



**SANDUSKY CITY COMMISSION  
REGULAR SESSION AGENDA  
October 12, 2020 AT 5 P.M.  
CITY HALL, 240 COLUMBUS AVENUE**

INVOCATION	Dave Waddington
PLEDGE OF ALLEGIANCE	
CALL TO ORDER	
ROLL CALL	W. Poole, B. Harris, D. Murray, D. Brady, N. Twine, M. Meinzer & D. Waddington
APPROVAL OF MINUTES	September 28, 2020
AUDIENCE PARTICIPATION	
COMMUNICATIONS	Motion to accept all communications submitted below
CURRENT BUSINESS	

**CONSENT AGENDA ITEMS**

**ITEM A – Submitted by Justin Harris, Interim Law Director**

**DEMAND RESPONSE RENEWAL AGREEMENT AT BIWW (FIRST READING)**

**Budgetary Information:** The Capacity Payment and any energy Payment received for this transaction will be placed in the Water Fund to compensate for Big Island Water Works expenses for electricity usage.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the city manager to enter into a renewal agreement with Direct Energy Business LLC, for participation in the Demand Response Program for the period of June 1, 2021, through May 31, 2024.

**ITEM B – Submitted by John Orzech, Police Chief**

**CONTRACT WITH ERIE COUNTY GENERAL HEALTH DISTRICT BOARD FOR SOLID WASTE VEHICLE INSPECTION SERVICES**

**Budgetary Information:** The City will collect an annual registration fee of fifty dollars (\$50.00) per vehicle, for the purpose of inspection, administration, and enforcement of Chapter 955. One half of the permit fees collected will be paid by the City to the Board of Health for providing bulky and solid waste vehicle inspection services.

**RESOLUTION NO. \_\_\_\_\_:** It is requested a resolution be passed authorizing the city manager to enter into a contract for services with the Erie County General Health District Board of Health for bulky and solid waste vehicle inspection services for the period of December 1, 2020, through November 30, 2021; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

**ITEM C – Submitted by Debi Eversole, Housing Development Specialist**

**PURCHASE AND SALE AGREEMENT FOR ONE PARCEL THROUGH LAND BANK PROGRAM**

**Budgetary Information:** The cost associated with this purchase agreement is the total amount of the title examination, recording and transfer fees, and deed preparation. Any such costs shall be recouped by the City from the nonrefundable earnest money deposits required to be paid by Purchasers upon sale. By returning this nonproductive land to tax producing status, the taxing districts will begin collecting real property taxes in the amount of approximately \$95.00 per year.

**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 No. 58-02679.000, located on Filmore Street, Sandusky, is no longer needed for any municipal purpose and authorizing the execution of a purchase and sale 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.

**REGULAR AGENDA ITEMS**

**ITEM #1 – Matt Lasko, Chief Development Officer**

**AMENDING CDBG FY20 – DEMOLITION PROJECT #1**

**Budgetary Information:** The total estimated cost for this project including advertising and miscellaneous expenses will exceed \$10,000. The City holds a maintenance bond of \$10,000 for the property located at 1730 Putnam Street that will be applied to the asbestos abatement and demolition costs. The cost for the other seven (7) properties and any expenses over the value of the maintenance bond being held by the City for 1730 Putnam Street will be paid with FY20 Community Development Block Grant Funds. A tax lien will be placed upon the properties for the costs of asbestos abatement and demolition for those properties not owned by the City.

**RESOLUTION NO. \_\_\_\_\_:** It is requested a resolution be passed amending Resolution No. 028-20R, passed on July 13, 2020, and declaring the necessity for the city to proceed with a modified CDBG FY20 Demolition Project #1; 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.

ITEM #2 – Matt Lasko, Chief Development Officer

ENTERPRISE ZONE TAX ABATEMENT AGREEMENT WITH NAME ONE, YELLOWSTONE LLC

**Budgetary Information:** The project will have an ongoing positive impact on the general fund, as 25% of the increase in assessed value will be subject to real estate taxes during the abatement period.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the city manager to enter into an enterprise zone agreement with Name One, Yellowstone, LLC, relating to property located at 333 East Washington Street; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #3 – Submitted by Jane Cullen, Project Engineer

CONTRACT WITH HOLCOMB ENTERPRISES, LLC FOR SEASONAL DOCK INSTALLATION & REMOVAL SERVICES

**Budgetary Information:** The total cost of this contract for years 2020-2023 is \$96,500.00. If approved, the cost for installation and removal of the seasonal docks will be included in the Contractual Services portion of Building Maintenance’s Operation and Maintenance budget.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the city manager to enter into a contract with Holcomb Enterprises, LLC, of Port Clinton, Ohio, for seasonal dock installation & removal services at the Shelby Street Boat Launch Facility and Pipe Creek Wildlife Canoe Launch; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #4 – Submitted by Joshua Snyder, Assistant City Engineer

PERMISSION TO BID DIGESTER CLEANOUT PROJECT

**Budgetary Information:** The estimated cost of the project, including inspection, advertising, construction, and miscellaneous costs, is \$74,700.02 and will be paid out of line 613-5420-53000 through the Sewer Fund.

**RESOLUTION NO. \_\_\_\_\_:** It is requested a resolution be passed declaring the necessity for the city to proceed with the proposed Wastewater Treatment Plant (WWTP) Digester Cleanout Project; 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.

ITEM #5 – Submitted by Joshua Snyder, Assistant City Engineer

PERMISSION TO BID 2020 SEWER LINING PROJECT

**Budgetary Information:** The estimated cost of the project, including engineering and inspection is \$349,985.00 and will be paid with Sewer Funds.

**RESOLUTION NO. \_\_\_\_\_:** It is requested a resolution be passed declaring the necessity for the city to proceed with the proposed 2020 Sewer Lining Project; 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

Online: [www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us) – Click “Play” 



## **LAW DEPARTMENT**

240 Columbus Avenue  
Sandusky, Ohio 44870  
419.627.5852  
[www.cityofsandusky.com](http://www.cityofsandusky.com)

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

**From:** Justin D. Harris, Interim Law Director

**Date:** October 1, 2020

**Subject:** Commission Agenda Item - Demand Response Agreement at BIWW

**ITEM FOR CONSIDERATION:** **Renewal** Agreement with Direct Energy Business, LLC for the Demand Response Program for the period of June 1, 2021, through May 31, 2024.

**BACKGROUND INFORMATION:** Periodically the power grid operated by PJM Interconnection reaches maximum capacity, or peak demand, causing power failures within that grid. This is not uncommon during peak usage hours on warm summer days. As a response to this, energy brokers have developed a reimbursement plan for large energy users that would pay that large user, like the Big Island Water Works (BIWW), to operate their facility through their onsite back-up system. This response to increased demand, termed load reduction, can be quantified yielding a demand response payment. The City has received about \$99,400 from this program since 2015.

BIWW's back-up emergency system uses diesel fuel and is designed to operate the entire facility given particular circumstances. The renewal agreement allows for the BIWW operators to transfer power supply from the First Energy grid to their diesel back-up system upon request.

The main advantage to this program is that there is no obligation for the city to do this. The agreement provides for compensation to the City for the Load Reduction if the City chooses to participate during an actual event. Below are estimated annual payments to the City based on a 100% successful test based on curtaining 546kW leaving the plant with 40kW to operate. Actual event payments would be additional based on energy curtailed.

Term	Estimated Capacity Payment
6/1/2021 - 5/31/2022	\$20,862
6/1/2022 - 5/31/2023	\$15,090
6/1/2023 - 5/31/2024	\$15,090

**BUDGETARY INFORMATION:** The Capacity Payment and any energy Payment received for this transaction will be placed in the Water Fund to compensate for Big Island Water Works expenses for electricity usage.

**ACTION REQUESTED:** It is recommended the Renewal Agreement for with Direct Energy Business, LLC be executed for the period of June 1, 2021, through May 31, 2024.

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Justin D. Harris, Interim Law Director

I concur with this recommendation:

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Eric L. Wobser, City Manager

cc: McKenzie Spriggs, Clerk of the City Commission  
Michelle Reeder, Finance Director  
Aaron Klein, Director of Public Works

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A **RENEWAL AGREEMENT** WITH DIRECT ENERGY BUSINESS LLC, FOR PARTICIPATION IN THE DEMAND RESPONSE PROGRAM FOR THE PERIOD OF JUNE 1, 2021, THROUGH MAY 31, 2024.**

**WHEREAS**, the City Commission authorized an agreement with Direct Energy Business LLC, for participation in the Demand Response Program for the period of June 1, 2015, through May 31, 2018 by Ordinance No. 15-044, passed on March 23, 2015; and

**WHEREAS**, the City Commission authorized a **renewal** agreement with Direct Energy Business LLC, for participation in the Demand Response Program for the period of June 1, 2018, through May 31, 2021 by Ordinance No. 18-044, passed on February 26, 2018; and

**WHEREAS**, periodically the electricity grids operated by PJM Interconnection reach maximum capacity, or peak demand, causing power failures within that grid and this is not uncommon during peak usage hours on warm summer days; and

**WHEREAS**, the Demand Response Program provides for reimbursements to large energy users, such as the Big Island Water Works (BIWW) plant, that are able to shift or reduce their electricity usage upon request during periods of peak demand; and

**WHEREAS**, the Big Island Water Works plant has the ability to use an emergency back-up system, which uses diesel fuel and is designed to operate the entire facility given particular circumstances, and transfer supply from the First Energy grid and the result of response can be quantified as a Load Reduction yielding a demand response payment; and

**WHEREAS**, the agreement is to provide for compensation to the City for participation in the program although the City is not obligated to participate when requested; and

**WHEREAS**, any reimbursements in accordance with this agreement will be placed in the Water Fund to compensate for Big Island Water Works electricity usage expenses; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio and, NOW, THEREFORE,

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

Section 1. The City Manager is hereby authorized and directed to enter into a **Renewal Agreement** with Direct Energy Business, LLC, for the Demand

Response Program for the period of June 1, 2021, through May 31, 2024, substantially in the same form as Exhibit "1", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein together with such revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with carrying out the terms of this Ordinance.

