect to the installation of said improvements and with respect to binding any future Grantee and the premises hereby conveyed for the payment of the cost of said improvements, and future Grantee herein expressly agrees to pay their share of the cost chargeable to their property, and by these presents does hereby waive all notice with reference to said petitions, and hereby consents to all other acts and things that may be necessary in the matter, and hereby authorizes and agrees to affirm and ratify all such agreements and acts on the part of the Grantor in regard thereto.

(U) Grantor reserves to itself and its successors and assigns a perpetual easement in, through, under and/or over those portions of each Lot designated as easements on the plat of the Subdivision, or where such rights-of-way are necessary, for the construction, operation and maintenance of electrical, telephone and cable lines and conduits and water, gas and sewer lines and conduits, or any other public utility facilities, and a street lighting system, and no structure shall be erected or maintained upon any part of any Lot over or upon which easements for the installation and maintenance of such public utilities and sewer lines have been reserved;

Every Lot and the Common Property shall be burdened with easements for natural drainage of storm water runoff from other portions of Cold Creek Subdivision; provided, no person shall alter the natural drainage on any Lot so as to materially increase the

The easements and grants provided herein shall in no way affect any other recorded grant or easement. Failure to refer specifically to any or all of the easements and/or rights described in this Declaration in any deed of conveyance or in any mortgage or other evidence of obligation shall not defeat or fail to reserve said rights or easements, but the same shall be deemed conveyed or encumbered, as the case may be, along with the Lot.

(V) These restrictions run with the land, shall bind all parties and persons claiming under them for thirty years from the date these covenants are recorded, and shall be extended automatically for successive ten-year periods thereafter, unless prior to the expiration of any such period a majority of the then owners of the lots executes and records an instrument amending or extinguishing these covenants in whole or in part.

(W) These declaration, or any provision of it, may be terminated, modified, extended, amended, or revoked as to the whole or any portion of the Subdivision:

a) By Grantor, its successors or assigns, so long as it owns a Lot, to the extent necessary or desirable to correct typographical or factual errors or omissions, if any, to meet the requirements, rules or regulations of any local, state or federal governmental entity, agency or body, to meet the requirements of any institutional lender, or to clarify or amplify upon any of the provisions hereof.

b) With the approval of Lot owners holding not less than a majority of the voting power of the Lot owners in the Association, provided that any such amendment during the first fifteen (15) years after the date of the recording hereof must also be approved by Grantor or its successor or assign.

An amendment to these restrictions adopted with the consent(s) aforesaid, shall be executed with the same formalities as to execution as these restrictions by the President and Secretary of the Cold Creek Property Owner's Association, if done pursuant to Section (b), and shall contain their certifications that the amendment was duly adopted in accordance with the foregoing provisions. Any amendment so adopted and executed shall be effective upon the filing of the same with the Recorder of Erie County, Ohio. Amendments made pursuant to this Section will inure to the benefit of and be binding upon all Lots. Lot Owners, their families, guests, invitees and their respective heirs, successors and assigns.

(X) A lot owner or other party in interest may enforce these restrictions in an action for damages or for an injunction to restrain violations against any person violating or attempting to violate these restrictions. A failure to object to a violation or enforce a restriction shall not constitute a waiver of the right to do so thereafter with respect to the same or subsequent violations.

Invalidation of any restriction by a court shall not affect the other restrictions which shall remain in force.

ERIE COUNTY OHIO RECORDER
RN 200312407

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(Y) In the event all or part of the subdivision is resubdivided, these restrictions shall apply to each lot in the resubdivision as if it were the original subdivision. These restrictions shall not apply to any areas designated as reserves in the original subdivision or a resubdivision.

WITNESS EXECUTION HEREOF, this 21st day of May, 2003.

SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF:

Grantor: Cold Creek Development Co., Ltd.

Samara A. Pake
Duffield E. Milkie

Joseph F. Yost III
Its: Managing Member

STATE OF OHIO)
) ss:
COUNTY OF ERIE)

Before me, a Notary Public for said county and state, personally appeared Joseph F. Yost III, the Managing Member of Cold Creek Development Co., Ltd., an Ohio Limited Liability Company, who did sign this instrument on behalf of the Cold Creek Development Co., Ltd., and who acknowledged that he was fully authorized to do so and did execute the foregoing instrument as his free act and deed, as Managing Member, and the free act and deed of Cold Creek Development Co., Ltd.

In witness whereof, I have hereunto set my hand and seal at Sandusky, Ohio, this 21st day of May, 2003.

Duffield E. Milkie
Notary Public, State of Ohio
My Commission Has No Expiration Date

This instrument prepared by Duffield E. Milkie of the law firm Buckingham, Lucal, McGookey & Zeiher Co., L.P.A., 414 Wayne Street, Sandusky, OH 44870

EXHIBIT B



PLANNING DEPARTMENT

Division of Transit

222 Meigs Street
Sandusky, Ohio 44870
419.621.8462
www.ci.sandusky.oh.us

TO: Eric Wobser, City Manager

FROM: Nicole DeFreitas, Transit Administrator

DATE: August 28, 2019

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

ITEM FOR CONSIDERATION: Legislation requesting approval for the City Manager to enter into a contract amendment to extend transportation services between the City of Sandusky and the County Commissioners of Erie County, Ohio through September 30, 2020.

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

The original contract was approved in April of 2016 for an initial one (1) year term at a negotiated rate of \$1.989 per mile, with an option to extend for two (2) additional one (1) year terms. This original contract was extended twice expiring on September 30, 2017.

In July 2017, the Board of Erie County Commissioners sent out a Request for Proposals for transportation services for Erie County Job and Family Services clients, to which the City of Sandusky submitted a proposal. A one (1) year contract with the option to extend for two (2) additional one (1) year terms was approved in September of 2017, and an amendment to extend the contract one (1) year at the same rate of \$2.13 per mile was approved in October of 2018. This contract amendment will expire October 1, 2019.

The contract will be amended as follows:

1. That this contract shall be extended and will be in effect through September 30, 2020.
2. That the per mile rate for this contract extension period ending September 30, 2020 shall be set at \$2.83 per mile.
3. That the Contractor shall expand transportation services under this agreement to include transportation outside of Erie County for this contract extension period ending September 30, 2020.
4. That all other provisions of the aforesaid agreement shall remain in full force and effect.

