



**SANDUSKY CITY COMMISSION
REGULAR SESSION AGENDA
DECEMBER 28, 2020 AT 5 P.M.
CITY HALL, 240 COLUMBUS AVENUE**

INVOCATION	Naomi Twine
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	December 14, 2020
AUDIENCE PARTICIPATION	
PUBLIC HEARINGS	Application to Amend the Zoning Map-- 2101 Perkins Avenue CDBG FY 2019 Overview CY 2021 Budget
COMMUNICATIONS	Motion to accept all communications submitted below
CURRENT BUSINESS	

CONSENT AGENDA ITEMS

ITEM A – Submitted by Thomas Horsman, Transit Director

2021 TRANSPORTATION SERVICE AGREEMENT WITH ERIE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

Budgetary Information: STS will bill for trips consumed by individuals who are enrolled with Erie Board of Developmental Disabilities and eligible for transportation services. The revenue from this agreement will be used as matching grant funds for the Ohio Department of Transportation (ODOT) Program grant. This contract is expected to provide approximately 10,500 trips and generate over \$200,000 in 2021.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into an agreement for transportation services between the City of Sandusky and the Erie County Board of Developmental Disabilities for the period of January 1, 2021, through December 31, 2021; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM B – Submitted by Thomas Horsman, Transit Director

2021 TRANSPORTATION SERVICE AGREEMENT WITH CEDAR POINT

Budgetary Information: STS will receive \$175,000 for the length of the proposed contract. This money collected will be used to offset the capital planning and operating expenses through the 2021 5311 Rural grant program.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into an agreement for transportation services between the City of Sandusky and Millennium Operations LLC, d.b.a. Cedar Point, for services related to the Sandusky Transit System for the period of January 1, 2021, through December 31, 2021; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM C – Submitted by Thomas Horsman, Transit Director

2021 TRANSPORTATION SERVICE AGREEMENT WITH CANCER SERVICES

Budgetary Information: STS will receive \$8.00 each way, per passenger trip from Cancer Services for the length of the proposed contract. This money collected will be used to offset the capital planning and operating expenses through the 2021 5311 Rural grant program.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into an agreement for transportation services between the City of Sandusky and Cancer Services for the period of January 1, 2021, through December 31, 2021; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM D – Submitted by Thomas Horsman, Transit Director

2021 TRANSPORTATION SERVICE AGREEMENT WITH SANDUSKY CITY SCHOOLS

Budgetary Information: STS will receive \$9.00 per passenger, per one-way trip from Sandusky City Schools for the length of the proposed contract. This money collected will be used to offset the capital planning and operating expenses through the 5311 Rural grant program.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into an agreement for transportation services between the City of Sandusky and Sandusky City Schools for services related to the Sandusky Transit System for the period of January 1, 2021, through December 31, 2021; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM E – Submitted by Troy Vaccaro, Fleet Maintenance Chief Foreman

PERMISSION TO DISPOSE OF VEHICLE

Budgetary Information: Proceeds from the sale of the items will be placed into the City’s Issue 8 revenue account.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to dispose of a vehicle as having become unnecessary and unfit for city use pursuant to Section 25 of the City Charter; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM F – Submitted by Greg Voltz, Planner

VACATION FOR A PORTION OF FOURTH STREET (SECOND READING)

Budgetary Information: There is no budgetary impact.

ORDINANCE NO. _____: It is requested an ordinance be passed vacating a portion of Fourth Street, south of Third Street and north of Fifth Street, and located east of Arthur Street right-of-way, within the city, as set forth on the vacation plat, a copy of which is marked as exhibit “A-2”, attached to this ordinance and incorporated herein.

ITEM G – Submitted by Greg Voltz, Planner

VACATION OF AN ALLEY LOCATED SOUTH OF 1404-1424 THIRD STREET (SECOND READING)

Budgetary Information: There is no budgetary impact.

ORDINANCE NO. _____: It is requested an ordinance be passed vacating a portion of alley located south of 1404-1424 Third Street, within the city, as set forth on the vacation plat, a copy of which is marked as exhibit “A-2”, attached to this ordinance and incorporated herein.

ITEM H – Submitted by McKenzie Spriggs, Commission Clerk

NEW LIQUOR PERMIT FOR PADDLE AND CLIMB LLC

Budgetary Information: There is no budgetary impact.

The city is in receipt of a Notice to Legislative Authority from the Ohio Division of Liquor Control for a new D1, D3, D3A liquor permit(s) (beer and spirituous liquor for on premises consumption until 2:30AM) for Paddle and Climb LLC, at 305 E. Water Street. It is requested the Commission Clerk be authorized to notify the Division the City does not request a hearing on this matter.

ITEM I – Submitted by McKenzie Spriggs, Commission Clerk

NEW LIQUOR PERMIT FOR LAKES ELEVEN LLC, d.b.a. SANDUSKY WINE MERCHANT

Budgetary Information: There is no budgetary impact.

The city is in receipt of a Notice to Legislative Authority from the Ohio Division of Liquor Control for a new D2 liquor permit(s) (wine and mixed beverages for on premises consumption until 1AM) for Lakes Eleven LLC, at 211 W. Water Street. It is requested the Commission Clerk be authorized to notify the Division the City does not request a hearing on this matter.

ITEM J – Submitted by McKenzie Spriggs, Commission Clerk

TRANSFER OF LIQUOR PERMIT FOR DOT RED, LLC d.b.a. CIRCLE K 5260

Budgetary Information: There is no budgetary impact.

The city is in receipt of a Notice to Legislative Authority from the Ohio Division of Liquor Control for C1, C2 liquor permit(s) (beer, wine, and mixed beverage for carry out) for Dot Red LLC, at 814 W. Washington Street from Macs Convenience Stores LLC, at 814 W. Washington St. It is requested the Commission Clerk be authorized to notify the Division the City does not request a hearing on this matter.

REGULAR AGENDA ITEMS

ITEM #1 – Submitted by Josh Snyder, Assistant City Engineer

AMENDING CODIFIED ORDINANCE CHAPTERS 933 & 939 (SECOND READING)

Budgetary Information: There are no fees associated with making these administrative changes. The updated rates were calculated based on actual time and materials to complete the work by City staff. They were then compared to other cities to ensure Sandusky stays competitive and fair with other cities that have updated their same fees more frequently. Furthermore, the updated fees are to eliminate the fact that the City’s utilities, in turn protecting the residents who have been subsidizing a portion of the private developers and private haulers due to the age of the ordinance.

(A) ORDINANCE NO. _____: It is requested an ordinance be passed amending Part Nine (streets, utilities, and public services code), Title Three (utilities), Chapter 933 (sewer regulations and rates), Section 933.07 (definitions), Section 933.15 (computation of connection charges), Section 933.17 (building sewer and sewer connections), Section 933.25 (rates), Section 933.27 (high strength surcharges), and Section 933.28 (miscellaneous charges) of the codified ordinances of the City of Sandusky in the matter and way specifically set forth herein below; and declaring that this ordinance shall take immediate effect in accordance with section 14 of the City Charter.

(B) ORDINANCE NO. _____: It is requested an ordinance be passed amending Part Nine (streets, utilities, and public services code), Title Three (utilities), Chapter 939 (water regulations and rates), Section 939.01 (service installation; connections to water mains or distribution pipes), Section 939.03 (setting tap charges), Section 939.04 (setting connection charges), Section 939.05 (private service lines in same trench with private sewers), 939.06 (new service lines equipped with water meter), 939.17 (nonreceipt of bill) of the codified ordinances of the City of Sandusky in the matter and way specifically set forth herein below; and declaring that this ordinance shall take immediate effect in accordance with section 14 of the City Charter.

ITEM #2 – Submitted by Michelle Reeder, Finance Director

CAPITAL IMPROVEMENT FUND TRANSFER

Budgetary Information: The transfer amount of \$550,000 will be transferred from the Capital Improvement Fund to the Capital Project Fund. The 2020 budget was passed with an approved amount of up to \$605,000 allocated for this transfer.