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

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

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

\_\_\_\_\_  
RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
MCKENZIE E. SPRIGGS  
CLERK OF THE CITY COMMISSION

Passed: October 12, 2020

Date: 08/13/2020  		Demand Response Transaction Confirm <b>DIRECT ENERGY BUSINESS MARKETING, LLC</b> 194 Wood Avenue South Iselin, NJ 08830 Phone: 1-800-437-7872 www.directenergy.com																																																													
CUSTOMER INFORMATION																																																															
Customer Legal Entity Name: City of Sandusky		Utility Zones: OE																																																													
Participating Utility Account Numbers: 08004831910000564893																																																															
Address: 2425 First Street		City/State/Zip: Sandusky, OH 44870																																																													
Primary Contact: Eric Wobser		Primary Phone Number: 419-627-5844																																																													
Primary Contact Email: Email		Secondary Phone Number: Mobile																																																													
DEMAND RESPONSE TRANSACTION CONFIRM																																																															
<b>GENERAL TERMS</b> This Transaction Confirmation confirms the terms of the Demand Response Program Agreement entered into between Direct Energy Business, LLC ("Direct Energy" or "Seller"), and City of Sandusky ("Customer"), pursuant to the terms of the Demand Response Program Agreement between Customer and Seller ("DRA") dated 03/31/2015, as may be amended.  This Transaction Confirm is an Exhibit to and governed by the terms of the DRA. This Transaction will renew automatically for the same period unless notice is given by either party 90 days prior to the end of the current delivery year.																																																															
<b>PAYMENTS and PAYMENT TYPES</b>  For the Emergency programs, Customer will be paid 65% of the Capacity Payments and 65% of Energy Payments as described below, less any amounts owed pursuant to the DRA for the delivery year starting June 1st through May 31st. <ol style="list-style-type: none"> <li>Capacity Payments: Payment for the delivery year is based on capacity clearing rates multiplied by either i) Customer's enrolled load reduction if Customer performs as required, or (ii) an adjusted amount if Customer fails to perform as required to meet their enrolled amount. Capacity clearing rates will be determined by Seller's best efforts to procure the highest priced capacity in Program Administrator sponsored auctions. Customer performance will be determined based on Program Administrator's business rules, including comparison of Customer's average usage to Customer's Firm Service Level for all called event and test hours.</li> <li>Energy Payments: Payments are only made during an Emergency Demand Response event, and are calculated per the Program Administrators business rules based on the event duration, Customer's measured load reduction and the greater of market LMP or an ISO set rate.</li> <li>Payments to Customer will be net of any costs/credits as per the terms of the DRA.</li> <li>Additional Benefit (Only Applies to Electric Customers): Direct Energy electric customers have the option to apply Capacity Payment to commodity invoice.</li> </ol>																																																															
<b>PROGRAM DETAILS</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Program Administrator:</td> <td>PJM</td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> <tr> <td>Program:</td> <td>Full Emergency Response: Capacity and Energy</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Contract Term:</td> <td>06/01/2021 - 05/31/2024</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Lead Time Notification:</td> <td>30 minute lead time</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Energy Insight Package(s):</td> <td>Basic</td> <td></td> <td></td> <td></td> </tr> <tr> <td># Meter Installations:</td> <td>1</td> <td></td> <td></td> <td></td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <th style="width: 50%; background-color: #4f81bd; color: white;">Summer Program</th> <th style="width: 50%; background-color: #003366; color: white;">Winter Program</th> </tr> <tr> <td>Summer Months: June - October &amp; May</td> <td>Winter Months: November - April</td> </tr> <tr> <td style="background-color: #4f81bd; color: white;"><b>*Summer Enrollment Estimate</b></td> <td style="background-color: #003366; color: white;"><b>*Winter Enrollment Estimate</b></td> </tr> <tr> <td>Reduction (kW)      546</td> <td>Reduction (kW)      480</td> </tr> <tr> <td>FSL (kW)              40</td> <td>FSL (kW)              40</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <th style="width: 20%; background-color: #f4a460;">Plan Year**</th> <th style="width: 20%; background-color: #f4a460;">Product</th> <th style="width: 15%; background-color: #f4a460;">Estimated Annual Payment</th> <th style="width: 20%; background-color: #4f81bd; color: white;">Estimated Capacity Payment</th> <th style="width: 25%; background-color: #003366; color: white;">Estimated Capacity Payment</th> </tr> <tr> <td>06/01/2021 - 05/31/2022</td> <td>Capacity Performance</td> <td style="text-align: right;"><b>\$20,862</b></td> <td style="text-align: right;">\$11,195</td> <td style="text-align: right;">\$9,667</td> </tr> <tr> <td>06/01/2022 - 05/31/2023</td> <td>Capacity Performance</td> <td style="text-align: right;"><b>\$15,090</b></td> <td style="text-align: right;">\$8,098</td> <td style="text-align: right;">\$6,992</td> </tr> <tr> <td>06/01/2023 - 05/31/2024</td> <td>Capacity Performance</td> <td style="text-align: right;"><b>\$15,090</b></td> <td style="text-align: right;">\$8,098</td> <td style="text-align: right;">\$6,992</td> </tr> </table>				Program Administrator:	PJM				Program:	Full Emergency Response: Capacity and Energy				Contract Term:	06/01/2021 - 05/31/2024				Lead Time Notification:	30 minute lead time				Energy Insight Package(s):	Basic				# Meter Installations:	1				Summer Program	Winter Program	Summer Months: June - October & May	Winter Months: November - April	<b>*Summer Enrollment Estimate</b>	<b>*Winter Enrollment Estimate</b>	Reduction (kW)      546	Reduction (kW)      480	FSL (kW)              40	FSL (kW)              40	Plan Year**	Product	Estimated Annual Payment	Estimated Capacity Payment	Estimated Capacity Payment	06/01/2021 - 05/31/2022	Capacity Performance	<b>\$20,862</b>	\$11,195	\$9,667	06/01/2022 - 05/31/2023	Capacity Performance	<b>\$15,090</b>	\$8,098	\$6,992	06/01/2023 - 05/31/2024	Capacity Performance	<b>\$15,090</b>	\$8,098	\$6,992
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<small>**Displayed payment values are to be considered estimates only until registration is confirmed by PJM and performance is evaluated. PJM Capacity Auction Results for 2022-23 are not final, values shown are estimated based on an average rate.</small>																																																															
<b>Notification</b> <i>(*) Lead Time Notification (i) is defined by the Program Administrator, (ii) is subject to change, and (iii) is the amount of time, prior to an event requiring load-reduction, that the Program Administrator will provide to the Seller. The Seller shall be provided a reasonable amount of time to relay notification to the customer. A minimum of 2 Notification contacts are required to enroll.</i>																																																															
<b>Additional Services</b> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <div style="margin-bottom: 5px;"><input checked="" type="checkbox"/> Real-time monitoring (site-level and/or equipment-level) <small>(Monitoring costs will be deducted from the first 12 monthly payments)</small></div> <div style="margin-bottom: 5px;"><input type="checkbox"/> N/A Peak Load Contribution (PLC) Notifications by DE's Strategic Services</div> <div style="margin-bottom: 5px;"><input type="checkbox"/> N/A Demand Response-Payment Applied to Electricity invoice <small>(DE Electric commodity customers only)</small></div> </td> <td style="width: 50%; vertical-align: top;"> <table style="width: 100%;"> <tr> <th style="text-align: left; font-weight: normal;">Total Cost of Meter Installation</th> <th style="text-align: left; font-weight: normal;">Monthly Cost of Meter Installation</th> </tr> <tr> <td style="text-align: right;">\$0.00</td> <td style="text-align: right;">\$0.00</td> </tr> </table> </td> </tr> </table>				<div style="margin-bottom: 5px;"><input checked="" type="checkbox"/> Real-time monitoring (site-level and/or equipment-level) <small>(Monitoring costs will be deducted from the first 12 monthly payments)</small></div> <div style="margin-bottom: 5px;"><input type="checkbox"/> N/A Peak Load Contribution (PLC) Notifications by DE's Strategic Services</div> <div style="margin-bottom: 5px;"><input type="checkbox"/> N/A Demand Response-Payment Applied to Electricity invoice <small>(DE Electric commodity customers only)</small></div>	<table style="width: 100%;"> <tr> <th style="text-align: left; font-weight: normal;">Total Cost of Meter Installation</th> <th style="text-align: left; font-weight: normal;">Monthly Cost of Meter Installation</th> </tr> <tr> <td style="text-align: right;">\$0.00</td> <td style="text-align: right;">\$0.00</td> </tr> </table>	Total Cost of Meter Installation	Monthly Cost of Meter Installation	\$0.00	\$0.00																																																						
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Please indicate your acceptance of the terms of this Transaction by returning to Seller an executed counterpart no later than 11:59 p.m., Eastern Time, on 09/02/2020. If Seller does not receive such counterparts by such deadline, Seller's commitment and the agreements shall expire at such time.																																																															
<b>City of Sandusky</b>  Customer Signature: _____ Customer Title: _____ Date: _____		<b>Direct Energy Business Marketing, LLC</b>  Seller Signature: _____ Seller Title: _____ Date: _____																																																													





3. This Authorization shall terminate as follows (mark **ONE** of the options below):

\_\_\_\_\_ This Authorization shall be perpetual and shall not terminate unless written notice is provided at least 30 days in advance.

\_\_\_\_\_ This Authorization shall automatically terminate on \_\_\_\_\_, with no further notice to CSP being required.

4. I understand that termination of this Authorization will not affect any action that CSP took in reliance on this Authorization before it automatically terminated or before CSP received Customer's written notice of termination.
5. The undersigned affirms that he/she has authority to execute this Authorization on behalf of the customer.

IN WITNESS WHEREOF, Customer executes this Authorization to be effective as of the date written below.

Customer: **City of Sandusky** \_\_\_\_\_

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

Print Name

\_\_\_\_\_

Title

\_\_\_\_\_

Signature

**8/13/2020**

\_\_\_\_\_

Date

## ATTACHMENT A-1

LIST OF SITES FOR WHICH EDC, OE  
HAS AUTHORIZATION TO PROVIDE ELECTRIC USAGE INFORMATION TO CSP.

Account Number(s): 08004831910000564893  
Service Address: 2425 First Street Sandusky, OH, 44870

Account Number(s): \_\_\_\_\_  
Service Address: \_\_\_\_\_

Account Number(s): \_\_\_\_\_  
Service Address: \_\_\_\_\_

Account Number(s): \_\_\_\_\_  
Service Address: \_\_\_\_\_

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Service Address: \_\_\_\_\_

Account Number(s): \_\_\_\_\_  
Service Address: \_\_\_\_\_

## City of Sandusky

**Date:** 08/13/2020

**Attn:** Meter and Test Dept.

To Whom It May Concern:

To facilitate our participation in a demand response program that we have elected to participate in, we here by authorize Direct Energy Business, or any agent it may designate during the term of this agreement to:

1. Order meter upgrades such as pulse outputs for any and all meters under the following account(s):

**Utility(ies):** OE      **Account Number(s):** 08004831910000564893

and/or

2. Request and receive account and meter information for the above including access to available interval data for said account(s). If access to interval data requires a user name, password or any other such information please provide this.

Any costs associated with the services above are to be billed to the agent as directed by Direct Energy Business.

This authorization should remain in effect until: 7/30/2024

Please direct any questions you may have on this matter to [DemandResponse@centrica.com](mailto:DemandResponse@centrica.com)

Thank you.

Sincerely,

---

Eric Wobser (City of Sandusky)

cc: Direct Energy Business



## CITY OF SANDUSKY POLICE DEPARTMENT

---

222 Meigs Street  
Sandusky, Ohio 44870  
419.627.5863  
[www.cityofsandusky.com](http://www.cityofsandusky.com)

To: Eric Wobser, City Manager

From: John Orzech, Police Chief

Date: October 1, 2020

Subject: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Legislation requesting approval for the City Manager to enter into a contract for bulky and solid waste vehicle inspection services with the Erie County General Health District Board of Health for the period of 12/1/20 through 11/30/21.