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

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

I concur with this recommendation:

Eric Wobser
City Manager

Angela Byington
Director of Planning

cc: Kelly Kresser, Clerk of City Commission
Hank Solowiej, Finance Director
Trevor Hayberger, Law Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A SECOND AMENDMENT FOR THE CONTRACT FOR TRANSPORTATION SERVICES BETWEEN THE CITY OF SANDUSKY AND THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY FOR THE DEPARTMENT OF JOB AND FAMILY SERVICES; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission approved an initial contract for transportation services between the City of Sandusky and the Board of County Commissioners of Erie County for the Department of Job and Family Services by Ordinance No. 16-066, passed on April 25, 2016, which was subsequently extended twice expiring on September 30, 2017; and

WHEREAS, Erie County issued a Request for Bids to provide these same transportation services in which the City submitted a bid on August 17, 2017, and was subsequently awarded the bid; and

WHEREAS, this City Commission approved a contract for transportation services between the City and the Board of County Commissioners of Erie County for the Department of Job and Family Services for an initial term of one (1) year beginning on October 1, 2017, and expiring on September 30, 2018, with an option to extend for two (2) additional one (1) year terms, by Ordinance No. 17-185, passed on September 25, 2017; and

WHEREAS, this City Commission approved an Amendment to the contract with the Board of County Commissioners of Erie County for the Department of Job and Family Services to extend the contract through September 30, 2019, at the same rate of \$2.13 per mile, by Ordinance No. 18-189, passed on October 9, 2018; and

WHEREAS, this second Amendment will extend the contract through September 30, 2020, at an increased rate of \$2.83 per mile, and provides for expanded transportation services outside of Erie County; and

WHEREAS, the revenue received through this agreement will be used as matching grant funds for the Ohio Department of Transportation Program grant; 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 amendment to extend the contract, which expires on September 30, 2019, and allow the City to provide continued services to the Erie County Department of Job and Family Services' clients; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily

operation of the Municipal Departments, including the Sandusky Transit System, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. The City Manager be and hereby is authorized to execute a second Amendment to the Transportation Services Contract with the Board of County Commissioners of Erie County for transportation services to extend the contract from October 1, 2019, through September 30, 2020, at the rate of \$2.83 per mile, substantially in the same form as reflected in Exhibit "A" which is attached to this Ordinance and specifically incorporated as if fully rewritten herein together with such revisions or additions as are approved by the Law Director as not being substantially adverse to the City and being consistent with the objectives and requirements of this Ordinance and with carrying out the City's public purposes.

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

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

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its

adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

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

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: September 9, 2019

TRANSPORTATION SERVICES CONTRACT AMENDMENT

THIS TRANSPORTATION SERVICES CONTRACT AMENDMENT made and entered into this ____ day of _____, 2019, by and between City of Sandusky, hereinafter called the "Contractor" and the Board of County Commissioners of Erie County, Ohio, hereinafter called the "Contracting Authority".

WITNESSETH:

WHEREAS, the Contractor passed Ordinance No. 17-185 on September 25, 2017 and the Contractor and Contracting Authority entered into a Contract for Transportation Services on September 28, 2017, under Erie County Resolution 17-435; and

WHEREAS, this agreement was amended on October 25, 2018, under Erie County Resolution No. 18-420, and

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

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

1. That this contract shall be extended and will be in effect through September 30, 2020.
2. That the per mile rate for this contract extension period ending September 30, 2020 shall be set at \$2.83 per mile.
3. That the Contractor shall expand transportation services under this agreement to include transportation outside of Erie County for this contract extension period ending September 30, 2020.
4. That all other provisions of the aforesaid agreement shall remain in full force and effect.

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

SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF:

City of Sandusky:

CONTRACTING AUTHORITY
BOARD OF COMMISSIONERS,
OF ERIE COUNTY, OHIO

Signature

Patrick J. Shenigo, Commissioner

Title

Mathew R. Old, Commissioner

TAX PAYER I.D. #

Stephen L. Shoffner, Commissioner

Approved as to Form:

Elected or Appointed Official



COMMUNITY DEVELOPMENT

240 Columbus Ave
Sandusky, Ohio 44870
419.627.5832
www.ci.sandusky.oh.us

TO: Eric Wobser, City Manager

FROM: Debi Eversole, Housing Development Specialist

DATE: August 28, 2019

RE: City Commission Agenda Item

ITEM FOR CONSIDERATION: The purpose of this communication is to request approval of legislation repealing Ordinance No. 16-167, passed on October 11, 2016 and allowing the City Manager to execute a 'Purchase & Sale Agreement' for one (1) parcel of land currently in the City of Sandusky's Land Reutilization Program, that is no longer needed for any municipal purpose located at 919 A Street and further identified by the Auditor as Erie County Parcel No. 58-02249.000.

BACKGROUND INFORMATION: Pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code. The City Commission approved acquisition of the parcel on March 11, 2013 pursuant to Resolution 010-13R and received a Sheriffs Deed on October 19, 2015, through foreclosure for delinquent real estate taxes. City Commission had previously approved the sale of this lot to two (2) adjoining property owners for the use of yard expansion pursuant to the City's "Mow to Own" Side Lot Disposition Program that was approved by this City Commission by Resolution No. 024-11R, passed on July 11, 2011 and effective August 11, 2011.

The adjoining property owner to the north, James Hupp, residing at 915 A. Street, Erie County Parcel #58-00685.000 entered into a purchase agreement to purchase the northern ½ of the Parcel #58-02249.000 on October 19, 2016. The agreement stated that he would maintain the northern ½ of the Parcel #58-02249.000 for a period of one (1) year according to the terms of the City of Sandusky's "Mow to Own" Side Lot Disposition Program with a closing date of no later than October 31, 2017.

The adjoining property owners to the south, Gregory and Jennifer Hartlage, residing at 1001 A Street, Erie County Parcel #58-01359.000 entered into a purchase agreement to purchase the southern ½ of the Parcel #58-02249.000 on November 16, 2016. The agreement stated that they would maintain the southern ½ of the Parcel #58-02249.000 for a period of one (1) year according to the terms of the City of Sandusky's "Mow to Own" Side Lot Disposition Program with a closing date of no later than October 31, 2017.

Upon completion of the program in 2017, several attempts were made to contact Mr. Hupp to sign the deed to his ½ of the property to complete the program. Although he signed for the letters via certified mail return receipt, he did not respond to the requests. During this time, a complaint was received by the other property owner that Mr. Hupp did not fulfill his obligation of closing on or before October 31, 2017.

This complaint was taken before the Land Bank Committee for review at their regular scheduled meeting on May 20, 2019 where the Land Bank Committee determined unanimously that the Purchase and Sale Agreement was breached, and because of the breach, the entire lot shall be sold to Gregory and Jennifer Hartlage pursuant to

paragraph 11 of the Purchase and Sale Agreement, which states:

"In the event that the Purchaser breach this Agreement by not closing this transaction on or before October 31, 2017, Seller may sell the Property to another adjoining property owner or may retain the Property for devotion to public use".