RESOLUTION NO. _____: It is requested a resolution be passed authorizing the transfer of funds from the capital improvement fund to the capital projects fund; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM #3 – Submitted by Michelle Reeder, Finance Director

FINAL BUDGET APPROPRIATIONS FOR CY 2020

Budgetary Information: This action will cover anticipated expenditures through December 31, 2020. The agenda deadline occurs before the final payroll costs can be determined. The amendment needs to cover final payroll and other projected costs through December 31, 2020. The ordinance will be available at the meeting. Appropriation amendments are required to update the 2020 budget. Examples include, but are not limited to:

- General Fund
- Corona Virus Relief funds
- Federal Grants
- Capital Project funds
- Water funds
- Sewer funds

THIS ORDINANCE WILL BE AVAILABLE AT THE MEETING.

ITEM #4 – Submitted by Michelle Reeder, Finance Director

ADOPTION OF CY 2021 BUDGET (FIRST READING)

ORDINANCE NO. _____: It is requested an ordinance be passed making general appropriations for the fiscal year 2021.

ITEM #5 – Submitted by Michelle Reeder, Finance Director

TEMPORARY APPROPRIATIONS CY 2021

Budgetary Information: This action will establish a budget for operations until the annual appropriations can be approved after the second Monday in January 2021. The City Charter prohibits the City from enacting the 2021 budget before January 11, 2021.

ORDINANCE NO. _____: It is requested an ordinance be passed to make temporary appropriations for the months of January, February, and March 2021; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM #6 – Submitted by Greg Voltz, Planner

APPLICATION FOR AN AMENDMENT TO THE ZONING MAP FOR 2101 W. PERKINS AVENUE

Budgetary Information: There is no budget impact.

ORDINANCE NO. _____: It is requested an ordinance be passed amending the official zone map of the city of Sandusky to rezone parcel no. 58-68009.000 located at 2101 W. Perkins Avenue from “PF” Public Facilities to “LM” Limited Manufacturing District; and declaring that this ordinance shall take effect under suspension of the rules as contained in and in accordance with Section 13 of the City Charter.

ITEM #7 – Submitted by Thomas Horsman, Transit Director

AMENDMENT TO THE BYLAWS OF NEORIDE

Budgetary Information: There is no budget impact.

ORDINANCE NO. _____: It is requested an ordinance be passed approving the amended bylaws of NEORide Regional Council of Governments; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

CITY MANAGER’S REPORT

OLD BUSINESS

NEW BUSINESS

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

EXECUTIVE SESSION(S)

ADJOURNMENT

Online: www.ci.sandusky.oh.us – Click “Play” 



PLANNING DEPARTMENT

Division of Transit

240 Columbus Ave.
Sandusky, Ohio 44870

419.621.8462

www.cityofsandusky.com

TO: Eric Wobser, City Manager

FROM: Thomas Horsman, Transit Director

DATE: December 16, 2020

SUBJECT: Agreement for Transportation Services – Erie County Board of Developmental Disabilities

ITEM FOR CONSIDERATION: Legislation requesting approval for the City Manager to enter into a one (1) year contract for transportation services between the City of Sandusky and the Erie County Board of Developmental Disabilities.

BACKGROUND INFORMATION: The Sandusky Transit System (STS) has been providing transportation services to eligible individuals for the Erie Board of Developmental Disabilities for over two (2) decades. The current contract was effective on January 1, 2020 and will expire December 31, 2020.

The Erie County Board of Developmental Disabilities is required by the Ohio Revised Code to ensure that transportation services are provided to individuals determined by the Erie County Board of Developmental Disabilities to be eligible to use the transportation services provided by the Sandusky Transit System in accordance with individual's Most Valuable Person plans approved by the Erie County Board of Developmental Disabilities and the administrative rules established by the State of Ohio.

STS will provide safe, reliable, transportation services to individuals served by the Erie Board of Developmental Disabilities throughout Erie County. These individuals are transported on schedules developed with input from various members of the individual's support team. This contract will be in effect for a term of one (1) year from January 1, 2021 through December 31, 2021 at a rate of \$19.31 per trip, \$15.00 per punch card and \$50.00 per monthly fixed route pass card.

STS will provide the Erie Board of Developmental Disabilities with reports, training records, and other information, that is proposed in said contract. The money received from this contract will help meet the local match requirements for all Ohio Department of Transportation (ODOT) Transit grants.

BUDGET IMPACT: STS will bill for trips consumed by individuals who are enrolled with Erie Board of Developmental Disabilities and eligible for transportation services. The revenue from this agreement will be used as matching grant funds for the Ohio Department of Transportation (ODOT) Program grant. This contract is expected to provide approximately 10,500 trips and generate over \$200,000 in 2021.

ACTION REQUESTED: It is requested that legislation be adopted allowing the City Manager to enter into a contract for transportation services with Erie County Board of Developmental Disabilities from January 1, 2021 to December 31, 2021. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter to approve the terms of the agreement and execute the contract prior to the commencing date of January 1, 2021.

I concur with this recommendation:

Eric Wobser

City Manager

cc: McKenzie Spriggs, Clerk of the City Commission
Michelle Reeder, Acting Finance Director
Brendan Heil, Law Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR TRANSPORTATION SERVICES BETWEEN THE CITY OF SANDUSKY AND THE ERIE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES FOR THE PERIOD OF JANUARY 1, 2021, THROUGH DECEMBER 31, 2021; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Erie County Board of Developmental Disabilities (ECBDD) is required by the Ohio Revised Code to ensure that transportation services are provided to individuals determined by ECBDD to be eligible to utilize the public transportation services provided by the Sandusky Transit System in accordance with the Most Valuable Person (MVP) service plans approved by the ECBDD and the administrative rules established by the State of Ohio; and

WHEREAS, the Sandusky Transit System has provided transportation services for Erie County Board of Developmental Disabilities (ECBDD) eligible individuals for over two (2) decades and proposes to continue this service; and

WHEREAS, the Sandusky Transit System will receive \$19.31 per trip, \$15.00 per punch card, and \$50.00 per monthly fixed route pass card from ECBDD pursuant to the proposed agreement and these funds received will be used as matching funds for the Ohio Department of Transportation Rural Transit Program grant; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to execute the agreement prior to the commencing date of January 1, 2021, and to continue services without interruption; and

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

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

Section 1. The City Manager be and hereby is authorized to execute the Agreement with the Erie County Board of Developmental Disabilities for transportation services for the period from January 1, 2021, to December 31, 2021, substantially in the same form as reflected in Exhibit "A" which is attached to this Ordinance and specifically incorporated as if fully rewritten herein together

with such revisions or additions as are approved by the Law Director as not being substantially adverse to the City and being consistent with the objectives and requirements of this Ordinance and with carrying out the City's public purposes.

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
MCKENZIE E. SPRIGGS
CLERK OF THE CITY COMMISSION

Passed: December 28, 2020

ERIE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES
SERVICES CONTRACT for NON-SPECIALIZED PROVIDERS

Provider Name: City of Sandusky

Address: 240 Columbus Avenue
Sandusky, Ohio 44870

Phone: 419-627-5715

Email: thorsman@ci.sandusky.oh.us

This Contract shall be in effect from **January 1, 2021 through December 31, 2021**, unless otherwise terminated, extended, or renewed by the parties. All previous Contracts will become null and void upon commencement of this Contract. Services may be provided to a variety of eligible Individuals as indicated in the Most Valuable Person (MVP) (previously known as Individual Service Plan “ISP”) and Support Budget.

Services:	Transportation	\$19.31 per trip
	Transportation	\$15.00 punch card
	Pass Cards	\$50.00 per card

No services will be reimbursed at a rate higher than the Medicaid state rate.