**BACKGROUND INFORMATION:** Starting in 2010, the City of Sandusky has entered into contracts with the Erie County General Health District Board of Health for inspection services of all commercial haulers of solid and/or bulky waste who operate within the City of Sandusky. This is in compliance with Section 955.05 of the City of Sandusky Ordinances. Under this Section, all commercial haulers are required to apply for a registration certificate with the City annually and provide proof that all vehicles used for the collection and transportation of solid waste and/or bulky waste within the City have been inspected annually by the Erie County Health Department. The Sandusky Police Department works in conjunction with the Erie County Health Department to register, inspect, and enforce the ordinance. The current contract expires November 30, 2020.

**BUDGET IMPACT:** The City will collect an annual registration fee of fifty dollars (\$50.00) per vehicle, for the purpose of inspection, administration, and enforcement of Chapter 955. One half of the permit fees collected will be paid by the City to the Board of Health for providing bulky and solid waste vehicle inspection services.

**ACTION REQUESTED:** It is requested legislation be adopted allowing the City Manager to enter into a contract for inspection services for the period of 12/1/20 through 11/30/21 with the Erie County General Health District Board of Health. It is requested that this legislation be approved in accordance with Section 14 of the City Charter in order to execute the contract prior to the current contract's expiration date of November 30, 2020, and continue to be in compliance with the City's Ordinance and the Solid Waste Management District Plan.

***SANDUSKY, OHIO – HOME OF 'AMERICA'S ROLLER COAST'®***

**Approved:**

---

John Orzech, Police Chief

**I concur with this recommendation:**

---

Eric Wobser, City Manager

cc: Michelle Reeder, Finance Director  
Justin Harris, Interim Law Director

## **CONTRACT FOR SERVICES**

This Contract entered into at Sandusky, Ohio, between the Erie County General Health District Board of Health [Inspector] and the City of Sandusky [City].

WHEREAS, the City is in need of the services of the Inspector to provide solid and bulky waste hauler inspection services; and

WHEREAS, the Inspector is qualified and willing to provide such services as may be needed by the City, NOW, THEREFORE, it is hereby mutually understood and agreed as follows:

### **A. DUTIES OF INSPECTOR**

1. The Inspector will provide a scheduled inspection of bulky and solid waste hauler trucks that collect waste in enforcement of Chapter 955 of the City codified ordinances for the City during regular hours of operation between 8AM and 5PM Monday through Friday prior to initial registration, or renewal of annual vehicle registration, with the City; and
2. The Inspector will provide scheduled re-inspections of bulky and solid waste hauler vehicles to confirm resolution of documented violations; and
3. The Inspector will provide violation inspection records to the City for consideration prior to registration by the City; and
4. The Inspector will make its authorized representatives available for consultation upon prior request of the City or its authorized representatives; and
5. The Inspector will invoice the City on a monthly basis for all inspections done in that month.

### **B. DUTIES OF THE CITY**

1. The City will provide a list of applicants for solid waste haulers to the Inspector who shall utilize the list for the purposes of inspections; and

2. Any changes or alterations in the City's administrative or regulatory requirements, in regard to bulky or solid waste inspection services, may be done after consultation and approval by the Inspector; and
3. The City agrees to reimburse the Inspector from any collected fees, Twenty-five Dollars (\$25.00) per inspection of any initial or renewal of a registered bulky or solid waste vehicle; payable within 30 days of invoice and vehicle registration as agreed in this Contract.

**C. TERM OF CONTRACT AND TERMINATION OF THIS CONTRACT**

1. This Contract shall become effective on December 1, 2020, and shall remain in effect until November 30, 2021, unless terminated in accordance with this section.
2. Either party may terminate this Contract at any time without cause after giving thirty (30) days notice to the other by simultaneous U.S. Regular and Certified Mail to the addresses listed below.
3. Either Party may terminate this Contract immediately upon notice as given above if:
  - a. The Inspector is no longer able to provide inspections;
  - b. The City no longer has solid waste haulers.
  - c. The City does not provide the required list of applicants for hauling solid waste.

**D. MISCELLANEOUS**

1. Neither agreement or any duties or obligations imposed hereunder shall be assignable by the City or Inspector without the prior written consent of the other party.
2. No modification of this Contract shall be effective unless it is in writing and signed by both Parties.

3. This Contract contains the entire agreement between the Parties and all of the terms and conditions to which the Parties have agreed and supersedes all prior oral or written agreements or understandings concerning the subject matter hereof and shall be interpreted in accordance with the laws of the State of Ohio.

4. Notice: Any notice under this Contract shall be by simultaneous U.S. Regular and Certified Mail, return receipt requested, addressed to the following:

For the City

City of Sandusky  
ATTN: City Manager  
240 Columbus Avenue  
Sandusky, OH 44870

For the Inspector

Erie County Health Department  
ATTN: Health Commissioner  
420 Superior Street  
Sandusky, OH 44870

5. The City and Inspector will provide a resolution and/or approved meeting minutes, herein attached as Exhibit "A" and Exhibit "B", respectively, which authorizes its designated representative to enter into this Contract.
6. If any section, sentence, clause or phrase of this Contract is for any reason held to be illegal, invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of the remainder of this contract and it shall remain in full force and effect.

**SIGNATURES TO FOLLOW**



FOR THE CITY OF SANDUSKY

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Justin D. Harris, Interim Law Director  
City of Sandusky

\_\_\_\_\_  
Date

FOR THE ERIE COUNTY GENERAL HEALTH DISTRICT BOARD OF HEALTH

\_\_\_\_\_  
Peter T. Schade, M.P.H., R.S.  
Health Commissioner  
Erie County General Health District

\_\_\_\_\_  
Date

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

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR SERVICES WITH THE ERIE COUNTY GENERAL HEALTH DISTRICT BOARD OF HEALTH FOR BULKY AND SOLID WASTE VEHICLE INSPECTION SERVICES FOR THE PERIOD OF DECEMBER 1, 2020, THROUGH NOVEMBER 30, 2021; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City Commission approved the Erie County Solid Waste Management District Plan by Resolution No. 018-10R, and the Amendment of Chapter 955 (Solid Waste Disposal) of the Codified Ordinances, both passed on June 28, 2010; and

**WHEREAS**, starting in 2010, the City has entered into contracts with the Erie County General Health District Board of Health for inspection services of all commercial haulers of solid and/or bulky waste who operate within the City; and

**WHEREAS**, pursuant to Section 955.05 of the Codified Ordinances, all commercial haulers of solid and/or bulky waste intending to operate within the City Sandusky are required to apply for a registration certificate with the City annually and provide proof that all vehicles used for the collection and transportation of solid waste and/or bulky waste within the City have been inspected annually by the Erie County Health Department; and

**WHEREAS**, the City will collect an annual registration fee of \$50.00 per vehicle for the purpose of inspection, administration and enforcement of Chapter 955 and one-half of the fees collected will be paid by the City to the Erie County Board of Health; 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 execute the agreement prior to the current contract's expiration date of November 30, 2020, and continue to be in compliance with the City's Ordinance and the updated Solid Waste Management District Plan; 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 Police 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 Contract for Services with the Erie County General Health District Board of Health for bulky and solid waste vehicle inspection services for the period of December 1, 2020, through November 30, 2021, a copy of which is marked Exhibit "1", and attached to this Resolution and is

specifically incorporated as if fully rewritten herein, together with such revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with carrying out the terms of this Resolution, and authorizes and directs the City Manager to sign the Contract for Services on behalf of the City.

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

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

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

\_\_\_\_\_  
RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
MCKENZIE E. SPRIGGS  
CLERK OF THE CITY COMMISSION

Passed: October 12, 2020



## COMMUNITY DEVELOPMENT

240 Columbus Ave  
Sandusky, Ohio 44870  
419.627.5832  
[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

TO: Eric Wobser, City Manager

FROM: Debi Eversole, Housing Development Specialist

DATE: September 30, 2020

RE: City Commission Agenda Item

**ITEMS FOR CONSIDERATION:** The purpose of this communication is to request approval of legislation allowing the City Manager to execute a 'Purchase and Sale Agreement' for non-productive land currently in the City of Sandusky's Land Reutilization Program that is no longer needed for any municipal purpose. The Parcel in consideration is located on Filmore Street, further identified as Erie County Parcel No. 58-02679.000, Sandusky Ohio.

**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 requested and acquired this nonproductive land upon notice of delinquent tax foreclosure proceedings via Sheriff's sale. The City Commission approved acquisition of Parcel No. 58-02679.000 by Resolution No. 010-16R, passed on February 22, 2016. The City of Sandusky's Land Reutilization Policies and Procedures facilitate reutilization of nonproductive land situated within the City of Sandusky and supports neighborhood revitalization and promotes that ownership of unbuildable vacant lots located between two (2) existing property owners shall be offered half each to the adjoining property owners. JoAnn G. Grissom, 917 Filmore Street, Sandusky is the adjoining property owner to the west, further identified as Erie County Parcel No. 58-02420.000 and has requested acquisition of this nonproductive land. The City of Sandusky is the adjoining property owner to the east further identified as Erie County Parcel No. 58-00169.000.

The Land Bank Administrator has verified that JoAnn G. Grissom qualifies pursuant to the requirements of the Land Reutilization Policies and Procedures. The Land Bank Committee approved the acquisition and sale through the "Mow to Own" Side Lot Disposition Program on September 21, 2020.

**BUDGET IMPACT:** The cost associated with this purchase agreement is the total amount of the title examination, recording and transfer fees, and deed preparation. Any such costs shall be recouped by the City from the nonrefundable earnest money deposits required to be paid by Purchasers upon sale. By returning this nonproductive land to tax producing status, the taxing districts will begin collecting real property taxes in the amount of approximately ninety five dollars (\$95.00) per year.

**ACTION REQUESTED:** It is requested legislation be approved allowing the City Manager to enter into purchase agreements for the sale of non-productive property no longer needed for any municipal purpose located Filmore Street, Erie County Parcel No. 58-02679.000 to the adjoining property owner JoAnn G. Grissom. 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 execute the agreements in a timely manner to ensure upkeep and maintenance of the lot.