Mr. Hupp signed for a certified letter notifying him that he had breached his contract and that his portion of the lot will be assigned to the other adjoining property owners. Mr. Hupp did not contest the Land Bank Committee's decision.

BUDGET IMPACT: There is no budget impact and the City has already recouped the cost of the expenses from the sale through receipt of earnest monies and in kind maintenance performed on the property. Mr. & Mrs. Hartlage will be responsible for the expense of the deed preparation of \$90.00. The taxing districts will begin collecting approximately one hundred twenty dollars (\$120.00) per year in real estate taxes.

ACTION REQUESTED: It is requested that legislation be approved repealing Ordinance No. 16-167 and allowing the City Manager to assign the entire vacant lot, identified by the Auditor as Erie County Parcel No. 58-02249.000 to Gregory and Jennifer Hartlage. It is usual and customary to complete the closing of a real estate sale within thirty (30) days, therefore it is further requested that the legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter in order to promptly execute the closing.

Debi Eversole, Housing Development Specialist

I concur with this recommendation:

Matthew D. Lasko
Chief Development Officer

Eric L. Wobser, City Manager

cc: Kelly Kresser, Clerk of the City Commission
Trevor Hayberger, Law Director
Hank Solowiej, Finance Director

ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE NO. 16-167, PASSED ON OCTOBER 11, 2016 AND DECLARING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY AS PART OF THE LAND REUTILIZATION PROGRAM IDENTIFIED AS PARCEL NO. 58-02249.000, LOCATED AT 919 A STREET IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT WITH RESPECT TO THAT REAL PROPERTY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, the City Commission previously authorized the acquisition of the property located at 919 A Street, Parcel No. 58-02249.000 by Resolution No. 010-13R, passed on March 11, 2013, under said Land Reutilization Program which property is more specifically described in Exhibit "A", which is no longer needed for any municipal purposes; and

WHEREAS, this City Commission declared that the property, owned by the City as part of the Land Reutilization Program, located at 919 A Street, Parcel No. 58-02249.000, is no longer needed for any municipal purpose and approved the sale of the north one-half (1/2) of the property to James Hupp, and the south one-half (1/2) of the property to Gregory and Jennifer Hartlage pursuant to the City's "Mow to Own" Side Lot Disposition Program by Ordinance No. 16-167, passed on October 11, 2016; and

WHEREAS, pursuant to the Purchase and Sale Agreement, the closing date on the property was to be no later than October 31, 2017, and James Hupp was notified several times via certified mail return receipt to sign his deed with no response, and subsequently it was determined that James Hupp had breached his Agreement and that the entire lot would be offered to Gregory and Jennifer Hartlage; and

WHEREAS, the property located at 919 A Street, Parcel No. 58-02249.000 will be sold to Gregory and Jennifer Hartlage at the purchase price of \$5,840.00, which was the estimated fair market value as determined by a market analysis, and has already been paid by in-kind service by mowing and maintaining the property in a nuisance free condition since November of 2016; and

WHEREAS, the Land Bank Committee met on May 20, 2019, and approved the acquisition and sale of the entire property to Gregory and Jennifer Hartlage; and

WHEREAS, the total cost associated with this purchase and sale agreement is the cost of the deed preparation which will be recouped from the nonrefundable earnest money deposit required to be paid by the Purchasers; 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 promptly execute the closing within (30) days as usual and customary in the sale of real estate; 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 hereby repeals Ordinance No. 16-167, passed on October 11, 2016.

Section 2. This City Commission finds, determines and declares that the Property, Parcel No. 58-02249.000, located at 919 A Street, Sandusky, more specifically described in Exhibit "A", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein, is no longer needed for any municipal purpose and that the execution of the Purchase Agreement providing for the sale, pursuant to Section 25 of the Charter of this City, to the Purchaser of the Property at the purchase price set forth in the Purchase Agreement, is in the economic interest of the City and in furtherance of the City's Land Reutilization Program referenced in those preambles in accordance with the provisions of Chapter 5722 of the Ohio Revised Code. The City Manager is hereby authorized and directed to execute the Purchase Agreement on behalf of the City, 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 City's public purpose. Upon the exercise by the Purchaser to purchase the Property pursuant to that Purchase Agreement, the City Manager is also hereby authorized and directed on behalf of the City to execute a quit claim deed conveying the Property to the Purchaser, which quit claim deed

shall be in a form satisfactory to the Law Director. The City Manager, Law Director, Finance Director, and other City officials, as appropriate, are each hereby authorized to execute and deliver such instruments, certificates and other documents and take such actions as are necessary and in the best interests of the City in order to carry out and consummate the foregoing actions authorized by this Ordinance.

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 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 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: September 9, 2019

PURCHASE AND SALE AGREEMENT

This Agreement is made and entered into this ____ day of _____ 2019, by and between the City of Sandusky, Erie County, Ohio, a Municipal Corporation, 240 Columbus Ave, Sandusky, Ohio 44870, hereinafter referred to as the "Seller" and Gregory and Jennifer Hartlage, 1001 A Street, Sandusky, Ohio 44870, hereinafter referred to as the "Purchaser(s)".

WITNESSETH:

In consideration of the premises and the mutual promises and covenants hereinafter contained, the parties do hereby agree as follows:

1. The Seller agrees to sell to the Purchaser and the Purchaser agrees to purchase from the Seller, the unimproved parcel of real property located on 919 A Street, Erie County Parcel Number 58-02249.000, Sandusky, Ohio, and more fully described in the survey and legal description marked Exhibit "A" and attached hereto, the legal description of which will be set forth in the deed transferring ownership of said parcel and hereinafter referred to as the "Property." The Property is adjacent to and contiguous with real property that is owned by the Purchasers located at 1001 A Street, Erie County Parcel Number 58-01359.000.

2. The total purchase price for the Property is five thousand, eight hundred forty dollars (\$5,840.00), which is not less than the fair market value as determined by the appraised valuation of the Erie County Auditor. Purchaser shall pay a non-refundable earnest money deposit of ninety dollars (\$90.00) in cash, certified check or cashier's check made payable to Seller. The remaining balance of five thousand seven hundred fifty (\$5,750.00), has been paid by in-kind service of the Purchaser by mowing and maintaining the Property in a nuisance free condition since November 2016, according to the terms of the City of Sandusky's "Mow to Own" Side Lot Disposition Program, a copy of which is attached hereto, marked as Exhibit B and specifically incorporated herein.