I. DEFINITIONS:

- A. Individual means a person with a developmental disability, who is eligible to receive programs and services and who may also receive Individual Support Services through state and/or local County Board funds.
- B. Most Valuable Person (MVP) (previously known as the Individual Service Plan “ISP”) means a written description of the services, supports, and activities to be provided to an Individual, including the portion which identifies the Provider’s specific duties and responsibilities relating to an Individual, according to requirements set forth in Applicable Requirements, which is approved by the Board.
- C. Provider means an agency, business or LLC who provides services to Individuals with Developmental Disabilities and the public.
- D. Service and Support Administrator (SSA) means the Board employee(s) and/or person(s) who Contract with the Board who are responsible for service and support administration function for the Individual.

II. GENERAL TERMS AND AGREEMENTS:

- A. The Provider understands that he/she is Contracting with the Erie County Board of DD and is not the employee of the Erie County Board of DD while providing MVP services. The Provider is personally responsible for reporting and payment of taxes and other fees to the IRS and other applicable authorities.
- B. The Provider understands the Erie County Board of DD, its staff or management does not assume any liability for the Provider’s actions or quality of care provided by the Provider while delivering services.

- C. There will be no reconciliation of this Contract as it will be a fee for services arrangement. Services will be provided only in the presence of the Individual; unless otherwise noted in the MVP.
- D. The Provider shall provide notice of major unusual incidents pertaining to the Individual to the Erie County Board of DD's Investigative Agent immediately and shall provide such other additional reports to the Erie County Board of DD and to such other persons and/or agencies as is required by applicable federal and state law.
- E. Non-Discrimination: The Provider shall comply with all federal, state, and local requirements regarding non-discriminatory practices on the basis of age, race, color, creed, disability, sex, sexual orientation, gender identification expression, or national origin.
- F. Bill of Rights: The Provider shall comply with the Bill of Rights for persons with developmental disabilities as defined in Section 5123.62 of the O.R.C.
- G. Records Retention: The Provider shall maintain all records and documentation related to services for a period of five (5) years. Financial records should be maintained for a period of time adhering to IRS regulations, other federal/state requirements and, when applicable, Social Security guidelines for audits of Provider's records and personal funds of the services recipient.
- H. Confidentiality: Any and all protected health information (HIPAA related information) will be kept in confidence and will not be shared with anyone that is not authorized by consent to release information to receive this information from.

III. WORK HOURS:

- A. The Erie County Board of DD, Individuals, and families expect for supports and services to be provided as agreed to in the MVP. The Provider will not be paid for missed service.

IV. RATES:

- A. The Provider may choose to change their rate within the Contract year. An addendum to the Contract must be completed prior to the start of the revised rate.

V. PROCEDURES FOR PAYMENT:

- A. The amount of money paid each month to the Provider shall not exceed the amount of money per month and/or year as designated in this Contract and MVP.
- B. The Erie County Board of DD has thirty (30) business days from the date of receipt of the invoice to pay Providers for services rendered; invoices will only be processed on a monthly basis pursuant to the county auditor's procedures. Invoices must be received by the Erie County Board of DD no later than sixty (60) calendar days from the day of service rendered. If invoices are not received within these timelines, they may not be honored for payment.
- C. All invoices are required to be submitted in electronic format utilizing the www.ohiodd.com billing system or another agreed upon format. All Providers must go through an initial www.ohiodd.com billing training with Board staff prior to submission of first invoice.
- D. In the event that this Contract is renewed, or a new Contract is agreed upon by the parties, reconciliation of costs due under this Contract shall be carried out in accordance with the requirements of O.R.C. 5126.44(D).
- E. If the Provider is required to make a repayment for payments received from an Individual Support Services overpayment, Provider shall pay the amount determined to be in error, which is supported by documentation by the Erie County Board of DD.

VI. AUTOMOBILE INSURANCE and DRIVER'S LICENSE:

- A. The Provider who provides transportation shall carry automobile liability insurance for passenger vehicles used to transport the Individual. Proof of current automobile insurance must be on file with the Provider and available to the Erie County Board of DD if requested. If the insurance expires, then transportation services are terminated from the Contract and payment for transportation services from the expiration date forward will not be paid.
- B. The Provider and their employees shall possess a valid Ohio Driver's license. If the driver's license expires, then that service is terminated from the Contract and payment for transportation services will not be paid from the expiration date forward.

VII. TRAINING:

- A. The Provider is responsible for successfully completing the following training before providing services. Provider must submit signed document to show proof of completion of the training.
 - a. Incident Reporting (initially);
 - b. www.ohiodd.com billing (initially).

VIII. INDEMNITY:

- A. Provider retains the ultimate responsibility for the services provided under this Contract to the Individual, regardless of the source of funding for the Individual. Provider shall indemnify and hold harmless, to the fullest extent provided by law, the Erie County Board of DD against any and all claims, suits, damages, or causes of action rising out of services provided pursuant to this Contract, and against any order or decrees or judgments which may be entered herein, brought for damages or alleged damages, resulting from any injury to person and/or property or loss of like sustained by any person or persons whatever.

IX. TERMINATION, MODIFICATION, AMENDMENT AND NOTICE OF PROVIDERS INTENT:

- A. This Contract shall be terminated, and the obligations of all parties shall cease if any of the following conditions occur:
 - a. The service recipient has determined that he/she no longer wishes to receive the services set forth in this Contract;
 - b. Services supports are deemed to be no longer required as determined by a board review of the Individual service plan.
- B. The Provider may immediately terminate this Contract only if the Erie County Board of DD fails to provide funding to the Provider as required under this Contract. In all other circumstances, the Provider must give a thirty (30) day written notice to terminate the Contract.
- C. This Contract may be amended or modified by agreement of the parties in writing signed by all parties and attached hereto.
- D. The Provider shall immediately notify the Erie County Board of DD of any known pending criminal, traffic or domestic violence related charges involving Provider or any court proceedings therein. The Erie County Board of DD reserves the right to use discretion in regard to continuance of Contractual services.

- A. The parties agree that the rights, duties and responsibilities set forth herein shall not be assigned without prior written consent of the other party.
- B. All communication to the Erie County Board of DD related to the service needs of specific Individual shall be made to that Individual's SSA. All other notices required to be given herein shall be in writing and shall be sent to the following respective address:

- C. This document and the attachments hereto set forth are the full agreement between the parties and superseded all prior agreements or Contracts between the parties.
- D. Should any portion of this Contract be deemed unenforceable by any administrative or judicial officer or tribunal of competent jurisdiction, the balance of this Contract shall remain in full force and effect unless revised or terminated pursuant to Article IX of this Contract.
- E. Provider shall coordinate the development and implementation of all programs and services described herein. At all times during the duration of this Contract, the Erie County Board of DD and Provider shall act Contractors in connection with the performance of their respective obligations under this Contract.
- F. In the event of a dispute involving the parties regarding any provision under this Contract, including, but not limited to rate disputes, the parties shall attempt to resolve the dispute in accordance with the Erie County Board of DD's approved Conflict Resolution and Administrative Resolution of Complaints and Due Process Policy. The policy will be made available to the Provider upon request.
- G. The Provider agrees to establish a procedure for affording all Individual service recipients due process. The Provider shall use this procedure in the event of a disagreement between the Provider and the service recipient related to the Provider's performance of its duties and obligations under this Contract.

By: _____ Date _____
Superintendent, Erie County Board of DD

By: _____ Date _____
Provider



PLANNING DEPARTMENT

Division of Transit

240 Columbus Ave.
Sandusky, Ohio 44870
419.621.8462

www.cityofsandusky.com

TO: Eric Wobser, City Manager

FROM: Thomas Horsman, Transit Director

DATE: December 16, 2020

SUBJECT: Agreement for Transportation Services – Cedar Point

ITEM FOR CONSIDERATION: Legislation requesting approval for the City Manager to enter into a contract for transportation services between the City of Sandusky / Sandusky Transit System and Cedar Point for employee transportation services.

BACKGROUND INFORMATION: The Sandusky Transit System (STS) will provide unlimited, safe, reliable, transportation services to all of Cedar Point employees on Fixed Routes only.