---

Debi Eversole, Housing Development Specialist

I concur with this recommendation:

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Matt Lasko, Chief Development Officer

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Eric L. Wobser, City Manager

cc: Justin Harris, Law Director  
Michelle Reeder, Finance Director  
McKenzie Spriggs, Commission Clerk

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

**AN ORDINANCE DECLARING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY AS PART OF THE LAND REUTILIZATION PROGRAM IDENTIFIED AS PARCEL NO. 58-02679.000, LOCATED ON FILMORE STREET, SANDUSKY, IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE 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 on Filmore Street, Parcel No. 58-02679.000 by Resolution No. 010-16R, passed on February 22, 2016, 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**, a request was made on behalf of the adjoining property owner to acquire this property for yard expansion pursuant to the City's "Mow to Own" Side Lot Disposition Program that was approved by the City Commission by Resolution No. 024-11R, passed on July 11, 2011, and effective on August 11, 2011; and

**WHEREAS**, adjoining property owner, JoAnn G. Grissom, desires to purchase Parcel No. 58-02679.000, which is more specifically described in Exhibit "A" (the "Property") attached to a certain Purchase and Sale Agreement, a copy of which is marked Exhibit "1" with respect thereto (the "Purchase Agreement"); and

**WHEREAS**, the Land Bank Committee met on September 21, 2020, and approved the acquisition and sale of the property through the "Mow to Own" Side Lot Disposition Program to JoAnn G. Grissom; and

**WHEREAS**, the cost associated with this purchase and sale agreement is the total cost of the title search, recording and transfer fees, deed preparation, and any other customary fees that may be due and payable in the ordinary course of the purchase and sale transaction and the City will recoup these expenses incurred from the nonrefundable earnest money deposit required to be paid by the Purchaser; 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 purchase and sale agreement in a timely manner to ensure maintenance of the lot; 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. 58-02679.000, located on Filmore 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 and Sale 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 and Sale 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 and Sale 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 the Purchase and Sale 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 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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

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

\_\_\_\_\_  
RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
MCKENZIE E. SPRIGGS  
CLERK OF THE CITY COMMISSION

Passed: October 12, 2020



## **PURCHASE AND SALE AGREEMENT**

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2020, by and between the City of Sandusky, Erie County, Ohio, a Municipal Corporation, 240 Columbus Avenue, Sandusky, Ohio 44870, hereinafter referred to as the "Seller" and JoAnn G. Grissom, hereinafter referred to as the "Purchaser".

### **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 Filmore Street and identified as Erie County Parcel Number 58-02679.000, 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 Purchaser located at 917 Filmore Street, Erie County Parcel Number 58-02420.000.

2. The total purchase price for the Property is four thousand five hundred sixty dollars (\$4,560.00), 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 no less than nine hundred twenty seven dollars (\$927.00) by credit card (processing fee applies), certified check or cashier's check made payable to Seller. The remaining balance of at least three thousand six hundred thirty three dollars (\$3,633.00), shall be paid by in-kind service of the Purchaser by mowing and maintaining the Property in a nuisance free condition for a minimum of two (2) years 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. If the overgrown brush at the rear of the property is completely cleared at the Purchaser's expense, consideration may be given to the term of the contract.

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 November 30, 2022, 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 November 30, 2022, 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**

**PURCHASER(S):**

)

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 \_\_\_\_\_, 2020, 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:

---

Justin Harris  
Law Director  
City of Sandusky

**EXHIBIT A**

***Situated in the City of Sandusky, County of Erie and State of Ohio: Being Lot 155 on Filmore street in Cook's Subdivision recorded in Erie County Plat Volume 2, Pages 23 and 24.***

***Property Address: Filmore Street, Sandusky, OH 44870***

***Tax ID No: 58-02679.000***

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.

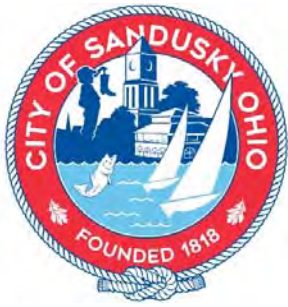
F. Breach of the Purchase Agreement.

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



## COMMUNITY DEVELOPMENT DEPARTMENT

240 Columbus Avenue  
Sandusky, Ohio 44870  
(419) 627-5847  
[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

To: Eric Wobser, City Manager

From: Matt Lasko, Chief Development Officer

Date: October 1, 2020

Subject: Commission Agenda Item – Resolution Amendment - Permission to Bid CDBG FY20 – Demolition Project #1.

**Item for Consideration:** Resolution of necessity amending a previous resolution for the CDBG FY20 –Demolition Project #1, involving asbestos abatement and demolition of eight (8) properties.

**Background Information:** On July 13, 2020, City Commission approved Resolution No. 028-20R which directed the City Manager to advertise and receive bids for the demolition and asbestos abatement of the following eight (8) properties – which are vacant and blighted structures.

- 1913 Camp Street
- 2106 Parkview Boulevard
- 423 Fulton Street
- 410 Lawrence Street
- 1847 Third Street (garage only)
- 1932 Putnam Street
- 805 N. Deport Street
- 1520-22 Hayes Avenue

Since then, the garage at 1847 Third Street has been voluntarily demolished. Additionally, the property owners of 1730 Putnam Street have been denied their demolition appeal through the Housing Appeals Board.

Therefore, this amendment request for Resolution No. 028-20R seeks to both remove the garage at 1847 Third Street and add the property at 1730 Putnam Street from the list of properties to be asbestos abated and demolished. Based on this request, eight (8) properties remain.

**Budgetary Information:** The total estimated cost for this project including advertising and miscellaneous expenses will exceed \$10,000. The City holds a maintenance bond of \$10,000 for the property located at 1730 Putnam Street that will be applied to the asbestos abatement and demolition costs. The cost for the other seven (7) properties and any expenses over the value of the maintenance bond being held by the City for 1730 Putnam Street will be paid with FY20 Community Development Block Grant Funds. A tax lien will be placed upon the properties for the costs of asbestos abatement and demolition for those properties not owned by the City.



**Action Requested:** It is requested that the proposed resolution for amendment for the CDBG FY20 - Demolition Project #1 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 bid the project, obtain competitive bids, and complete the project to continue to implement the City's efforts towards blight elimination in the interest of the health and safety and general welfare of the citizens of Sandusky.

I concur with this recommendation:

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Eric Wobser  
City Manager

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Matt Lasko  
Chief Development Officer

cc: McKenzie Spriggs, Clerk of City Commission  
Michelle Reeder, Finance Director  
Justin Harris, Interim Law Director

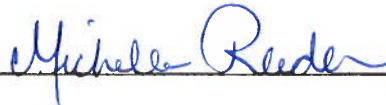
## CERTIFICATE OF FUNDS

In the Matter of: Demolition- CDBG Funds

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the City of Sandusky under the foregoing Contract 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 compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Account # 241-4447-53000

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



Michelle Reeder

Finance Director

Dated: 10/8/2020

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

A RESOLUTION AMENDING RESOLUTION NO. 028-20R, PASSED ON JULY 13, 2020,  
AND DECLARING THE NECESSITY FOR THE CITY TO PROCEED WITH A MODIFIED  
THE PROPOSED CDBG FY20 DEMOLITION PROJECT #1; 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 declared the necessity for the City to  
proceed with the proposed CDBG FY20 Demolition Project #1 by Resolution No.  
028-20R, passed on July 13, 2020; and

**WHEREAS,** the original proposed CDBG FY20 Demolition Project #1  
involves asbestos abatement and demolition of eight (8) residential vacant and  
blighted structures which are vacant and blighted; and

WHEREAS, the eight (8) residential structures were condemned and  
ordered for demolition by the City or the Housing Appeals Board and the privately  
owned properties are located at 1932 Putnam Street, 423 Fulton Street, 1520-  
1522 Hayes Avenue, 410 Lawrence Street, 805 N. Depot Street, and 1847 Third  
Street (garage only), and the City owned properties are located at 1913 Camp  
Street and 2106 Parkview Boulevard; and

WHEREAS, subsequent to approval of the Resolution and prior to  
advertising, the garage at 1847 Third Street was voluntarily demolished and the  
property owners of 1730 Putnam Street were denied their demolition appeal  
through the Housing Appeals Board; and

WHEREAS, the modified CDBG FY20 Demolition Project #1 involves the  
asbestos abatement and demolition of eight (8) residential structures which are  
vacant and blighted and ordered for demolition by the City or the Housing  
Appeals Board and the privately owned properties are located at 1932 Putnam  
Street, 423 Fulton Street, 1520-1522 Hayes Avenue, 410 Lawrence Street, 805 N.  
Depot Street, and 1730 Putnam Street, and the City owned properties are located  
at 1913 Camp Street and 2106 Parkview Boulevard; and

**WHEREAS,** the total estimated cost for this project including advertising  
and miscellaneous expenses will exceed \$10,000.00 and these costs will be paid  
with a maintenance bond for the 1730 Putnam Street property in the amount of  
\$10,000.00 and the remaining costs will be paid with FY20 Community  
Development Block Grant (CDBG) funds and subsequently all costs related to the  
demolition and asbestos abatement of the private property will be charged to the  
owners and assessed to the property; 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  
bid the project, obtain competitive bids, and complete the project to continue to  
implement the City's efforts towards blight elimination in the interest of the health  
and safety and general welfare of the citizens of Sandusky; 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

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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 **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 of the ~~proposed~~-modified CDBG FY20 Demolition Project #1.

Section 2. This City Commission hereby declares it necessary to proceed with the ~~proposed~~-modified CDBG FY20 Demolition Project #1 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~~-modified CDBG FY20 Demolition Project #1 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.

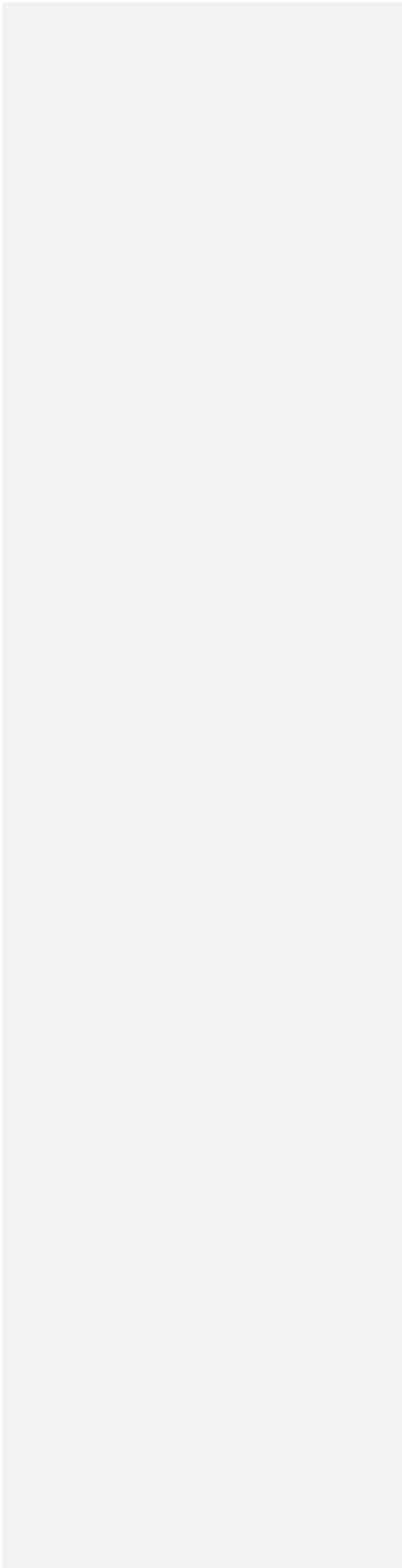
\_\_\_\_\_  
RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION



PAGE 3 - RESOLUTION NO. \_\_\_\_\_

ATTEST: \_\_\_\_\_  
MCKENZIE E. SPRIGGS  
CLERK OF THE CITY COMMISSION

Passed: October 12, 2020





## COMMUNITY DEVELOPMENT

240 Columbus Avenue  
Sandusky, Ohio 44870  
419.627.5715  
[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

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

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

**Date:** September 29, 2020

**Subject:** Commission Agenda Item – Enterprise Zone (EZ) Tax Abatement Agreement

**Items for Consideration:** Legislation approving an Enterprise Zone Tax Abatement Agreement between the City of Sandusky and Name One Yellowstone, LLC an Ohio limited liability company, for the purposes of furthering economic development efforts within the City.