3. The following deed restrictions shall be included on the deed:

a) This parcel is not a building lot and is conveyed to an adjoining owner of a building lot pursuant to Sandusky Municipal Code Section 1177.01(31)(A). This parcel shall not be conveyed separate and apart from the adjoining building lot and before such conveyance, this parcel shall be combined with the Purchasers' adjoining building lot in order to form one parcel of real property.

b) Construction of additional separate dwelling units shall be prohibited. Construction shall be limited to ancillary facilities or building additions made to existing structures.

4. At closing, Seller shall execute and deliver to Purchaser a quit claim deed conveying marketable record title to the Property to Purchaser free and clear of all liens, delinquent real estate taxes and special assessments. Purchaser shall pay all of the taxes and assessments due and payable after the date of closing.

5. Seller shall not furnish a title insurance policy.
6. The closing date of this transaction shall be no later than October 9, 2019, or at such other time as may be mutually agreed upon, in writing, by the parties.
7. The Seller and the Purchaser represent that no real estate broker or agent was involved in this transaction and that no brokerage fees, commissions, or other compensation is due any real estate broker or agent because of this transaction.
8. On the closing date, the Seller shall file for record the deed, and other instruments, if any, required to be recorded pursuant to this Agreement.
9. Purchaser shall be entitled to possession of the Property upon the closing of this transaction.
10. The Purchaser has examined the Property, has had the opportunity to fully inspect and ask questions about conditions of the same, and acknowledges that they are accepting the Property "AS IS" subject to no warranties as of the date of the execution of this Purchase Agreement and that there have been no representations by the Seller as to the condition of the Property.
11. In the event that the Purchaser breaches this Agreement by not closing this transaction on or before October 9, 2019, Seller may sell the Property to another adjoining property owner or may retain the Property for devotion to public use.
12. This Agreement sets forth the entire understanding between the parties with respect to the subject matter hereof, and no agreements or understandings nor any representations concerning the same shall be binding upon the parties unless specifically set forth herein.
13. This Agreement shall be binding upon and inure to the benefit of Seller and Purchasers and their respective heirs, legal representatives, and assigns.
14. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instruments.

SIGNATURE PAGES TO FOLLOW

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

PURCHASER(S):

Gregory Hartlage

Jennifer Hartlage

State of Ohio)

) ss:

County of Erie)

On this _____ day of _____, 2019, before me, a Notary Public in and for said County and State, personally appeared Gregory and Jennifer Hartlage, and acknowledged their execution of the foregoing instrument and that the same is his voluntary act and deed.

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

NOTARY PUBLIC

SELLER:

CITY OF SANDUSKY

Eric L. Wobser
City Manager

STATE OF OHIO)

) ss:

ERIE COUNTY)

On this _____ day of _____, 2019, 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 as said officer on behalf of said City and the voluntary act and deed of said City.

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

NOTARY PUBLIC

Approved as to Form:

Trevor Hayberger #0075112
Law Director, City of Sandusky

EXHIBIT A

Situated in the City of Sandusky, County of Erie and State of Ohio: And being Lot Number Nine (9) on "A" Street in said City of Sandusky, subject to all legal highways.

Property Address: 919 A. Street, Sandusky, Ohio 44870
Tax ID No: 58-02249.000

Tax Mailing Address: 222 Meigs Street, Sandusky, Ohio 44870

DRAFT

CITY OF SANDUSKY OHIO



LAND REUTILIZATION PROGRAM

"MOW TO OWN"

SIDE LOT DISPOSITION PROGRAM

EXHIBIT
"B"

The City of Sandusky's "Mow to Own" Side Lot Disposition Program aims to stabilize and strengthen property owners' investments in their neighborhoods by transferring vacant, abandoned and tax delinquent parcels that are of insufficient size to permit independent development to adjacent property owners through the Land Reutilization Program. The parcels are generally too small to be developed based on current zoning regulations. The City of Sandusky has many parcels that were platted at a time when houses were typically much smaller and closer together and off-street parking was not needed. Today, the City of Sandusky's zoning regulations do not allow development on these small parcels. In addition, prospective homebuyers generally are more attracted to larger residential lots for reasons such as desire for a larger house and a spacious yard. Given the limited usefulness of side lot parcels for development due to zoning regulations and homebuyer preferences, the "Mow to Own" Side Lot Disposition Program will encourage the adjacent property owners to purchase these parcels for yard expansion and off-street parking at a reasonable cost. Pursuant to the Ohio Revised Code, the parcels acquired by the Land Reutilization Program must be sold for not less than fair market value. The "Mow to Own" Side Lot Disposition Program will encourage the adjacent property owners to purchase these unbuildable parcels by requiring a small non-refundable earnest money deposit to cover the City's cost of acquisition with the balance to be paid for by in-kind service of mowing and maintaining the lot over a certain number of years. The required years will be determined by subtracting the required non-refundable earnest money deposit from the Erie County Auditor's appraisal value and then dividing the balance by the average yearly cost of the City to mow and maintain the parcel. A Purchase Agreement will be

entered into that will expire at the end of the required number of years that will require the parcel to be properly mowed and maintained. If at any time it is not adequately maintained within the required number of years, the Purchase Agreement will become null and void and the City will keep the non-refundable earnest money deposit. Once the terms of the Purchase Agreement have been met, the closing will take place and the title will be transferred to the adjoining owner.

By implementing the "Mow to Own" Side Lot Disposition Program, the City aims to produce several positive outcomes by transferring ownership to the adjacent property owners:

1. To stabilize neighborhoods by transferring vacant and abandoned properties to adjacent property owners who are more likely to care for the land next to their home.
2. The evidence of use and a well-maintained condition will help to improve the neighborhood character and appearance.
3. Reduce the public costs associated with maintaining these properties.
4. Encourage the creation of off-street parking where there currently is none.
5. Return these properties to the tax roll and increase property tax revenue for Erie County and the City of Sandusky.

The Land Reutilization Program aims to stabilize neighborhoods that are in decline with many vacant, abandoned and tax delinquent properties. Providing incentives for adjacent property owners to take ownership of vacant land will strengthen the neighborhood's character, appearance, and better sense of community.

A. Qualified Properties.

Parcels of property eligible for inclusion in the "Mow to Own" Side Lot Disposition Program shall meet all of the requirements pursuant to the City of Sandusky's Land Reutilization Program Policy and Procedures and shall also meet the following minimum criteria:

1. The property shall be vacant unimproved real property.
2. The property shall be physically contiguous to the adjacent owner's real property with a significant common boundary line.
3. The property shall consist of no more than one lot of insufficient size to permit independent development, which for the purposes of the Mow to Own Program shall be defined as a lot smaller than 40' X 125' or, in the case of an irregular shaped lot, as determined by the Land Bank Committee with the final approval of City Commission.