This contract is in effect from January 1, 2021 until December 31, 2021 at a negotiated rate of \$175,000 per year.

Cedar Point will be invoiced and billed \$43,750 on a Quarterly basis and be expected to pay in a timely manner. The money received from this contract will help meet the local match to support the 2020 5311 Rural grant program to support transit in Erie County.

BUDGET IMPACT: STS will receive \$175,000 for the length of the proposed contract. This money collected will be used to offset the capital planning and operating expenses through the 2021 5311 Rural grant program.

ACTION REQUESTED: It is requested legislation be adopted allowing the City Manager to enter into a contract for transportation services with Cedar Point. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter to allow the agreement to be executed as soon as possible and prior to the commencing date of January 1, 2021.

I concur with this recommendation:

Eric Wobser, City Manager

cc: McKenzie Spriggs, Clerk of the City Commission, Michelle Reeder, Acting Finance
Director, Brendan Heil, Law Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR TRANSPORTATION SERVICES BETWEEN THE CITY OF SANDUSKY AND MILLENNIUM OPERATIONS LLC, D.B.A. CEDAR POINT, FOR SERVICES RELATED TO THE SANDUSKY TRANSIT SYSTEM FOR THE PERIOD OF JANUARY 1, 2021, THROUGH DECEMBER 31, 2021; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Sandusky Transit System will provide free transportation services for Cedar Point employees, upon the showing of the employee's valid Cedar Point Identification Card, for any of the Fixed Routes on the Sandusky Transit System; and

WHEREAS, the City Commission approved agreements with Cedar Point, LLC, for services related to the Sandusky Transit System for the period of January 1, 2019, through December 31, 2019, at a negotiated rate of \$150,000.00 by Ordinance No. 18-242, passed on December 21, 2018, and for the period of January 1, 2020, through December 31, 2020, at a negotiated rate of \$175,000.00 by Ordinance No. 19-201, passed on December 9, 2019; and

WHEREAS, Cedar Point will pay \$175,000.00 for the unlimited ridership for their employees for the period of January 1, 2021, through December 31, 2021; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to execute the agreement prior to the commencing date of January 1, 2021;

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

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

Section 1. The City Manager is authorized to execute an Agreement with Millennium Operations LLC, d.b.a. Cedar Point, for transportation services related to the Sandusky Transit System for the period from January 1, 2021, through December 31, 2021, substantially in the same form as reflected in Exhibit "A" which is attached to this Ordinance and specifically incorporated as if fully rewritten herein together with such revisions or additions as are approved by the

Law Director as not being substantially adverse to the City and being consistent with the objectives and requirements of this Ordinance and with carrying out the City's public purposes.

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
MCKENZIE E. SPRIGGS
CLERK OF THE CITY COMMISSION

Passed: December 28, 2020

TRANSPORTATION AGREEMENT

This Transportation Agreement between the City of Sandusky's Sandusky Transit System (STS) and Millennium Operations LLC d.b.a. Cedar Point, herein known as Cedar Point sets forth the terms agreed upon between the parties for provision of program eligible transportation service.

Term: The services performed under this agreement will be for the period commencing January 1, 2021 and continuing through December 31, 2021.

Scope of Service: STS will provide free transportation services for Cedar Point employees, upon the showing of the employee's valid Cedar Point Identification Card, for any of the STS fixed routes.

Operating Days: Service will be available every day except the following holidays: New Year's Day, Thanksgiving Day, and Christmas Day, but subject to change.

Fare and Payment Schedule: Cedar Point will pay \$175,000 for unlimited ridership for Cedar Point employees for all fixed routes. Fixed Routes are Monday through Saturday and normally scheduled service hours between 6:00 a.m. to 10:00 p.m., but subject to change.

Billing: Cedar Point will be billed, and shall pay, for services quarterly in the amount of \$43,750, for a total amount of \$175,000.

STS Responsibilities

1. Vehicle Operations: STS will provide free transportation on any of the STS Fixed Routes to any Cedar Point employee, who shows their valid Cedar Point ID card.

Cedar Point Responsibilities

1. Passenger Information: Cedar Point shall inform their employees that in order to ride the STS fixed routes for free, the employees shall show their valid Cedar Point ID card.

Monitoring and Evaluation: STS and Cedar Point will monitor the manner in which the terms of this Agreement are being carried out and evaluate its effectiveness.

Amendments: This Agreement may be amended at any time by a written amendment signed by both parties.

Termination: This agreement may be terminated by either party upon ninety (90) days notice in writing provided by one party to the other. STS will continue to provide service until the effective date of termination, and Cedar Point will make payment in accordance with the payment provisions of the Agreement for the services prior to the effective date of termination.

CITY OF SANDUSKY

MILLENNIUM OPERATIONS LLC
D.B.A. CEDAR POINT

BY:

Eric Wobser, City Manager

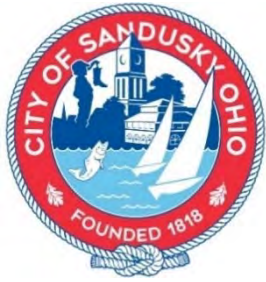
Jason McClure, General Manager

Date

Date

Approved as to form:

Brendan L. Heil, Law Director



PLANNING DEPARTMENT

Division of Transit

240 Columbus Avenue

Sandusky, Ohio 44870

419.621.8462

www.cityofsandusky.com

TO: Eric Wobser, City Manager

FROM: Thomas Horsman, Transit Director

DATE: December 16, 2020

SUBJECT: Agreement for Transportation Services – Cancer Services

ITEM FOR CONSIDERATION: Legislation requesting approval for the City Manager to enter into a contract for transportation services between the City of Sandusky / Sandusky Transit System and Cancer Services.

BACKGROUND INFORMATION: The Sandusky Transit System (STS) will provide safe, reliable, door-to-door transportation services to clients of Cancer Services throughout Erie County.

This contract is in effect from January 1, 2021 until December 31, 2021 at a negotiated rate of \$8.00 per passenger trip.

STS will provide Cancer Services with reports, training and information that were agreed upon in said proposed contract. Cancer Services will be invoiced and billed on a Quarterly basis and be expected to pay in a timely manner. The money received from this contract will help meet the local match to support the 2021 5311 Rural grant program to support transit in Erie County.

BUDGET IMPACT: STS will receive \$8.00 each way, per passenger trip from Cancer Services for the length of the proposed contract. This money collected will be used to offset the capital planning and operating expenses through the 2021 5311 Rural grant program.

ACTION REQUESTED: It is requested legislation be adopted allowing the City Manager to enter into a contract for transportation services with Cancer Services. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter to allow the agreement to be executed prior to the commencing date of January 1, 2021.

I concur with this recommendation:

Eric Wobser, City Manager

cc: McKenzie Spriggs, Clerk of the City Commission, Michelle Reeder, Acting Finance
Director, Brendan Heil, Law Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR TRANSPORTATION SERVICES BETWEEN THE CITY OF SANDUSKY AND CANCER SERVICES FOR THE PERIOD OF JANUARY 1, 2021, THROUGH DECEMBER 31, 2021; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Sandusky Transit System will provide transportation services approved by Cancer Services for program participants throughout Erie County and these services will be coordinated between Cancer Services and the Sandusky Transit System; and

WHEREAS, the Sandusky Transit System has provided these services to Cancer Services since February of 2019, and is desirous to continue these services; and

WHEREAS, Cancer Services will be billed at the rate of \$8.00 per one-way trip per passenger for the period of January 1, 2021, through December 31, 2021; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to execute the agreement prior to the commencing date of January 1, 2020, and to continue services without interruption; and

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

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

Section 1. The City Manager is authorized to execute an Agreement with Cancer Services for transportation services related to the Sandusky Transit System for the period from January 1, 2021, through December 31, 2021, substantially in the same form as reflected in Exhibit "A" which is attached to this Ordinance and specifically incorporated as if fully rewritten herein together with such revisions or additions as are approved by the Law Director as not being substantially adverse to the City and being consistent with the objectives and requirements of this Ordinance and with carrying out the City's public purposes.