**Background Information:** Name One Yellowstone, LLC (the “Company”) is composed of three (3) related individuals of the Zimmerman family, led by its managing member, Brent Zimmerman. Mr. Zimmerman has a diverse background and is an experienced entrepreneur, business owner and developer. Most recently, Mr. Zimmerman has moved successfully into the development world beginning with the construction of sixteen (16) townhomes in downtown Cleveland and construction of a 30+ unit residential complex in Cleveland’s west side. Additionally, Mr. Zimmerman is the founder and Chief Executive Officer of Saucy Brew Works – a production craft beer facility and brewpub with locations in Cleveland and Columbus. With roots in the Sandusky Bay area, Mr. Zimmerman is looking to expand his development footprint into Sandusky.

The Company recently purchased the commercially zoned property located at 333 E. Washington Street on 9/23/2020 for \$190,000. The large historic property sits directly east from Hartung Title Agency, Inc. and has been vacant for over five (5) years. The Company will adaptively reuse the property and convert it into approximately seven (7) AirBNB units to be utilized as short term / transient rental units for visitors. The property will also come equipped with additional indoor and outdoor amenities. The project will also be managed by a full-service professional property management company and will employ property management, accounting, and cleaning staff. The project aims to be completed by June of 2021 in time for the 2021 vacation season.

Based upon this investment and the importation of this project to transform a currently vacant property into a bustling hub of activity on the eastern edge of downtown – an area positioned and poised for future redevelopment and investment and to help meet a growing demand for vacation and extended stay lodging in Sandusky and more specifically downtown, staff is recommending the approval of a 10 (ten) year, 75% real estate tax abatement on the increase to the assessed valuation of the property.

Per the draft EZ Agreement, the Company is to invest minimally \$450,000 (not including acquisition costs) in physical build-out and is to be completed by June 30, 2021. The EZ Agreement also call for the creation of minimally three (3) new full-time employment positions and a minimum annual payroll of \$90,000.

It should be noted that earlier in the year, the EDIC recommended a substantial development grant of \$50,000 to accompany this EZ Agreement request. However, in talks with the developer and in advance of the City's desire/need to reduce utilization of our Economic Development Capital Project funds – the City and the Company agreed to reduce the grant award to \$10,000.

**Budgetary Information:** The project will have an ongoing positive impact on the general fund, as 25% of the increase in assessed value will be subject to real estate taxes during the abatement period.

**Action Requested:** It is requested that the proper legislation be prepared to allow the City to enter into an EZ Tax Abatement Agreement with Name One Yellowstone, LLC. It is further requested that this legislation be passed in accordance with Section 14 of the City Charter to expedite passage for the project to commence construction in the Fall of 2020.

I concur with this recommendation:

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Eric L. Wobser  
City Manager

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Matthew D. Lasko, MUPDD, MSSA  
Chief Development Officer

cc: McKenzie Spriggs, Clerk of the City Commission  
Justin Harris, Interim Law Director  
Michelle Reeder, Finance Director



## COMMUNITY DEVELOPMENT

Matthew D. Lasko  
Chief Development Officer  
mlasko@ci.sandusky.oh.us

240 Columbus Avenue  
Sandusky, Ohio 44870  
419-627-5707  
www.ci.sandusky.oh.us

September 28, 2020

Jeffrey Hall, Treasurer  
Sandusky City Schools  
407 Decatur Street  
Sandusky, Ohio 44870

**Re: Name One, Yellowstone, LLC - Request for Enterprise Zone Abatement Agreement**

Dear Mr. Hall:

The City of Sandusky has received a request for tax abatement from Name One, Yellowstone, LLC under the Enterprise Zone (EZ) abatement program for the adaptive reuse of the vacant property located at 333 E. Washington Street, Sandusky, Ohio 44870. The project will convert this facility into approximately seven (7) new VRBO/lodging units for visitors to stay in Sandusky and downtown. This will be a historic and substantial renovation of an existing facility.

The City's Community Development Department has reviewed this request and is recommending that an Enterprise Zone Agreement be approved consistent with the terms and conditions enumerated below. These terms and conditions have now been accepted by the company.

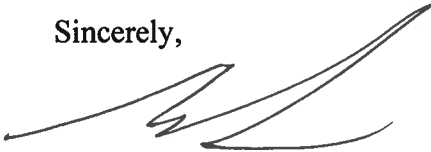
1. Abatement of taxes of new real estate taxes for improvements made at the Project Site for a period of ten (10) years at 75% is recommended. The company will be granted abatement on the appraised value of the new real improvements.
2. The company's investment includes the substantial renovation of an approximate four thousand (4,000) square foot, three-story vacant commercial building into a new seven (7) unit VRBO/lodging facility with on-site amenities. The estimated value of the improvements including acquisition costs is \$640,000.
3. The company will pay an annual monitoring fee of \$200 payable to the City of Sandusky no later than April 15<sup>th</sup> of the year following each year the agreement is effective.
4. The company and its tenants will create a minimum of three (3) new full-time equivalent jobs by June 30, 2021. The minimum stabilized payroll for the company and tenants is estimated at \$90,000 annually.
5. All other standard terms and conditions apply.

This project will create new employees and payroll immediately upon completion of construction. Furthermore, this project repurposes a currently vacant and historical building on the edge of downtown and provides a unique lodging opportunity for visitors. We believe that this project is instrumental in diversifying lodging opportunities within the region and we hope that the Sandusky Schools agree.

Pursuant to Ohio Revised Code Section 5709.83 the Sandusky City Schools are hereby notified that the City of Sandusky will consider the request at its Commission meeting on October 12, 2020.

We have attached the company's Enterprise Zone Application as well as a draft of the Enterprise Zone Agreement. Please review these documents and contact the undersigned at 419-627-5707 or via e-mail at [mlasko@ci.sandusky.oh.us](mailto:mlasko@ci.sandusky.oh.us) with any questions, corrections or suggestions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Lasko', with a long, sweeping horizontal stroke extending to the left.

Matthew D. Lasko  
Chief Development Officer

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH NAME ONE, YELLOWSTONE LLC, RELATING TO PROPERTY LOCATED AT 333 EAST WASHINGTON STREET, AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the State of Ohio has provided for the establishment of “Enterprise Zones” pursuant to Sections 5709.61 to 5709.914 of the Ohio Revised Code (the “Act”), and for the provision of tax incentives to private enterprise in order to promote and encourage expansion programs by private enterprise in such Enterprise Zones, and the creation and/or preservation of jobs and economic development in connection therewith; and

**WHEREAS**, the City Commission, by Resolution No. 05-183 adopted December 27, 2005, designated an area as an Enterprise Zone pursuant Section 5709.61(A)(1)(a) and (f) of the Act; and

**WHEREAS**, effective April 18, 2006, the Director of Ohio Development Services Agency of the State of Ohio determined that the geographic area designated in said Resolution No. 05-183 contains the characteristics set forth in Section 5709.61(A)(1)(a) and (f) of the Act and certified said area as an Enterprise Zone under the Act; and

**WHEREAS**, Name One, Yellowstone LLC is composed of three (3) related individuals of the Zimmerman family, led by its managing member, Brent Zimmerman who is an experienced entrepreneur, business owner and developer and most recently constructed townhomes in downtown Cleveland and a 30+ unit residential complex in Cleveland’s west side; and

**WHEREAS**, additionally, Mr. Zimmerman is the founder and Chief Executive Officer of Saucy Brew Works, a production craft beer facility and brewpub with locations in Cleveland and Columbus, and with roots in the Sandusky Bay area, is looking to expand his development footprint into Sandusky; and

**WHEREAS**, Name One, Yellowstone LLC recently purchased the commercially zoned property located at 333 E. Washington Street for \$190,000 and plans to invest minimally \$450,000 (not including acquisition costs) in physical build-out to adaptively reuse the historic property and convert it into approximately seven (7) AirBNB units to be utilized as short term / transient rental units and the property will also come equipped with additional indoor and outdoor amenities; and

**WHEREAS**, the City received a request for Enterprise Zone tax abatement from Name One, Yellowstone LLC for their redevelopment project; and

**WHEREAS**, it is recommended to approve a 10-year, 75% real estate tax abatement on the increase to the assessed valuation of the property, based on the investment and the importance of the project to transform a currently vacant

property into a bustling hub of activity on the eastern edge of downtown, an area positioned and poised for future redevelopment and investment, and help meet a growing demand for vacation and extended stay lodging in Sandusky and more specifically downtown; and

**WHEREAS**, pursuant to Ohio Revised Code §5709.83, the Board of Education of the Sandusky City Schools was notified in writing of the request for tax exemption by letter dated September 28, 2020; and

**WHEREAS**, this project will have an ongoing positive impact the City's General Fund as 25% of the increase in assessed value will be subject to real estate taxes during the abatement period and the project will help sustain employment in the local economy by creating a minimum of three (3) new full-time employment positions at a minimum annual payroll of \$90,000.00; 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 immediately execute the agreement and allow construction to commence in the Fall of 2020 so the project can be completed by June of 2021 and in time for the 2021 vacation 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 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 Commission hereby approves the Enterprise Zone Agreement with Name One, Yellowstone LLC, pursuant to the terms and conditions contained therein, a copy of which is marked Exhibit "1" attached to this Ordinance and is specifically incorporated as if fully rewritten herein.

Section 2. The City Manager is hereby authorized and directed to execute the Enterprise Zone Agreement with Name One, Yellowstone LLC, on behalf of the City in accordance with the terms and conditions as contained in the form of the agreement marked Exhibit "1" attached to this Ordinance and specifically incorporated as if fully rewritten herein, together with any revisions or additions as

are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the terms of this Ordinance.

Section 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.

\_\_\_\_\_  
RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
MCKENZIE E. SPRIGGS  
CLERK OF THE CITY COMMISSION

Passed: October 12, 2020



## **ENTERPRISE ZONE AGREEMENT**

This ENTERPRISE ZONE AGREEMENT (the “Agreement”) is made and entered into by and between the City of Sandusky, Ohio, an Ohio municipal corporation with a Commission-Manager form of government with its main offices located at 240 Columbus Avenue, Sandusky, Ohio 44870 (the “City”), and NAME ONE, YELLOWSTONE, LLC, an Ohio limited liability company, with mailing address of 1481 Lindazzo Avenue, Cleveland, Ohio 44114 (the “Company”).