B. Applicants.

1. All applicants must own the contiguous property, and priority shall be given to applicants who personally occupy the contiguous property.
2. The applicant shall not be delinquent on any real estate or personal properties taxes in Erie County.
3. The applicant shall not have a history of property maintenance, nuisance and/or building code violations.
4. The applicant shall not own any property that has an unremediated property maintenance, nuisance and/or building code violation.
5. Applicants must meet all other requirements pursuant to the City of Sandusky's Land Reutilization Policy and Procedures.

C. Purchase.

1. Lots purchased for addition to existing developed properties shall be sold with deed restrictions prohibiting construction of additional dwelling units and limiting usage to ancillary facilities or building additions.

- The applicant shall obtain all necessary permits from the City before erecting structures on the property (i.e. garage, fence, etc.)
2. Situations not herein defined or deemed to be unusual shall be resolved at the discretion of the Land Bank Committee.

D. Price.

1. The purchase price shall be fair market value as determined by the Erie County Auditor's current valuation and appraisal.
2. The purchaser shall be responsible for the recording and transfer fees in addition to the cost of the lot.
3. The City shall not provide purchaser with title insurance. Title insurance may be purchased independently through the title company by the purchaser.

E. Payment.

1. The purchaser shall provide a non-refundable earnest money deposit in an amount not less than the costs incurred by the City for acquisition of the property.
2. The remaining balance due shall be determined by subtracting the amount of the non-refundable earnest money deposit from the fair market value.
3. The remaining balance due shall be paid by in-kind service of the purchaser by mowing and maintaining the property in a nuisance free condition for a minimum number of years that shall be determined by dividing the remaining balance due by the estimated average yearly cost to the City for mowing and maintaining the property, which shall be rounded up to the next whole number.
4. The purchaser shall agree to mow, maintain and keep the property free from nuisance for the minimum number of years as determined above.
5. If the property owner fails to maintain the property at anytime within the required minimum number of years and is issued a nuisance violation pursuant to the City of Sandusky's Codified Ordinances or if the City must

maintain the property in any way within the required minimum number of years, the purchaser shall be in breach of the Purchase Agreement.

F. Breach of the Purchase Agreement.

1. Upon breach of the Purchase Agreement, the Purchase Agreement shall become null and void and the non-refundable earnest money deposit shall be retained by the City. The property shall be offered to the other adjacent property owner. If the other adjacent property owner declines, or in the event there is no other adjacent property owner, the entire lot shall be offered to the rear abutting property owner.
2. If all of the adjacent/abutting property owners decline, the lot shall be considered for community development efforts such as community gardens, neighborhood play areas and community green areas.

Date: 9-16-11

Approved by: 

Donald C. Icsman
Acting City Manager



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Jane E. Cullen, P.E.

Date: August 28, 2019

Subject: Commission Agenda Item- Columbus-Scott-Campbell Intersection Project Phase3

ITEM FOR CONSIDERATION: Requesting legislation for approval of Change Order No. 1 and Final for the Columbus-Scott-Campbell Intersection Project Phase3.

BACKGROUND INFORMATION: This project was awarded to Perram Electric, Inc. Wadsworth, Ohio at the at the November 13, 2018 city commission meeting per ordinance 18-224 in the amount of \$173,912.36.

This project provided for the final phase of the pedestrian safety improvements to this intersection. Phase 3 involved the replacement of traffic signals, poles and new controller cabinet including preemption equipment for Fire Department use. This project included installation of pedestrian pushbutton signal heads and updated crosswalks and pavement markings.

Change Order No. 1, a deduct in the amount of \$9,545.44 represents final quantities installed in the field by the contractor. See attached summary sheet of all quantities.

BUDGETARY INFORMATION: Change Order No. 1, a deduction of \$9,545.44 will revise the original contract amount of \$173,912.36 to \$164,366.92. The final costs will be split as follows: ODOT Active Transportation Funding \$125,000.00 and \$39,366.92 from the city's Capital Projects Fund(Issue 8 Infrastructure).

ACTION REQUESTED: It is requested that legislation be prepared to allow for the approval of Change Order No. 1 for additional work for the Columbus-Scott-Campbell Intersection Project Phase3 . It is further requested that this be passed in accordance with Section 14 of the City Charter so that the city can request reimbursement from the Ohio Department of Transportation (ODOT) for \$125,000.00.

I concur with this recommendation:

Eric Wobser
City Manager

Aaron Klein, P.E.
Director

cc: K. Kresser, Commission Clerk; H. Solowiej, Finance Director; T. Hayberger, Law Director

CHANGE ORDER

PROJECT

ERI - AT Sandusky Inf.

PID No. 106672

City of Sandusky

CONTRACTOR

Perram Electric Inc.

6882 Ridge Road

Wadsworth, OH 44281

C.O. #

1

DATE

August 6, 2019

OWNER

City of Sandusky

222 Melgs Street

Sandusky, OH 44870

CHANGE ORDER DETAIL

Ref. #	Description	Part Code	Quantity	Unit	Unit Price	Amount
	See Detail Sheet for All Items					
					Total	\$ (9,545.44)

Funding \ Participation Codes:

01

100% Project Funds

(0% Federal - 100% Local)

EXPLANATION OF NECESSITY

See Attached Sheet for Explanation by Reference Number

CHANGE TO CONTRACT PRICE

Original Contract Price

\$ 173,912.36

Current Contract Price - Adjusted by Previous Change Order(s)

\$ -

Increase \ Decrease Due to this Change Order

\$ (9,545.44)

New Contract Price - Including This Change Order

\$ 164,366.92

CHANGE TO CONTRACT TIME

Original Contract Completion Date



April 29, 2019

Contract Time (Days) Due to this Change Order

85 Days

Current Contract Completion Date

July 23, 2019

Recommended \ Approved By:	Signature	Date
ENGINEER \ CONST. MGR. K.E. McCartney & Associates Brian Sarratore, Proj. Mgr.	Recommended By: 	8/12/19
CONTRACTOR Perram Electric Inc.	Approved By:  Zoltan Kovacs President	8-12-19
OWNER City of Sandusky Jane Cullen, Project Engineer	Approved By:	
OWNER City of Sandusky Aaron Klein, P.E.	Approved By:	