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
MCKENZIE E. SPRIGGS
CLERK OF THE CITY COMMISSION

Passed: December 28, 2020

TRANSPORTATION AGREEMENT

This Transportation Agreement between the City of Sandusky's Sandusky Transit System (STS) and Cancer Services, 505 E. Perkins Avenue, Sandusky, Ohio, 44870, sets forth the terms agreed upon between the parties for provision of program eligible transportation service.

Term: The services performed under this agreement will be for the period commencing January 1, 2021, and continuing through December 31, 2021.

Scope of Service: STS will provide transportation services approved by Cancer Services for program participants throughout Erie County.

Operating Days: Service will be available every day except Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, but subject to change.

Fare and Payment Schedule: Cancer Services will be billed at the rate of \$8.00 per one-way trip per passenger for all service requests for all clients.

Cancer Services will be billed for transportation services rendered on a Monthly basis.

STS Responsibilities

1. Vehicle Operations: STS will be responsible for operations and maintenance functions as necessary to provide the highest quality service possible, including: hiring and training of drivers, supervising personnel, processing passenger reservations and preparing daily schedules, dispatching vehicles, maintaining, servicing, and repairing vehicles and equipment, and insuring vehicles, employees, and passengers.
2. Passenger Reservations and Scheduling: STS will maintain a telephone number to Cancer Services staff or authorized Clients to make or cancel reservations as necessary.

Agency Responsibilities

1. Passenger Information: The following information must be provided for each individual: name; date of birth; address; telephone number; and any special accommodations that may be necessary for the comfort and convenience of passenger. Additions or deletions to information may be communicated to STS in writing or by telephone or fax.

2. Payment for Services: Payment for transportation services provided to clients of your agency will be expected upon receipt of billing. Billing will normally be mailed by the 10th of month following service.

Monitoring and Evaluation: STS and Cancer Services will monitor the manner in which the terms of this Agreement are being carried out and evaluate its effectiveness.

Amendments: This Agreement may be amended at any time by a written amendment signed by both parties. Reasons for amendments may include, but are not necessarily limited to, the following:

- The quality or extent of general public services furnished by STS does not meet need of Cancer Services.
- The actual cost of providing service significantly increases above the originally agreed upon rates and terms.

Termination: This agreement may be terminated by either party upon ninety (90) days notice in writing provided by one party to the other. In the event that funding for the services covered in this agreement is eliminated or decreased, each party shall have a right to terminate or negotiate a modification of the scope and compensation. STS will continue to provide service until the effective date of termination, and Cancer Services will make payment in accordance with the payment provisions of the Agreement for the services prior to the effective date of termination.

CITY OF SANDUSKY

CANCER SERVICES

BY:

Eric Wobser, City Manager

Peg Miller, Executive Director

Date

Date

Approved As to Form

Brendan L. Heil (#0091991)
Law Director, City of Sandusky



PLANNING DEPARTMENT

Division of Transit

240 Columbus Ave.
Sandusky, Ohio 44870

419.621.8462

www.cityofsandusky.com

TO: Eric Wobser, City Manager

FROM: Thomas Horsman, Transit Director

DATE: December 16, 2020

SUBJECT: Agreement for Transportation Services – Sandusky City Schools

ITEM FOR CONSIDERATION: Legislation requesting approval for the City Manager to enter into a contract for transportation services between the City of Sandusky / Sandusky Transit System and Sandusky City Schools.

BACKGROUND INFORMATION: The Sandusky Transit System (STS) has provided transportation services to the Sandusky City Schools since February of 2017. The City and Sandusky City Schools agreed to modified services and rates which were effective on November 1, 2018.

This contract is in effect from January 1, 2021 until December 31, 2021 at a negotiated rate of \$9.00 each way, per student passenger trip.

Guaranteed Dial-a-Ride Service

Individual One-Way Trip \$ 9.00

Fixed Route Service

SCS Quarterly Student \$ 50.00

Fixed Route Pass

Individual Rides \$10.00
multiples of 10 tickets

STS will provide Sandusky City Schools with reports, training and information that were agreed upon in said proposed contract. Sandusky City Schools will be invoiced and billed on a Monthly basis and be expected to pay in a timely manner. The money received from this contract will help meet the local match to support the 5311 Rural grant program to support transit in Erie County.

BUDGET IMPACT: STS will receive \$9.00 per passenger, per one-way trip from Sandusky City Schools for the length of the proposed contract. This money collected will be used to offset the capital planning and operating expenses through the 5311 Rural grant program.

ACTION REQUESTED: It is requested legislation be adopted allowing the City Manager to enter into a contract for transportation services with Sandusky City Schools. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter to allow the agreement to be executed prior to the commencing date of January 1, 2021.

I concur with this recommendation:

Eric Wobser

City Manager

cc: McKenzie Spriggs, Clerk of the City Commission
Michelle Reeder, Acting Finance Director
Brendan Heil, Law Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR TRANSPORTATION SERVICES BETWEEN THE CITY OF SANDUSKY AND SANDUSKY CITY SCHOOLS FOR SERVICES RELATED TO THE SANDUSKY TRANSIT SYSTEM FOR THE PERIOD OF JANUARY 1, 2021, THROUGH DECEMBER 31, 2021; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Sandusky Transit System will provide transportation services approved by Sandusky City Schools for program participants throughout Erie County and these services will be coordinated between Sandusky City Schools and the Sandusky Transit System; and

WHEREAS, the Sandusky Transit System has provided these services to Sandusky City Schools since February of 2017, and is desirous to continue these services; and

WHEREAS, the Sandusky Transit System will receive \$9.00 per one-way trip for curb-to-curb services, \$50.00 quarterly for a student fixed route pass, and \$10.00 for multiples of 10 individual ride tickets for the period of January 1, 2021, through December 31, 2021; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to execute the agreement prior to the commencing date of January 1, 2021 and to continue services without interruption; and

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

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

Section 1. The City Manager be and hereby is authorized to execute an Agreement with Sandusky City Schools for transportation services related to the Sandusky Transit System for the period from January 1, 2021, through December 31, 2021, substantially in the same form as reflected in Exhibit "A" which is attached to this Ordinance and specifically incorporated as if fully rewritten herein together with such revisions or additions as are approved by the Law Director as not being substantially adverse to the City and being consistent with

the objectives and requirements of this Ordinance and with carrying out the City's public purposes.

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
MCKENZIE E. SPRIGGS
CLERK OF THE CITY COMMISSION

Passed: December 28, 2020

TRANSPORTATION AGREEMENT

This Transportation Agreement between the City of Sandusky / Sandusky Transit System (STS) and Sandusky City Schools (SCS) outlines the terms agreed upon between the parties for provision of program eligible transportation service.

Term: The services performed under this agreement will be for the period commencing January 1, 2021 and continuing through December 31, 2021.

Scope of Service: STS will provide transportation services approved by SCS for program participants throughout Erie County.

Operating Days: Service will be available every day except on the following holidays: Martin Luther King Day; Presidents Day; Memorial Day; Independence Day; Labor Day; Veterans' Day; Thanksgiving; Christmas Day;

Fare and Payment Schedule: SCS will be billed for the services outlined below:

<u>Guaranteed Dial-a-Ride Service</u>	
Individual One-Way Trip	\$ 9.00
<u>Fixed Route Service</u>	
SCS Quarterly Student Fixed Route Pass	\$ 50.00
Individual Rides – multiples of 10 tickets	\$10.00

Guaranteed Dial-A-ride Service

STS guarantees Transportation to the SCS for trips scheduled with 72 hours' notice.

Individual One-Way Trip

A one-way trip is defined as a one-way trip to and from any destination within Erie County.

Fixed Route Service

SCS Quarterly Student Fixed Route Pass

The Fixed Route pass is good for unlimited transportation for students on the Fixed Route system for the SCS Quarter. The SCS is responsible for the distribution of student passes to students. The STS is responsible for printing passes for SCS.