### **WITNESSETH:**

WHEREAS, The City of Sandusky has encouraged the development of real property and the acquisition of personal property located in the area designated as an Enterprise Zone; and

WHEREAS, the owners of the Company are under contract to purchase the vacant, historically significant commercial building located at 333 E. Washington Street, Sandusky, Ohio 44870. The approximate 4,000 square foot building is further identified as Permanent Parcel No. 56-01157.000. The Company is now desirous of substantially redeveloping and adaptively reusing the building and converting it into overnight lodging through the creation of approximately seven (7) residential short-term rental units with on-site amenities. The Company will invest approximately \$640,000 into this building, including \$190,000 for building acquisition and approximately \$450,000 for physical build-out, improvements, and renovation (the “Project”), which Project will preserve or create employment opportunities within the boundaries of the aforementioned Enterprise Zone, provided that the appropriate development incentives are available to support the economic viability of said Project; and

WHEREAS, the Sandusky City Commission of the City of Sandusky, Ohio by Resolution No. 05-183 adopted April 18, 2006, designated the area as an "Enterprise Zone" pursuant Chapter 5709.61(A)(1)(a) and (f) of the Ohio Revised Code; and

WHEREAS, effective April 18, 2006, the Director of the Ohio Development Services Agency of the State of Ohio determined that the aforementioned area designated in said Resolution No. 05-183 contains the characteristics set forth in Section 5709.61(A)(1)(a) and (f) of the Ohio Revised Code and certified said area as an Enterprise Zone under said Chapter 5709; and

WHEREAS, the City having the appropriate authority for the stated type of project is desirous of providing the Company with incentives available for the development of the Project in said Enterprise Zone under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, the Company has submitted a proposed agreement application (herein attached as Exhibit A) to the City (the "Application"); and

WHEREAS, the Company has remitted the required state application fee of \$750.00 made payable to "Treasurer of the State of Ohio" with the application to be forwarded with the final agreement; and

WHEREAS, the Chief Development Officer of the City has investigated the application of the Company and has recommended the same to the Sandusky City Commission on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Enterprise Zone and improve the economic climate of the City; and

WHEREAS, the project site as proposed by the Company is located in the Sandusky City School District and the Board of Education of the Sandusky City Schools have been notified in accordance with Section 5709.83 and been given a copy of the application; and

WHEREAS, pursuant to Section 5709.62(C) and in conformance with the format required under Section 5709.631 of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

1. The Company shall adaptively reuse and substantially renovate an approximate 4,000 square foot historic building to be utilized as a short-term residential overnight rental facility. The Company estimates an anticipated real estate investment for the Project of \$450,000, not including acquisition costs. The acquisition cost for the building is anticipated to be \$190,000. The Project represents a significant new investment on the site. The construction is expected to commence by November 1, 2020 and be completed by June 30, 2021.

2. The Company shall create or cause to be created the equivalent of three (3) full-time, zero (0) part-time and, zero (0) seasonal equivalent job opportunities.

This amount of new payroll related to the job creation associated with this Project will result in approximately \$90,000.00 (dollars) of new annual payroll for the Company or made possible by the Company. The following is an itemization by the type of created jobs and payroll: permanent full-time \$90,000.00 permanent part-time \$0.00 and temporary full-time \$0.00.

3. The Company shall provide to the proper Tax Incentive Review Council any information reasonably required by the council to evaluate the enterprise's compliance with the agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised Code if requested by the council.

4. The Company will use its best efforts to hire employees from Erie County, with a preference to residents of the City. Furthermore, the Company shall use Erie County contractors for work related to the Project to the greatest extent possible.

5. The City hereby grants the Company a tax exemption for real property improvements made to the Project site pursuant to Section 5709.62 of the Ohio Revised Code for ten (10) years and shall be in the following amounts:

<u>Year of Tax Exemption</u>	<u>Tax Exemption Amount</u>
YR 1	75%
YR 2	75%
YR 3	75%
YR 4	75%
YR 5	75%

YR 6	75%
YR 7	75%
YR 8	75%
YR 9	75%
YR 10	75%

The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after 2022 nor extend beyond 2031.

The Company must file the appropriate tax forms with the County Auditor and with the State Department of Taxation (#913) to effect and maintain the exemptions covered in the agreement. The #913 Ohio tax form **must** be filed annually.

6. The Company shall pay an annual monitoring fee equal to two hundred dollars (\$200.00).

The fee shall be made payable to the City once per year, due no later than April 15<sup>th</sup> of each year. The fee is to be paid to the Director of Finance by check made out to the City of Sandusky. This fee shall be deposited in a special fund created for such purpose and shall be used exclusively for the purpose of complying with section 5709.68 of the Ohio Revised Code and by the Tax Incentive Review Council created under section 5709.85 of the Ohio Revised Code exclusively for the purposes of performing the duties prescribed under that section.

7. The Company shall pay such real and tangible personal property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, all incentives granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.

8. The City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

9. If for any reason the Enterprise Zone designation expires, the Director of the Ohio Development Services Agency revokes certification of the zone, or the City revokes the designation of the zone, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless the Company materially fails to fulfill its obligations under this agreement and the City terminates or modifies the exemptions from taxation granted under this agreement.

10. If the Company materially fails to fulfill its obligations under this agreement, other than with respect to the number of employee positions estimated to be created or retained under this agreement, or if the City determines that the certification as to delinquent taxes required by this agreement is fraudulent, the City may terminate or modify the exemptions from taxation granted under this agreement.

11. In any three-year period during which this agreement is in effect, if the actual number of employee positions created or retained by the Company is not equal to or greater than seventy-five per cent of the number of employee positions estimated to be created or retained under this agreement during that three-year period, the Company shall repay the amount of taxes on property that would have been payable had the property not been exempted from taxation under this agreement during that three-year period. In addition, the City may terminate or modify the exemptions from taxation granted under this agreement.

12. The Company hereby certifies that at the time this agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio and does not owe delinquent taxes for which the Company is liable under Chapter 5733, 5735, 5739, 5741, 5743, 5747, or 5753. of the Revised Code, or, if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against the Company. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes.

13. The Company affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

14. The Company and the City acknowledge that this agreement must be approved by formal action of the legislative authority of the City as a condition for the agreement to take effect. This agreement shall take effect upon the later of the date of such legislative approval or the date all parties have signed this agreement.

15. The City has developed a policy to ensure recipients of Enterprise Zone tax benefits practice non-discriminating hiring in its operations. By executing this agreement, the Company is committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, sexual orientation, gender identity or expression, disability, color, national origin, or ancestry.

16. Exemptions from taxation granted under this agreement shall be revoked if it is determined that the Company, any successor enterprise, or any related member (as those terms are defined in Section 5709.61 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.62 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

17. The Company affirmatively covenants that it has made no false statements to the State or local political subdivision in the process of obtaining approval for the Enterprise Zone incentives. If any representative of the Company has knowingly made a false statement to the State or local

political subdivision to obtain the Enterprise Zone incentives, the Company shall be required to immediately return all benefits received under the Enterprise Zone Agreement pursuant to ORC Section 9.66(C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to ORC Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to ORC 2921.13(D)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

18. This agreement is not transferrable or assignable without the express, written approval of the City.

[Signature page follows.]

IN WITNESS WHEREOF, the City of Sandusky, Ohio, by Eric Wobser, its City Manager, and pursuant to Ordinance No. \_\_\_\_\_, has caused this instrument to be executed this \_\_\_\_ day of \_\_\_\_\_, 2020 and NAME ONE, YELLOWSTONE, LLC by \_\_\_\_\_, its Managing Member, has caused this instrument to be executed on this \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF SANDUSKY, OHIO

By: \_\_\_\_\_  
Eric Wobser, City Manager

NAME ONE, YELLOWSTONE, LLC  
An Ohio limited liability company

By: \_\_\_\_\_  
Brent Zimmerman, Managing Member

Approved as to form:

By: \_\_\_\_\_  
Director of Law

Date: \_\_\_\_\_, 2020

## **EXHIBIT A**

[Attach Application]

DRAFT



**OHIO DEVELOPMENT SERVICES AGENCY  
OHIO ENTERPRISE ZONE PROGRAM**

**PROPOSED AGREEMENT** for Enterprise Zone Tax Incentives between the \_\_\_\_\_ (local legislative authorities) \_\_\_\_\_ located in the County of Erne and \_\_\_\_\_ (enterprise) \_\_\_\_\_.

- 1a. Name of business, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

"Name One, Yellowstone, LLC" Brant Zimmerman  
enterprise name contact person

617-823-0025  
telephone number

1481 Lindazzo Ave. Cleveland OH  
address 44114

- 1b. Project site:

Brant Zimmerman  
contact person

617-823-0025  
telephone number

333 East Washington Sandusky OH  
address

- 2a. Nature of business (manufacturing, distribution, wholesale or other).

AIRBNB

- 2b. List primary 6 digit NAICS # \_\_\_\_\_.  
Business may list other relevant SIC numbers.

- 2c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred)

~~\_\_\_\_\_~~

- 2d. Form of business of enterprise (corporation, partnership, proprietorship, or other).

LLC

3. Name of principal owner(s) or officers of the business (attach list if necessary).

Careg, Brent, Joshua Zimmerman

4. Is business seasonal in nature? Yes X No

- 5a. State the enterprise's current employment level at the proposed project site:

0

- 5b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Note that relocation projects are restricted in non-distress based Ohio Enterprise Zones. A waiver from the Director of the Ohio Department of Development is available for special limited circumstances. The business and local jurisdiction should contact ODOD early in the discussions.

Yes      No X

- 5c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

~~\_\_\_\_\_~~

- 5d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):

0

- 5e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets:

0

- 5f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?

0

- 6a. Has the Enterprise previously entered into an Enterprise Zone Agreement with the local

legislative authorities at any site where the employment or assets will be relocated as a result of this proposal? Yes \_\_\_ No ✓

6b. If yes, list the local legislative authorities, date, and term of the incentives for each Enterprise Zone Agreement:

7. Does the Enterprise owe :

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?

Yes \_\_\_ No ✓

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes \_\_\_ No ✓

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

Yes \_\_\_ No ✓

d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets if necessary).

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

8. Project Description (attach additional pages if necessary):

Converting 1890's House into 5 AirBNB  
Units with on-site coffee / Tap room as  
Amenity

9. Project will begin Sept, 2022 and be completed March, 2023 provided a tax exemption is provided.

10a. Estimate the number of new employees the business intends to hire at the facility that is the project site (job creation projection must be itemized by full and part-time and permanent and temporary): 3 FTE's

10b. State the time frame of this projected hiring: 12 MOS. years

10c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary

employees):

11a. Estimate the amount of annual payroll such new employees will add \$ 96,800 (new annual payroll must be itemized by full and part-time and permanent and temporary new employees).

11b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ 0

12. Market value of the existing facility as determined for local property taxation.

\$ 73,430

13a. Business's total current investment in the facility as of the proposal's submission.