CHANGE ORDER DETAIL

PROJECT

ERI - AT Sandusky Inf.
PID No. 106672
City of Sandusky

C.O. #
1
DATE
August 6, 2019
CONTRACTOR

Perram Electric Inc.
6882 Ridge Road
Wadsworth, OH 44281

OWNER

City of Sandusky
222 Meigs Street
Sandusky, OH 44870

Ref. #	Description	Part. Code	Quantity	Unit	Unit Price	Amount
2	Erosion Control	01	(500.00)	EA	\$ 1.00	\$ (500.00)
3	Ground Mounted Support, No. 3 Post (730.016)	01	(34.00)	FT	\$ 15.25	\$ (518.50)
5	Edge Line, 4"	01	(0.04)	MILE	\$ 3,000.00	\$ (120.00)
6	Channelizing Line, 8"	01	(205.00)	FT	\$ 0.75	\$ (153.75)
7	Center Line, Type 1	01	(0.05)	MILE	\$ 3,000.00	\$ (150.00)
8	Stop Line, Type 1	01	52.00	FT	\$ 2.50	\$ 130.00
9	Crosswalk Line	01	(65.00)	FT	\$ 1.50	\$ (97.50)
11	Lane Arrow, Type 1	01	(4.00)	EA	\$ 40.00	\$ (160.00)
12	Dotted Line, 8", Type 1	01	(284.00)	FT	\$ 2.00	\$ (568.00)
13	Removal of Pavement Marking	01	(24.00)	FT	\$ 1.50	\$ (36.00)
14	Removal of Pavement Marking	01	6.00	EA	\$ 100.00	\$ 600.00
34	Power Cable, 2 Conductor, No. 6 AWG	01	(85.00)	FT	\$ 2.70	\$ (229.50)
52	Law Enforcement Officer with Patrol Car for Assistance	01	(24.00)	HOURL	\$ 65.00	\$ (1,560.00)
55	Contingency - As Authorized by the Engineer	01	(16,909.86)	EA	\$ 1.00	\$ (16,909.86)
55A	Trench	01	43.00	FT	\$ 7.06	\$ 303.58
55B	1-1/2" Conduit, 725.061	01	14.00	FT	\$ 4.16	\$ 58.24
55C	3" Conduit, 726.061	01	29.00	FT	\$ 8.79	\$ 254.91
55D	Concrete Walk Removed	01	33.00	SF	\$ 1.97	\$ 65.01
55E	4" Concrete Walk	01	33.00	SF	\$ 5.83	\$ 192.39
55F	Topsoil Furnished and Placed	01	2.00	CY	\$ 27.34	\$ 54.68
55G	Seeding and Mulching	01	12.00	SY	\$ 1.08	\$ 12.96
55H	3 Conductor - #6 Power Cable	01	100.00	FT	\$ 3.83	\$ 383.00
55I	Relocate Conduit for Disc. Switch, Rem./Install Additional Sidewalk	01	1.00	LS	\$ 4,423.08	\$ 4,423.08
55J	Signal Pattern Change Signs	01	1.00	LS	\$ 1,131.07	\$ 1,131.07
55K	Additional Mobilization Charges	01	1.00	LS	\$ 3,848.75	\$ 3,848.75
Totals						\$ (9,545.44)

Funding \ Participation Codes:
01

100% Project Funds
(90% Federal - 10% Local)
(Subject to ODOT Cap Limitations)

CHANGE ORDER DETAIL

PROJECT

ERI - AT Sandusky Inf.
PID No. 106672
City of Sandusky

C.O. #

1

DATE

August 6, 2019

CONTRACTOR

Perram Electric Inc.
6882 Ridge Road
Wadsworth, OH 44281

OWNER

City of Sandusky
222 Meigs Street
Sandusky, OH 44870

EXPLANATION OF NECESSITY

Ref. # 3, 5, 6, 7, 8, 11, 12, 13, 14, 34, 55

The quantities for the above reference items have been determined from actual field measurements and/or calculations for the work completed and accepted on the project.

Ref. # 2, 9, 52

The reference items listed above were not needed to complete the project and fulfill the intent of the plans per the engineer/owner.

Ref. # 55A, 55B, 55C, 55D, 55E, 55F, 55G, 55H, 55I, 55J, 55K

At the owner's request and with ODOT's approval, the contractor completed additional items of work 55A-55K under reference No. 55 - Contingency.

This quantity adjustments on this project did not meet the requirements for the 104.02 Adjustment.

No claims for additional compensation are anticipated on this project.

Time Extension:

Due to delays manufacturing and delivering the signal poles\ mast arms, installation and completion of the project was delayed 85 calendar days to July 23, 2018. The City agreed that the completion date should be adjusted.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED BY PERRAM ELECTRIC, INC. OF WADSWORTH, OHIO, FOR THE COLUMBUS-SCOTT-CAMPBELL INTERSECTION PROJECT PHASE 3; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Campbell Street Resurfacing and Columbus-Scott-Campbell Intersection Project had three (3) phases which together complete the resurfacing of Campbell Street from the Railroad tracks north to the Columbus Avenue, Scott Street, and Campbell Street intersection along with improvements to the intersection including signals, poles, and final improvements to complete the pedestrian improvements; and

WHEREAS, Phase 3 of the project provided for the pedestrian safety improvements to the intersection and involved the replacement of traffic signals, poles and new controller cabinet including preemption equipment for Fire Department use and included installation of pedestrian pushbutton signal heads and updated crosswalks and pavement markings; and

WHEREAS, this City Commission authorized and directed the City Manager to enter into the LPA Federal Local-Let Project Agreement with the Ohio Department of Transportation (ODOT) for awarded funds in the amount of \$125,000.00 through the Active Transportation (AT) Project program for a portion of the Columbus-Scott-Campbell Intersection Improvements Project by Ordinance No. 18-018, passed on January 22, 2018; and

WHEREAS, this City Commission declared the necessity to proceed with the proposed Columbus-Scott-Campbell Intersection Project Phase 3 by Resolution No. 035-18R, passed on August 27, 2018; and

WHEREAS, this City Commission approved the awarding of the contract to Perram Electric, Inc. of Wadsworth, Ohio, for work to be performed for Columbus-Scott-Campbell Intersection Project Phase 3 by Ordinance No. 18-224, passed on November 13, 2018; and

WHEREAS, this First & Final Change Order reflects the actual work performed in the field by the contractor and the actual quantities used; and

WHEREAS, the original contract with Perram Electric, Inc. of Wadsworth, Ohio, was \$173,912.36, and with the deduction of this First & Final Change Order in the amount of \$9,545.44, the final contract cost is \$164,366.92, of which \$125,000.00 will be paid with ODOT funds through the Active Transportation Project and the remaining balance of \$39,366.92 will be paid with Issue 8 infrastructure funds from the Capital Projects Fund; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to allow the City to request reimbursement for the \$125,000.00 from the Ohio Department of Transportation (ODOT); and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the

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

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

Section 1. The City Manager is hereby authorized and directed to approve this First & Final Change Order for work performed for the Columbus-Scott-Campbell Intersection Project Phase 3 and to deduct from the contract amount the sum of Nine Thousand Five Hundred Forty Five and 44/100 Dollars (\$9,545.44) resulting in the final contract cost of One Hundred Sixty Four Thousand Three Hundred Sixty Six and 92/100 Dollars (\$164,366.92) with Perram Electric, Inc. of Wadsworth, Ohio.