Fixed Route Tickets

STS will provide bulk Fixed Route Individual Ride tickets to SCS on request at \$10.00 in multiples of 10 tickets.

Billing

SCS will be billed for transportation services rendered and ticket and pass sales on a monthly basis.

STS Responsibilities

1. Vehicle Operations: STS will be responsible for operations and maintenance functions as necessary to provide the highest quality service possible, including: hiring and training of drivers, supervising personnel, processing passenger reservations and preparing daily schedules, dispatching vehicles, maintaining, servicing, and repairing vehicles and equipment, and insuring vehicles, employees, and passengers. STS as Shared Ride Service reserves the right to combine trips between multiple organizations.
2. Passenger Reservations and Scheduling: STS will maintain a telephone number to SCS staff to make or cancel reservations as necessary.
3. Driver qualifications: STS will ensure all drivers meet or exceed the standards set forth in OAC #173-39-02 and records of their qualifications maintained and available for inspection by SCS upon request.

Agency Responsibilities

1. Passenger Information: The following information must be provided for each individual: name; date of birth; address; telephone number; and any special accommodations that may be necessary for the comfort and convenience of passenger. Additions or deletions to information may be communicated to STS in writing or by telephone or fax.
2. Payment for Services: Payment for transportation services provided to SCS will be expected upon receipt of billing. Billing will normally be mailed by the 10th of month following service.

Monitoring and Evaluation: STS and SCS will monitor the manner in which the terms of this Agreement are being carried out and evaluate its effectiveness.

Amendments: This Agreement may be amended at any time by a written amendment signed by both parties. Reasons for amendments may include, but are not necessarily limited to, the following:

- The quality or extent of general public services furnished by STS does not meet the needs of SCS.
- The actual cost of providing service significantly increases above the originally agreed upon rates and terms.

Termination: This agreement may be terminated by either party upon ninety (90) days notice in writing provided by one party to the other. In the event that funding for the services covered in this agreement is eliminated or decreased, each party shall have a right to terminate or negotiate a modification of the scope and compensation. STS will continue to provide service until the effective date of termination, and SCS will make payment in accordance with the payment provisions of the Agreement for the services prior to the effective date of termination.

SIGNATURE PAGE TO FOLLOW

WITNESSES:

CITY OF SANDUSKY

Eric L. Wobser, City Manager

Date

WITNESSES:

SANDUSKY CITY SCHOOLS

(Signature)

(Printed Name and Title)

Date

Approved as to Form:

Brendan L. Heil #0091991
Law Director, City of Sandusky



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.cityofsandusky.com

To: Eric Wobser, City Manager

From: Troy Vaccaro, Fleet Maintenance Chief Foreman

Date: December 14, 2020

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

ITEM FOR CONSIDERATION: It is requested that the City Commission authorize legislation to dispose of one (1) vehicle, pursuant to Section 25 of the City Charter.

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

1999 Dodge Ram 2500: 3B7KF26WIXM577299 – 84,368 miles: This truck was purchased new for Horticultural Services and solely used by that department. The truck has exceeded its useful lifespan. Proceeds of this sale will be deposited into the Issue 8 revenue account (431-6202-48000).

BUDGETARY INFORMATION: Proceeds from the sale of the items will be placed into the City's Issue 8 revenue account.

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

I concur with this recommendation:

Eric Wobser, City Manager

John Orzech, Assistant City Manager

cc: M. Spriggs, Commission Clerk; M. Reeder, Finance Director; Brendan Heil, Law Director

ORDINANCE NO. _____

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

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

WHEREAS, the following vehicle has been determined by the Fleet Maintenance Chief Foreman to be beyond its useful life and/or of no use to the City and is recommending the vehicle be declared obsolete, unnecessary and unfit for City use and it is requested this vehicle be disposed of via www.Govdeals.com, which is an internet auction site for governmental entities:

<u>Year / Make / Model</u>	<u>Vehicle ID Number</u>	<u>Mileage</u>
1999 Dodge Ram 2500	3B7KF26WIXM577299	84,368

WHEREAS, the proceeds from the sale of this vehicle will be placed into the City’s Issue 8 revenue account; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to allow the depreciating vehicle to be placed on the internet for auction at the earliest opportunity to continue with good housekeeping practices; and

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

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

Section 1. This City Commission finds and determines that the vehicle described in the preamble above has become obsolete and is unnecessary and unfit for City use pursuant to Section 25 of the City Charter and the City Manager is authorized and directed to dispose of the vehicle no longer needed for City purposes through public auction, sale process, or by internet auction with the proceeds from the sale of the vehicle to be placed into the City’s Issue 8 revenue account.

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: December 28, 2020



PLANNING DEPARTMENT

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5715
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Greg Voltz, Planner

Date: December 2, 2020

Subject: December 14, 2020 Commission Agenda Item – petition for the vacation of 4th street located east of the Arthur Street right-of-way between parcels 57-00087.000, 57-05556.000, 57-02045.000 to the north and 57-00087.000, 57-05555.000 to the south.

Item for Consideration: Bob Waldock, on behalf of BSL Holdings Ltd, has submitted a petition for the vacation of 4th Street located between parcels 57-00087.000, 57-05556.000, 57-02045.000 to the north and 57-00087.000, 57-05555.000 to the south..

Purpose: Generally, it is important for the City Commission to analyze and preserve streets and alleys for future planning endeavors or projects when possible. Street and Alley vacations should only be considered when the City can definitively determine there will not be a public use in the future and when the vacation will not land lock any parcels, nor adversely impact traffic circulation or adjacent properties.

Background Information: At the October 28, 2020 Planning Commission meeting the Commission recommended approval for the vacation of the above referenced street. The applicant, Bob Waldock, applied to vacate this area to create a more developable parcel. Planning staff recognizes that the mentioned street has never been developed and used as a street causing the parcels to not have road access. All adjacent property owners have signed the petition for the vacation of this roadway. The proposed vacations will land lock property, but the applicant and adjacent property owners will combine parcels after vacation so there will no long be land locked parcels. The right-of-way is no longer of use for the public. The City's Engineering Department, Police Department, Fire Department, and Building Department reviewed the petition for vacation and do not object.

Correlation to the Comprehensive Plan:

The Comprehensive Plan calls for reimagining this section for residential stabilization and infill. The proposed vacation could assist in the redevelopment of this parcel.

Budgetary Impact:

There is no impact to the general fund.

Action Requested: It is requested that City Commission approve the proposed a petition for the vacation of 4th street located east of the Arthur Street right-of-way between parcels 57-00087.000, 57-05556.000, 57-02045.000 to the north and 57-00087.000, 57-05555.000 to the south.

I concur with this recommendation:

Eric Wobser, City Manager

cc: McKenzie Spriggs, Clerk of City Commission, Michelle Reeder, Finance Director, Brendan Heil, Law Director



Petition for Vacation
City Right-Of-Way

Bob Waldox on behalf of BSL Holdings LTD
Typed or Printed Name of Circulator

PO Box 1489 Sandusky, OH 44871
Typed or Printed address of Circulator

419-626-1979
Phone Number of Circulator

The undersigned owners of lots in the vicinity
parcels: 57-00087.000, 57-05556.000, 57-02045.000
& 57-05555.000

Respectfully petition that a portion of said street/alley/right-of-way described as follows:

4th Street East of platted Arthur Street
Approximately 285' in length

Be vacated for the reason that it is no longer of use to the public and its vacation will not be detrimental to the general interest.

By signing this petition, we hereby support the proposed vacation and waive our right to public notice. Further, we realize that we shall be responsible for providing a completed petition including a complete legal description and a plat prepared by a professional, suitable for recording, and approved by the County Surveyor.