\$ 640,000

13b. State the businesses' value of on-site inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year (stated in average \$ value per most recent 12 month period) in which the agreement is entered into (baseline inventory):

\$ 0

14. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

	<u>Minimum</u>	<u>Maximum</u>
A.Acquisition of Buildings:	\$ <u>190,000</u>	\$ <u>190,000</u>
B.Additions/New Construction:	\$ <u>300,000</u>	\$ <u>400,000</u>
C.Improvements to existing buildings:	\$	\$
D.Machinery & Equipment:	\$ <u>10,000</u>	\$ <u>25,000</u>
E.Furniture & Fixtures:	\$	\$
F.Inventory:	\$ <u>20,000</u>	\$ <u>30,000</u>
<b>Total New Project Investment:</b>	\$ <u>520,000</u>	\$ <u>645,000</u>

15. a. Business requests the following tax exemption incentives: 75 % for 10 years covering real \_\_\_\_\_ and/or personal property including inventory \_\_\_\_\_ as described above. Be specific as to type of assets, rate, and term.


b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)

To insure the success of the Business  
even in the winter months due to  
Seasonality in Sandusky.

Submission of this application expressly authorizes (name of the local jurisdiction) and/of (name of county) to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item #7 and to review applicable confidential records. As part of this application, the business may also be required to directly request from the Ohio Department of Taxation or complete a waiver form allowing the Ohio Department of Taxation to release specific tax records to the local jurisdictions considering the incentive request.

Applicant agrees to supply additional information upon request.

The applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefit as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

"Name One, Yellowstone, LLC" 6/19/2020  
Name of Enterprise Date  
Signature  money member  
Typed Name and Title

\* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

\*\* Attach to Final Enterprise Zone Agreement as Exhibit A

Please note that copies of this proposal must be included in the finalized Enterprise Zone Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Development Services Agency within fifteen (15) days of final approval.



## DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue  
Sandusky, Ohio 44870  
419.627.5829  
[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

To: Eric Wobser, City Manager

From: Jane E. Cullen, P.E.

Date: September 25, 2020

Subject: **Commission Agenda Item- Agreement with Holcomb Enterprises, LLC for the 2020-2023 Seasonal Dock Installation & Removal Services**

**ITEM FOR CONSIDERATION:** Legislation to enter into an agreement with Holcomb Enterprises, LLC of Port Clinton, Ohio for the 2020-2023 Seasonal Dock Installation & Removal Project.

**BACKGROUND INFORMATION:** On August 28<sup>th</sup>, the City issued a request for proposals (RFP) for the installation and removal of seasonal docks. This notice was advertised in the Sandusky Register and emails were sent to seven contractors the Public Works Department has on file that complete this type of work. These seasonal public docks are located at the Shelby Street Boat Launch Facility and at the Pipe Creek Wildlife Canoe Launch. The City only received one (1) responsive proposal by the September 15<sup>th</sup> deadline from Holcomb Enterprises, LCC, which was determined to be the lowest and best proposal. They have submitted all required paperwork and references gave positive reviews. Since some of the work must be done from the water, the City does not own the necessary equipment to set the docks in the water. Therefore, this service has to be contracted. The RFP was written with the option of two one-year contract extensions. The contractor provided the same pricing as listed below for each year. The breakdown of the yearly costs is as follows:

<b>Shelby Street Boat Launch Facility</b>				Total-yearly
		Fall Removal 2020	\$9,000.00	\$9,000.00
Spring Install 2021	\$12,000.00	Fall Removal 2021	\$9,000.00	\$21,000.00
Spring Install 2022	\$12,000.00	Fall Removal 2022	\$9,000.00	\$21,000.00
Spring Install 2023	\$12,000.00	Fall Removal 2023	\$9,000.00	\$21,000.00
<b>Pipe Creek Wildlife Canoe Launch</b>				
		Fall Removal 2020	\$3,500.00	\$3,500.00
Spring Install 2021	\$3,500.00	Fall Removal 2021	\$3,500.00	\$7,000.00
Spring Install 2022	\$3,500.00	Fall Removal 2022	\$3,500.00	\$7,000.00
Spring Install 2023	\$3,500.00	Fall Removal 2023	\$3,500.00	\$7,000.00
<b>Total contract</b>				<b>\$96,500.00</b>

**BUDGETARY INFORMATION:** The total cost of this contract for years 2020-2023 is \$96,500.00. If approved, the cost for installation and removal of the seasonal docks will be included in the Contractual Services portion of Building Maintenance's Operation and Maintenance budget.

**ACTION REQUESTED:** It is recommended that proper legislation be prepared authorizing the City Manager to enter into an agreement with Holcomb Enterprises, LL of Port Clinton, Ohio for \$96,500.00 for the installation & removal services for three and one-half years, starting with removal of the seasonal docks in November 2020 until the removal in November 2023. It is further requested that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order for the contractor to complete the removal of the seasonal docks in November 2020 before cold weather hits.

I concur with this recommendation:

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Eric Wobser  
City Manager

---

Aaron Klein, P.E.  
Director

cc: M. Spriggs, Commission Clerk; M. Reeder, Finance Director; Justin Harris, Interim Law Director

## CERTIFICATE OF FUNDS

In the Matter of: Seasonal Dock Installation

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the City of Sandusky under the foregoing Contract 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 compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Account # 110-7750-53000

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 10/8/2020



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

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A **CONTRACT** WITH HOLCOMB ENTERPRISES, LLC, OF PORT CLINTON, OHIO, FOR SEASONAL DOCK INSTALLATION & REMOVAL **SERVICES** AT THE SHELBY STREET BOAT LAUNCH FACILITY AND PIPE CREEK WILDLIFE CANOE LAUNCH; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

**WHEREAS**, a request for proposals (RFP) was issued on August 28, 2020, for the installation & removal of seasonal docks at the Shelby Street Boat Launch Facility and Pipe Creek Wildlife Canoe Launch for the period beginning November of 2020 and ending in November 2023 in which one (1) proposal was received and evaluated by a selection committee and based upon the proposers past experience & equipment, proposal & qualifications, and pricing, it was determined the proposal of Holcomb Enterprises, LLC of Port Clinton, Ohio, was the lowest and best; and

**WHEREAS**, Holcomb Enterprises, LLC of Port Clinton, Ohio, will be providing services for seasonal dock installation each April and removal each November at the Shelby Street Boat Launch Facility and Pipe Creek Wildlife Canoe Launch consistent with their proposal and the RFP; and

**WHEREAS**, the contract is for three and one-half (3½) years, beginning November of 2020, and ending in November of 2023, summarized as follows:

<b><u>Shelby Street Boat Launch Facility</u></b>				Total-yearly
		Fall Removal 2020	\$9,000.00	\$9,000.00
Spring Install 2021	\$12,000.00	Fall Removal 2021	\$9,000.00	\$21,000.00
Spring Install 2022	\$12,000.00	Fall Removal 2022	\$9,000.00	\$21,000.00
Spring Install 2023	\$12,000.00	Fall Removal 2023	\$9,000.00	\$21,000.00
<b><u>Pipe Creek Wildlife Canoe Launch</u></b>				
		Fall Removal 2020	\$3,500.00	\$3,500.00
Spring Install 2021	\$3,500.00	Fall Removal 2021	\$3,500.00	\$7,000.00
Spring Install 2022	\$3,500.00	Fall Removal 2022	\$3,500.00	\$7,000.00
Spring Install 2023	\$3,500.00	Fall Removal 2023	\$3,500.00	\$7,000.00
<b>Total contract</b>				\$96,500.00

**WHEREAS**, the City has the option to extend the contract for two (2) additional one (1) year terms upon written agreement by both parties; and

**WHEREAS**, the total cost of the initial contract is \$96,500.00 and will be paid with funds from the Building Maintenance Division’s operating budget; 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 immediate execute the contract and allow the contractor to complete the removal of the seasonal docks in November of 2020, and prior to the Winter 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 **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 Holcomb Enterprises, LLC, of Port Clinton, Ohio, for seasonal dock installation & removal **services** at the Shelby Street Boat Launch Facility and Pipe Creek Wildlife Canoe Launch, beginning November of 2020, and ending in November of 2023, at an amount **not to exceed** Ninety Six Thousand Five Hundred 00/100 Dollars (\$96,500.00), consistent with the proposal submitted, a copy of which is marked Exhibit “A” and attached to 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.

\_\_\_\_\_  
RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
MCKENZIE E. SPRIGGS  
CLERK OF THE CITY COMMISSION

Passed: October 12, 2020

**FIRM CONTACT INFORMATION**

Firm's Name Halcomb Enterprises C.L.C  
Authorized Signature By: Matt Halcomb  
Print Name of Authorized Signature: Matthew Halcomb  
Title: Vice President.  
Company Name: Halcomb Enterprises  
Mailing Address: 66660 W. Fritchie Rd.  
Port Clinton, Ohio 43452  
  
Telephone Number: 419-656-6729  
Facsimile Number: 419-635-2019  
E-Mail Address: Matt@halcombent.com  
Where Incorporated: Ohio  
Federal Identification Number: \_\_\_\_\_  
Contact Person for Contract processing: Matthew Halcomb

**ADDITIONAL SIGNATURE FOR JOINT VENTURE**

Authorized Signature By: \_\_\_\_\_  
Print Name of Authorized Signature: \_\_\_\_\_  
Title: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
  
Telephone Number: \_\_\_\_\_  
Facsimile Number: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_  
Where Incorporated: \_\_\_\_\_  
Federal Identification Number: \_\_\_\_\_

*The City asks that the above information be completed in its entirety to assure the City has the most accurate contact information for future communication. The City's primary form of communication is via email.*

Proposal Form

No alternatives, deletions or additions shall be made of this form as it may render the bid invalid. Alternative proposals can be submitted, where so designated within the bid proposal for review by the City, but of the understanding that the City of Sandusky has sole authority to consider or reject any alternative proposals.

Name of Organization: Holcomb Enterprises

Business Address: 6660 W. Fitchie Rd

Telephone Number 419-656-6724 office

Other Phone 419-366-1881 Matt Holcomb Cell

Other Phone

Fax 419-635-2019

Email Matt@holcombent.com

Name and Title of Contact Individual for Further Information

Matthew Holcomb - Vice President

Legal Status of Organization: (Check one)

☐ For-profit corporation or joint venture corporation

☒ For-profit partnership or sole proprietorship

☐ Non-profit corporation Public agency Other (identify)

☐ Non-profit corporation Private agency Other (identify)

Attach your proposal with any additional information that was requested or that you feel necessary to help in the City's evaluation of your qualifications and proposed operation of the facilities.