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

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

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

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

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: September 9, 2019

RESOLUTION NO. _____

A RESOLUTION URGING THE FCC TO RECONSIDER ITS PROPOSED THIRD REPORT AND ORDER ON THE IMPLEMENTATION OF SECTION 621 (a)(1) OF THE CABLE COMMUNICATIONS POLICY ACT OF 1984 AS AMENDED BY THE CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1992 (MB DOCKET NO. 05-311); AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Federal Communications Commission (“FCC”) has rule making authority; and

WHEREAS, the FCC is currently accepting comments as to its proposed changes to Section 621 (a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992 (MB Docket No. 05-311); and

WHEREAS, there are two changes that could drastically affect Local Franchising Authorities (“LFA”). The first being, treating in-kind contributions as subject to the 5% franchise fee cap. The second being, pre-empting LFAs from regulating non-cable services and equipment of franchised cable operators (often referred to as the “Mixed-Use” proposal); and

WHEREAS, the first change that could drastically affect local governments and LFAs is the proposed requirement to treat any cable related in-kind contributions as part of the 5% statutory franchise fee cap. Historically, local governments and LFAs have received 5% of the cable operator’s gross revenues as well as in-kind contributions such as Emergency Alert capabilities, cable service to schools and public buildings, and public, educational, and governmental (“PEG”) access channel capacity. Under the proposed rule change, things such as PEGs will be assessed a value and that value will counted towards the 5% franchise fee cap. Thus, the proposed rule change poses a serious threat to PEG channel support and other traditionally provided services such as Emergency Alert and the like; and

WHEREAS, the second change that could drastically affect local governments and LFAs is the proposed amendment to preempt LFAs from regulating non-cable services and equipment of franchised cable operators, including the imposition of any fees on non-cable services. This proposed change would negatively impact the exercise of municipal authority to regulate placement of facilities in their own right of ways; 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 express our concerns prior to the closing of the comment period for this proposed rule change; 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 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, due to the concerns set forth above, hereby urges the FCC to reconsider its proposed Third Report and Order on the implementation of Section 621 (a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992 (MB Docket No. 05-311).

Section 2. The Clerk of this City Commission is hereby directed to provide a certified copy of this Resolution to the Honorable Ajit V. Pai, Chairman for the Federal Communications Commission, each Senator and Representative in the Ohio Congressional Delegation, and to the State Senators and Representatives in the Ohio Legislature.

Section 3. 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 4. 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 5. 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: September 9, 2019



DEPARTMENT OF PUBLIC WORKS

240 Columbus Ave.
Sandusky, Ohio 44870
419.627.5829
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager
From: Joshua Snyder, P.E.
Date: August 30, 2019
Subject: **Commission Agenda Item – Award Cedar Point (Chaussee) Water Tower Demolition Project to Baumann Enterprises, INC. of Garfield Heights, Ohio.**

ITEM FOR CONSIDERATION: Legislation awarding a contract to Baumann Enterprises, INC. of Garfield Heights, Ohio for the Cedar Point (Chaussee) Water Tower Demolition Project.

BACKGROUND INFORMATION: The Cedar Point (Chaussee) Water Tower Demolition Project includes the removal of the tank and appurtenances, tank foundations and embankment, erosion control measures, capping of existing water main and disposal of materials. The existing tee in Cedar Point Road will be removed and replaced with a 10" diameter pipe. The site will be regraded and reseeded back to a pre-demolition condition.

The following bids were received on August 30, 2019 at a formal public bid opening:

Baumann Enterprises, Inc. Garfield Heights, OH	Bid	\$ 83,480
B&B Wrecking and Excavating, Inc. Cleveland, OH	Bid	\$ 87,000
ProSupply Inc. Cleveland, OH	Bid	\$ 91,900

The engineer's estimate was \$97,500

The contractual scheduled completion of demolition work is June 12, 2020.

BUDGETARY INFORMATION: The cost of the project based on the lowest and best bid, including advertising and inspection is \$95,000 and will be paid with water funds.

ACTION REQUESTED: It is recommended that proper legislation be prepared to award a contract to Baumann Enterprises, INC. of Garfield Heights, Ohio for the Cedar Point (Chaussee) Water Tower Demolition Project in an amount not to exceed \$83,480 be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter to allow the contractor the opportunity to begin work early, if possible and complete the project prior to the construction completion deadline of June 12, 2020.

I concur with this recommendation:

Eric Wobser
City Manager

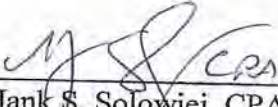
Aaron M. Klein, P.E.
Director

cc: K. Kresser, Commission Clerk; H. Solowiej, Finance Director; T. Hayberger, Law Director

**CHIEF FINANCIAL OFFICER'S CERTIFICATION OF
FUNDS AVAILABLE**

In the matter of: Cedar Point (Chaussee) Water Tower Demo

It is hereby certified that the moneys required to meet the obligations of the City of Sandusky have been lawfully appropriated for such purposes and are in the treasury of the City of Sandusky or are in the process of collection to an appropriate fund, free from any previous encumbrances. This certificate is given in compliance with Ohio Rev. Code Sections 5705.41 and 5705.44.



Hank S. Solowiej, CPA
Finance Director

9-3-19

Date

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BAUMANN ENTERPRISES, INC., OF GARFIELD HEIGHTS, OHIO, FOR THE CEDAR POINT (CHAUSSEE) WATER TOWER DEMOLITION PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Cedar Point water tank was taken out of service in 2012 after years of repairs going beyond general maintenance; and

WHEREAS, the Cedar Point Water Tower is no longer salvageable and no longer needed for service and an application was submitted to the Ohio EPA on August 1, 2016, with proposed plans for decommissioning the Cedar Point Water Tank and the City received an approval letter on August 23, 2016, which is good for a five (5) year period; and

WHEREAS, the Cedar Point (Chaussee) Water Tower Demolition Project involves the removal of the water tank, appurtenances, foundation and embankment, erosion control measures, capping of the existing water main, and disposal of materials; and

WHEREAS, this City Commission declared the necessity to proceed with the proposed Cedar Point (Chaussee) Water Tower Demolition Project by Resolution No. 030-19R, passed on August 12, 2019; and

WHEREAS, upon public competitive bidding as required by law three (3) appropriate bids were received and the bid from Baumann Enterprises, Inc., of Garfield Heights, Ohio, was determined to be the lowest and best bid; and

WHEREAS, the total estimated cost of this project based on bids, including inspection and advertising expenses, is \$95,000.00 and will be paid with Water Funds; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to allow the contractor the opportunity to begin work early, if possible, and complete the project prior to the construction completion deadline of June 12, 2020; and; and

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

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

Section 1. The City Manager is authorized and directed to enter into a contract with Baumann Enterprises, Inc., of Garfield Heights, Ohio, for the Cedar Point (Chaussee) Water Tower Demolition Project in an amount **not to exceed** Eighty Three Thousand Four Hundred Eighty and 00/100 Dollars (\$83,480.00) consistent with the bid submitted by Baumann Enterprises, Inc., of Garfield Heights, Ohio, currently on file in the office of the Director of Public Works.