Name	Address	Date Signed
<u>Bob L Waldox</u>	<u>PO Box 1489, Sandusky, OH 44871</u>	<u>09/18/2020</u>
<u>[Signature]</u>	<u>1721 [illegible] Sandusky, OH</u>	<u>9/26/2020</u>

(You may attach an additional sheet of paper if the space provided above is not adequate)

Office use only:

_____ \$500.00 filing fee

_____ Plat as detailed in "Right-of-Way Vacation Procedures", and approved by the County Surveyor

_____ Legal Description approved by the County Surveyor

_____ Completed form containing required signatures



PLANNING COMMISSION

Application for Approval

Department of Planning
240 Columbus Ave
Sandusky, Ohio 44870
419.627.5891
www.cityofsandusky.com

TYPE OF APPLICATION:

☐ Conditional Use Permit
☐ Flood Plain Variance
☒ Other

☐ Similar Main Use
☐ Front Yard Fence

APPLICANT/AGENT INFORMATION:

Property Owner Name: BSL Holdings Ltd

Property Owner Address: PO Box, 1489 Sandusky

Property Owner Telephone: 419-626-1979

Property Owner Email: _____

Authorized Agent Name: Bob Waldock

Authorized Agent Address: PO Box 1489, Sandusky

Authorized Agent Telephone: 419-626-1979

Authorized Agent Email: rl.waldock@cw-realty.com

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 1404-81424 Third Street

Legal Description of Property (check property deed for description):

Parcel Number: 57-00419.000
57-02039.000 Zoning District: _____
57-05552.000, 57-05554.000

DETAILED SITE INFORMATION:

Land Area of Property: _____ (sq. ft. or acres)

Total Building Coverage (of each existing building on property):

Building #1: _____ (in sq. ft.)

Building #2: _____

Building #3: _____

Additional: _____

Total Building Coverage (as % of lot area): _____

Gross Floor Area of Building(s) on Property (separate out the square footage of different uses – for example, 800 sq. ft. is retail space and 500 sq. ft. is storage space:

Proposed Building Height (for any new construction): _____

Number of Dwelling Units (if applicable): _____

Number of Off-Street Parking Spaces Provided: _____

Parking Area Coverage (including driveways): _____ (in sq. ft.)

Landscaped Area: _____ (in sq. ft.)

PROPOSED DEVELOPMENT (check those that apply):

- ☐ New Construction (new building(s))
☐ Addition to Existing Building(s)
☐ Change of Use in Existing Building(s)

Description of Proposed Development (Describe in detail your development plans, for example – proposed use, size of building or proposed addition, hours of operation, days of operation, seating capacity, etc.):

Arthur Street (from Third to Fifth Street) is
platted but unimproved. Fourth Street is
platted but unimproved for approximately 205'
east of Fourth Street. The abutting owners
to this portion of Fourth Street are asking
the commission to vacate this area. This
will allow them to combine islands of
land on both sides of Fourth Street.

REQUIRED SUBMITTALS:

15 copies of a site plan/off-street parking plan for property

Application Fee:

Conditional Use Permit: \$100.00

Similar Main Use: \$100.00

Flood Plan Variance: \$100.00

Front Yard Fence: no charge

Other: check with staff for fee

APPLICATION MUST BE COMPLETELY FILLED OUT

APPLICATION AUTHORIZATION:

If this application is signed by an agent, authorization in writing from the legal owner is required. Where owner is a corporation, the signature of authorization should be by an officer of the corporation under corporate seal.

Robert L. Waldock 09/30/2020
Signature of Owner or Agent Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

As owner of 1404 Third (municipal street address of property), I hereby authorize Bob Waldock to act on my behalf during the Planning Commission approval process.

BSL Holdings LTD Robert L. Waldock 09/30/2020
Signature of Property Owner member Date

STAFF USE ONLY:

Date Application Accepted: _____ Permit Number: _____

Date of Planning Commission Meeting: _____

Planning Commission File Number: _____

PLANNING COMMISSION REPORT

PETITION FOR VACATION OF 4TH STREET
LOCATED BETWEEN PARCELS 57-00087.000,
57-05556.000, 57-02045.000 TO THE NORTH
AND 57-00087.000, 57-05555.000 TO THE
SOUTH.

Reference Number: PROWV20-0002

Date of Report: 10-21-2020

Report Author: Greg Voltz, Planner



City of Sandusky, Ohio

Planning Commission Report

BACKGROUND INFORMATION

Bob Waldock, on behalf of BSL Holdings Ltd, has submitted a petition for the vacation of 4th Street located between parcels 57-00087.000, 57-05556.000, 57-02045.000 to the north and 57-00087.000, 57-05555.000 to the south. The following information is relevant to this application:

Applicant: BSL Holdings Ltd
PO Box 1489
Sandusky, Ohio 44870

Authorized Agent(s): Bob Waldock
PO Box 1489
Sandusky, OH 44870

Site Location: 4th Street located between parcels 57-00087.000, 57-05556.000, 57-02045.000 to the north and 57-00087.000, 57-05555.000 to the south). Located between 3rd and 5th Street and adjacent to unimproved Arthur Street.

Zoning: City right-of-way

Adjacent Zoning
& Uses: North: "CS" – Commercial Service, Residential
South: "CS" – Commercial Service, Vacant Land
East: "GM" – General Manufacturing, Vacant Land
West: "CS" – Commercial Service, Vacant Land

Site Area: Street – 0.3278 Acres

Existing Use: Undeveloped – City right-of-way

Proposed Use: The proposed vacated area will split between parcels currently owned by BSL Holdings Ltd and adjacent property owners.

The street located between parcels 57-00087.000, 57-05556.000, 57-02045.000 to the north and 57-00087.000, 57-05555.000 to the south). The parcels adjacent to the right-of-ways are currently zoned as “CS” - Commercial Service and “GM” – General Manufacturing.

The applicant is also requesting a vacation of 4th Street just to the south of parcels 57-00087.000, 57-05556.000, 57-02045.000.

Alley Outlined in Red





Zone Map Setbacks



PUD - Planned Unit Development



Parcels



TRO - Transient Rental Overlay



Zoning

- AG - Agriculture
- CA - Commercial Amusement
- CR - Commercial Recreation
- CS - Commercial Service
- DBD - Downtown Business
- GB - General Business
- GM - General Manufacturing
- LB - Local Business
- LM - Local Manufacturing
- P - Auto Parking

- PF - Public Facilities
- R1-40 - Single Family Residential
- R1-50 - Single Family Residential
- R1-60 - Single Family Residential
- R1-75 - Single Family Residential
- R2F Two-Family Residential
- RB - Roadside Business
- RMF - Multi-Family Residential
- RRB - Residential/Business
- RS - Residential Suburban

PLANNING STAFF COMMENTS

The applicant has worked diligently with staff prior to submitting the application, petition, and supporting documents for this proposed vacation. The applicant believes that this will benefit all adjacent property owners. The street is currently unimproved and minimally maintained. Staff does not believe the street holds a long term use, as a short dead end street, surrounded by commercial and manufacturing zoned parcels.

Staff recommends that this approval is contingent on all property owners affected combine their parcels so that no land locked parcel is created. This would allow access to the new combined parcels via 3rd Street or a future improved 4th Street. This could also create more developable parcels for future commercial use.

ENGINEERING STAFF COMMENTS

The City's Engineering staff is currently reviewing the proposed alley vacation at time of this report being written.

BUILDING STAFF COMMENTS

The City Building Official has not reviewed the proposed alley vacation at time of this report being written.

POLICE DEPARTMENT COMMENTS

The Police Department has not reviewed the proposed alley vacation at time of this report being written.

FIRE DEPARTMENT COMMENTS

The Fire Department has not reviewed the proposed alley vacation at time of this report being written.

CONCLUSION/RECOMMENDATION

In conclusion, planning staff has no objection to the Sandusky City Planning Commission recommending approval of the requested vacations to the City Commission because vacation of the alley will not adversely impact the adjoining properties and all the adjacent property owners have signed the petition. This right-of-way is no longer of use for the public. With this in mind planning staff recommends that a recommendation of approval to City Commission is granted contingent upon parcels are combined after vacation so that there remains no land locked parcel as well as easements are granted in the case that any buried utilities are discovered.