We have been building Seawalls and Rock Shore Lines  
With and without docks for 15 years

Pricing for Services from 2020 – 2023

**Shelby Street Boat Launch Facility**

	Fall Removal 2020 \$ <u>9,000.00</u>
Spring Install 2021 \$ <u>12,000.00</u>	Fall Removal 2021 \$ <u>9,000.00</u>
Spring Install 2022 \$ <u>12,000.00</u>	Fall Removal 2022 \$ <u>9,000.00</u>
Spring Install 2023 \$ <u>12,000.00</u>	Fall Removal 2023 \$ <u>9,000.00</u>

**Pipe Creek Wildlife Canoe Launch**

	Fall Removal 2020 \$ <u>3,500.00</u>
Spring Install 2021 \$ <u>3,500.00</u>	Fall Removal 2021 \$ <u>3,500.00</u>
Spring Install 2022 \$ <u>3,500.00</u>	Fall Removal 2022 \$ <u>3,500.00</u>
Spring Install 2023 \$ <u>3,500.00</u>	Fall Removal 2023 \$ <u>3,500.00</u>

Optional Contract Extension for Two Years

Shelby Street Boat Launch Facility

Spring Install 2024 \$ <u>12,000.00</u>	Fall Removal 2024 \$ <u>9,000.00</u>
Spring Install 2025 \$ <u>12,000.00</u>	Fall Removal 2025 \$ <u>9,000.00</u>

Pipe Creek Wildlife Area Canoe Launch

Spring Install 2024 \$ <u>3,500.00</u>	Fall Removal 2024 \$ <u>3,500</u>
Spring Install 2025 \$ <u>3,500.00</u>	Fall Removal 2025 \$ <u>3,500.00</u>

### Organization History

Has Respondent, or any officer or partner of respondent, failed to complete a contract?  
Yes \_\_\_\_\_ No X. If yes, give details on separate sheet.

Is any litigation pending against Respondent or any officer or partner of Respondent's organization? Yes \_\_\_\_\_ No X. If yes, give details on separate sheet.


### Experience History

List three similar contracts which the Respondent Organization has provided service under. Indicate current or recent, along with a contact person and phone number. If no, so state. Attach extra page(s) if necessary.


<u>Municipality</u>	<u>Current or Recent</u>	<u>Contact Person/Phone No.</u>
MyPlace Communities	12900 Hall Rd Suite 190 Sterlin Heights MI	Chris Nortley 586-405-5511 Chris @ myplacecommunities.com
Randy Pindor	2029 South Anderson Rd Port Clinton	Randy Pindor 216-389-8589 rpindor @ Blastercorp.com
Innovative Excavating	2974 North east Catawba Rd	Tim Niese JR 419-261-9463 Tim @ toledoexcavating.com

Waiver and Release Form

In consideration of the review by the City of Sandusky, Ohio, of a contract proposal and bid submitted by the undersigned, and as a condition precedent thereto, the undersigned does hereby authorize and direct the release to administrative officers of the City of any and all information related to the current obligations of the undersigned to the City, including, but not by way of limitation, obligations under the City's income tax, hereby waiving any privilege, statutory or otherwise, as to the same, and releasing the City of Sandusky, Ohio, its officers, agents, and employees from any liability in relation thereto.

  
BY: Matthew Holcomb  
DATE: 9/14/2020

SIGNED IN THE PRESENCE OF:

 Joel Freedman  
1-21-21







## DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue  
Sandusky, Ohio 44870  
419.627.5829  
[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

To: Eric Wobser, City Manager

From: Joshua R. Snyder, P.E.

Date: September 30, 2020

Subject: **Commission Agenda Item – WWTP Digester Cleanout**

**ITEM FOR CONSIDERATION:** Requesting legislation authorizing the City to accept bids for the WWTP Digester Cleanout Project.

**BACKGROUND INFORMATION:** Typical daily treatment operations at the Wastewater Treatment Plant generate solids, called sludge cake, as a byproduct. In early 2020 a problem occurred with the Primary anaerobic #2 Digester, the mechanism that breaks down organic waste from our sanitary sewer system. The mechanical mixer stopped moving and a shear pin broke on the main drive shaft. It is undetermined what caused this could have been caused by one of many parts failing.

In order to properly investigate the extent of mechanical damage that has occurred and assess a proper repair, the digester tank must be emptied first. The WWTP Digester Cleanout Project involves removing an estimated 100,000 gallons of Class B Biosolids (a.k.a. sludge cake) and dewatered combined material from the #2 Digester, hauling and disposal of the sludge material in accordance with environmental regulations, and cleaning of the digester. Only after this is cleaned and removed, can one assess the damage that has happened to the mechanicals of the digester itself. The city is estimating 100,000 gallons of sludge to be removed and disposed.

**BUDGETARY INFORMATION:** The estimated cost of the project, including inspection, advertising, construction, and miscellaneous costs, is \$74,700.02 and will be paid out of line 613-5420-53000 through the Sewer Fund.

**ACTION REQUESTED:** It is recommended that legislation be approved the proposed WWTP Digester Cleanout Project 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 bid the project, receive competitive prices and have the said tank empty before the weather freezes, at which time the material can no longer be removed.

I concur with this recommendation:

---

Eric Wobser  
City Manager

cc: M. Spriggs, Commission Clerk; J. Harris, Interim Law Director; M. Reeder, Finance Director

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

**A RESOLUTION DECLARING THE NECESSITY FOR THE CITY TO PROCEED WITH THE PROPOSED WASTEWATER TREATMENT PLANT (WWTP) DIGESTER CLEANOUT PROJECT; 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**, the Wastewater Treatment Plant generates biosolids called sludge cake along with other dewatered and compressed solid byproducts during daily operations that are disposed of at the Erie County Sanitary Landfill; and

**WHEREAS**, in early 2020 a problem occurred with the mechanism in the Primary Anaerobic #2 Digester that breaks down organic waste from the City's sanitary sewer system; and

**WHEREAS**, in order to properly investigate the extent of the damage and assess a property repair, an estimated 100,000 gallons of sludge needs to be removed from the digester tank and disposed; and

**WHEREAS**, the proposed WWTP Digester Cleanout Project involves removal of the sludge material and dewatered combined material from the Primary Anaerobic #2 Digester at the Wastewater Treatment Plant, including the hauling and disposal of the material in accordance with environmental regulations, and then cleaning of the digester; and

**WHEREAS**, the total estimated cost for this project, including inspection, advertising, construction, and miscellaneous costs, is \$74,700.02 and will be paid with Sewer Funds; and

**WHEREAS**, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to bid the project, receive competitive prices and award a contract so the material can be removed prior to freezing weather, which at that time can no longer be removed; 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 Departments of Public Works and 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 **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 WWTP Digester Cleanout Project, 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 WWTP Digester Cleanout Project 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 WWTP Digester Cleanout Project 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.

\_\_\_\_\_  
RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
MCKENZIE E. SPRIGGS  
CLERK OF THE CITY COMMISSION

Passed: October 12, 2020



## DEPARTMENT OF PUBLIC WORKS

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Sandusky, Ohio 44870  
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To: Eric Wobser, City Manager

From: Joshua R. Snyder, P.E.

Date: October 6, 2020

Subject: **Commission Agenda Item – Permission to Bid 2020 Sewer Lining Project**

**ITEM FOR CONSIDERATION:** Requesting legislation authorizing the City to accept bids for the 2020 Sewer Lining Project.

**BACKGROUND INFORMATION:** The existing sewers along North, South, East and West Larchmont Drive and in a yard between Stahlwood and Karl Ann to Buchanan St., in a yard between N. Forest Dr. and Buchanan St., in a yard between Johnson St. and Buchanan St., 3 segments along Chalet Dr. and a segment on Sherman St. are in poor, leaking condition. This infiltration of groundwater takes up precious capacity within the sewer mains. Eventually this type of infiltration and erosion are what creates sink holes and depressions on surface pavements and boulevards. Furthermore, this additional flow ends up at the Wastewater treatment plant and ends up getting treated whether it is truly sewage or “clear” water.

Structurally, this piping is good with very limited defects like cracking or failures along the crown (top) of the pipes. This makes these segments good candidates for a more cost effective improvement, referred to as “Slip Lining”. The City of Sandusky and many other Cities in Northern Ohio have performed this kind of maintenance successfully in recent history and at a great savings, compared to traditional “open cutting” pipe replacement. This process essentially turns segmented pipes a single, continuous pipe, with cuts made only at manholes and the service connections to businesses or households. The contractor will be required to clean, camera, bypass pump, line and provide a Maintenance of Traffic Plan (MOT) which will likely include detours. Larchmont Dr. has 2380 linear feet of various diameter pipes and the yard between Stahlwood/Karl Ann and Buchanan St. has 500 linear feet of various diameter pipes, the yard between North Forest and Buchanan St. has 360’ of 10” pipe, the yard between Johnson St. and Buchanan St. has 380’ of 8” pipe, Chalet Drive has 900’ of 8” pipe and Sherman St. has 875’ of 12” pipe planned for repair, totaling just under 1.2 miles of sewers. All these items of work combined are estimated to cost \$349,985.00.

**BUDGETARY INFORMATION:** The estimated cost of the project, including engineering and inspection is \$349,985.00 and will be paid with Sewer Funds.

**ACTION REQUESTED:** It is recommended that the proposed 2020 Sewer Lining Project 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 bid the project, receive competitive prices and to complete the project as soon as possible to prevent any further deterioration of the sewer pipes along these roads.

I concur with this recommendation:

Eric Wobser  
City Manager

Aaron M. Klein  
Director of Engineering

cc: M. Spriggs, Commission Clerk; M. Reeder, Finance Director; J. Harris, Interim Law Director

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

**A RESOLUTION DECLARING THE NECESSITY FOR THE CITY TO PROCEED WITH THE PROPOSED 2020 SEWER LINING PROJECT; 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**, the existing sewers along North, South, East and West Larchmont Drive, in yards between Stahlwood Drive and Karl Ann to Buchanan Street, between N. Forest Drive and Buchanan Street, and between Johnson Street and Buchanan Street, three (3) segments along Chalet Drive, and a segment on Sherman Street are in poor, leaking condition and the infiltration of groundwater takes up precious space within the sewer mains and eventually the infiltration and erosion are what creates sink holes and depressions on surface pavements and boulevards; and

**WHEREAS**, structurally, this piping is good with very limited defects like cracking or failures along the crown (top) of the pipes which makes these segments good candidates for a more cost effective improvement, referred to as "Slip Lining" and at a great savings, compared to traditional pipe replacement; and

**WHEREAS**, the proposed 2020 Sewer Lining Project involves the cleaning, camera, bypassing pump, and lining the sewers of 2,380 linear feet of various diameter pipes on Larchmont Drive, 500 linear feet of various diameter pipes in the yard between Stahlwood Drive and Karl Ann Drive and Buchanan Street, 360 feet of 10" pipe in the yard between North Forest Drive and Buchanan Street, 380 feet of 8" pipe in the yard between Johnson Street and Buchanan Street, 900 feet of 8" pipe on Chalet Drive, and 875 feet of 12" pipe planned for repair on Sherman Street (totaling just under 1.2 miles of sewers) and also includes the contractor providing a Maintenance of Traffic Plan (MOT), which will like include detours; and

**WHEREAS**, the total estimated cost for this project, including engineering and inspection, is \$349,985.00 and will be paid with Sewer Funds; and

**WHEREAS**, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to bid the project, receive competitive prices and complete the project as soon as possible to prevent any further deterioration of the sewer pipes along these roads; 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 Departments of Public Works and 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 **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 2020 Sewer Lining Project, 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 2020 Sewer Lining Project 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 2020 Sewer Lining Project 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.

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RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
MCKENZIE E. SPRIGGS  
CLERK OF THE CITY COMMISSION

Passed: October 12, 2020