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

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

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

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

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: September 9, 2019



DEPARTMENT OF PUBLIC WORKS

240 Columbus Ave.
Sandusky, Ohio 44870
419.627.5829
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Joshua R. Snyder, P.E.

Date: August 28, 2019

Subject: Commission Agenda Item – Permission to Bid the Buchanan Street Reconstruction Project - Hayes Avenue to Campbell Street

ITEM FOR CONSIDERATION: Requesting legislation authorizing the City to accept bids for the Buchanan Street Reconstruction Project from Hayes Ave to Campbell St.

BACKGROUND INFORMATION: City Commission granted permission at the August 27, 2018, meeting (Resolution 033.18R) to allow staff to submit a grant application to the Ohio Public Works Commission requesting grant funding from the State Capital Improvement and/or Local Transportation Improvement Program. The City received notification of award and began design in-house for the reconstruction of Buchanan St between Hayes Ave and Campbell St.

As noted in our previous communication for permission to apply for grant funding, many of the roadway complaints received by Public Works annually are for a 2,107 linear feet section of Buchanan Street between Hayes Ave and Campbell St. In the updated digital 2015 Pavement Condition Rating, Buchanan Street was rated as follows: Hayes to Thomas (1,151 lf) was poor (35), Thomas to Sherman (478 lf) was poor (44) and Sherman to Campbell (478 lf) was fair (53). Although the Pavement Condition Indices (PCI) were not the lowest in the City, the concrete sections received the lowest ratings possible for the International Roughness Index (IRI), which measures the rideability and comfort of the roadway at the posted speed limit. Since this is a main east-west route for the Sandusky City Schools and Firelands Regional Medical Center, this road is certainly a priority for resurfacing and reconstruction.

The segment between Hayes and Thomas will be reconstructed with full-depth asphalt pavement and new curbs and gutters. The portion between Thomas and Campbell will have the worst sections replaced, the concrete surface milled to level it out, cracks sealed, then overlaid with 3 inches of asphalt and a geotextile fabric. Sidewalks, along both segments, that are out of specification will be replaced also. The new full-depth section, between Thomas and Hayes resemble the recently completed Venice Heights Boulevard, which was previously concrete in similar condition.

Very recently, the same segment of Pierce St., between Hayes and Campbell, was awarded for similar work that is slated to occur in the spring. The timing of this (Buchanan St.) bid should pair well for coordinating the work schedules in a small area and attract contractors from the Pierce St. project.

BUDGETARY INFORMATION: The estimated cost of the project including engineering, inspection, advertising, construction and miscellaneous costs, is \$395,000 paid with \$175,000 OPWC and \$220,000 of Issue 8 Infrastructure Funds from the Capital Projects Fund.

ACTION REQUESTED: It is recommended that the proper legislation be approved accepting bids for the Buchanan Street Reconstruction Project – Hayes Avenue to Campbell Street under suspension of the rules and in accordance with Section 14 of the City Charter in order to bid the project, receive competitive prices and to complete the project in this year's construction season.

I concur with this recommendation:

Eric Wobser
City Manager

Aaron Klein, P.E.
Director

cc: K. Kresser, Commission Clerk; H. Solowiej, Finance Director; T. Hayberger, Law Director

RESOLUTION NO. _____

A RESOLUTION DECLARING THE NECESSITY FOR THE CITY TO PROCEED WITH THE PROPOSED BUCHANAN STREET RECONSTRUCTION PROJECT - HAYES AVENUE TO CAMPBELL STREET; APPROVING THE SPECIFICATIONS AND ENGINEER'S ESTIMATE OF COST THEREOF; AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR AND RECEIVE BIDS IN RELATION THERETO; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission authorized the submission of an application for financial assistance to the Ohio Public Works Commission (OPWC) for the Buchanan Street Reconstruction Project – Hayes Avenue to Campbell Street by Resolution No. 033-18R, passed on August 27, 2018, and subsequently the City was awarded funds in the amount of \$175,000.00; and

WHEREAS, Buchanan Street has extensive broken concrete pavement and has developed an uneven surface and the section from Hayes Avenue to Thomas Street was rated 51 out of 100 during the 2015 Street Condition Survey, with a current estimated rating of 43; and

WHEREAS, the proposed Buchanan Street Reconstruction Project – Hayes Avenue to Campbell Street involves the removal of concrete pavement, repairing subbase material where needed to the section between Hayes Avenue and Thomas Street, reconstruction with new asphalt pavement along with replacing sidewalks and handicap ramps where needed, and possibly replacement of isolated joints and panels for the section between Thomas Street and Campbell Street; and

WHEREAS, the total estimated cost of this project including engineering, inspection, advertising, and miscellaneous expenses is \$395,000.00 of which \$175,000.00 will be paid with OPWC funds and \$220,000.00 will be paid with Issue 8 Infrastructure Funds from the Capital Projects Fund; 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 to allow the project to be bid, receive competitive prices and complete the project in this year's construction season; 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 **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE

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

Section 1. The specifications and estimates of cost as prepared by the Director of Public Works and submitted to this City Commission, and which are now

on file in the offices of the Director of Public Works and the Clerk of the City Commission, for the proposed Buchanan Street Reconstruction Project - Hayes Avenue to Campbell Street, be and the same hereby are approved by this City Commission.

Section 2. This City Commission hereby declares it necessary to proceed with the proposed Buchanan Street Reconstruction Project - Hayes Avenue to Campbell Street at the earliest possible time.

Section 3. The City Manager is authorized and directed to advertise for and to receive bids in relation to the proposed Buchanan Street Reconstruction Project - Hayes Avenue to Campbell Street as required by law.

Section 4. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 6. That for the reasons set forth in the preamble 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: September 9, 2019