**Planning Commission
October 28, 2020
Meeting Minutes**

Meeting called to order:

Chairman McGory called the meeting to order at 4:34pm. The meeting took place virtually. The following members were present: Jade Castile, Conor Whelan, David Miller, and Mike Zuilhof. Jim Jackson and Mike Meinzer were not present. Greg Voltz and Tom Horsman represented the Planning Department.

Approval of minutes from the September 23, 2020 meeting:

Mr. Miller made a motion to approve the minutes as submitted and Mr. Zuilhof seconded the motion. All voting members present were in favor.

New Business:

1. 407 W. Jefferson and 426 Central Ave:

Mr. McGory stated that the first application on the agenda was submitted by Geoff Palmer, on behalf of Central Catholic Athletic Boosters, for a site plan for a temporary parking area at 407 W. Jefferson and 426 Central Ave. Mr. Voltz explained that a temporary parking area is proposed while funds are raised for a permanent plan. He stated that Planning Staff recommends approval of the proposed temporary site with the following conditions: 1) The approval is for a period of two years, at which time the applicant will need to come back to Planning Commission for another temporary approval, or permanent site plan approval. If long-term use of this site is desired to be parking a rezone to "P" – Auto Parking would be required prior to site plan approval, 2) The applicant properly maintains markings on the temporary surface, 3) Install bicycle parking for students and teachers. Mr. Zuilhof stated that he thinks the commission should make sure that if this is approved that sidewalks are not left in disrepair. Mr. Zuilhof then made a motion to approve the application with the conditions outlined in the staff report as well as a condition to make sure any needed sidewalk repairs are completed in a reasonable amount of time. Mr. Miller seconded the motion. Mr. McGory asked who would be responsible for checking to see if the sidewalks are in good condition or not. Mr. Voltz stated that he could make sure that the Department of Public Works is in discussion with Mr. Palmer regarding the sidewalks.

2. 1512 George St:

Mr. McGory stated that the second application on the agenda was submitted by Roger Boesch, on behalf of XIACHUN LLC, for a site plan for a new addition to the existing building located at 1512 George Street. Mr. Voltz explained that the property is currently used for personal storage. He said that Planning Staff recommends approval of the proposed site plan with the following conditions: 1) All applicable permits are obtained through the Building Department, Engineering Department, and any other applicable departments or agencies, 2) If exterior lighting is added to the plan, the applicant must submit, for staff approval, the lighting plan and fixtures so that they are shielded parallel to the ground and to the neighboring houses and properties. Mr. Miller made a motion to approve the application subject to staff conditions and Mr. Whelan seconded the motion. All voting members were in favor of the motion.

3. 1404-1424 Third St and parcels on Fourth St:

Mr. McGory stated that third on the agenda is a petition submitted by Bob Waldock, on behalf of BSL Holdings Ltd, has for the vacation of a 16.5' alley located behind 1404-1424 Third Street and parcels on 4th Street. Mr. Voltz stated that all neighboring property owners have signed the petition. Per the Ohio Revised Code, the vacated alley would be split down the middle and given to each adjacent property owner. He then said that Planning Staff has no objection and recommends approval to City Commission, contingent on if any buried utilities are discovered easements be granted so utilities can be properly maintained. Mr. Zuilhof made a motion to approve with staff conditions and Mr. Miller seconded. All voting members were in favor.

4. 4th St between parcels 57-00087.000, 57-05556.000, 57-02045.000 to the north and 57-00087.000, 57-05555.000 to the south.

Mr. McGory stated that fourth on the agenda is a petition submitted by Bob Waldock, on behalf of BSL Holdings LTD, for the vacation of Fourth Street located between parcels 57-00087.000, 57-05556.000, 57-02045.000 to the north and 57-00087.000, 57-05555.000 to the south. . Mr. Voltz stated that all neighboring property owners have signed the petition. The vacated alley would be split down the middle and given to each adjacent property owner. Staff recommends that this approval is contingent on all property owners affected combine their parcels so that no land locked parcel is created. This would allow access to the new combined parcels via 3rd Street or a future improved 4th Street. This could also create more developable parcels for future commercial use. Mr. Miller moved to approve the application subject to staff conditions and Ms. Castile seconded the motion. All voting members were in favor of the motion.

Old Business:

1. Discussion regarding zoning near First, Second, and Third Street between Farwell Street and the Cedar Point Dormitories.

Mr. Voltz stated that Planning Staff went out and talked with residents living in that area. Two residents Mr. Voltz spoke with who live on Third St requested no change in zoning. After hearing from residents and talking internally, staff recommend rezoning only parcels shown to Commercial Recreation, which are limited to between First and Second Street. Mr. Voltz stated that in order to give adequate notice to residents, the meeting on these agenda items would need to be in December.

Next Meeting:

November 16th

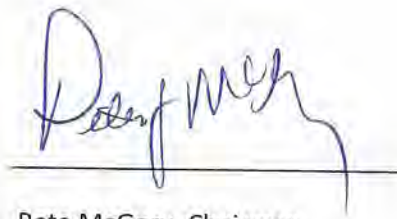
Meeting Adjourned:

Mr. Whelan moved to adjourn and the meeting. All voting members were in favor and the meeting ended at 5:22pm.

Approved:



Kristen Barone, Clerk



Pete McGory, Chairman



Department of Planning

240 Columbus Avenue
Sandusky, OH 44870
Phone: 419.627.5973
Fax: 419.627.5933
www.ci.sandusky.oh.us

October 29, 2020

Planning Commission at the October 28th, 2020 meeting recommended approval to the City Commission for the proposed petition for the vacation of 4th street located between parcels 57-00087.000, 57-05556.000, 57-02045.000 to the north and 57-00087.000, 57-05555.000 to the south..

Peter McGory
Planning Commission Chair

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF FOURTH STREET, SOUTH OF THIRD STREET AND NORTH OF FIFTH STREET, AND LOCATED EAST OF THE ARTHUR STREET RIGHT-OF-WAY, WITHIN THE CITY, AS SET FORTH ON THE VACATION PLAT, A COPY OF WHICH IS MARKED AS EXHIBIT “A-2”, ATTACHED TO THIS ORDINANCE AND INCORPORATED HEREIN.

WHEREAS, Section 723.04 of the Ohio Revised Code provides for statutory proceedings to vacate a street, alley, or portion thereof by the legislative authority upon petition by a person owning a lot in the immediate vicinity of the street or alley; and

WHEREAS, the petitioner, Robert Waldock, on behalf of BSL Holdings Ltd., and all abutting property owners are consenting to and signed the Petition for Vacation which dispensed with the notice requirement contained in Section 723.06 of the Ohio Revised Code; and

WHEREAS, the City’s Engineering Department, Police Department, Fire Department and Building Department have reviewed the petition for vacation and do not object; and

WHEREAS, the Planning Commission considered this vacation request at its October 28, 2020, meeting and resolved to recommend approval of the requested vacation; and

WHEREAS, pursuant to the requirements of Section 723.04 of the Ohio Revised Code, the City Commission held a public hearing at its December 14, 2020, regularly scheduled meeting to consider the Planning Commission's recommendation for **approval** pursuant to Section 713.02 of the Ohio Revised Code; and

WHEREAS, this City Commission finds that there is good cause for such vacation as prayed for and that such vacation will not be detrimental to the general interest and is conducive to the general interests of the public and the area is no longer needed for any municipal purpose, and that it should be made; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of Municipal Departments of the City of Sandusky, that is vacation be made; NOW, THEREFORE,

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

Section 1. The portion of Fourth Street, south of Third Street and north of Fifth Street, and located east of the Arthur Street right-of-way between Parcel Nos. 57-00087.000, 57-05556.000, 57-02045.000 to the north and Parcel Nos. 57-00087.000 and 57-5555.000 to the south, labeled as described on the vacation plat, with a total area of approximately .3278 acres of land, and as more fully described in the legal description and vacation plat marked Exhibits “A-1” and "A-2", attached to this Ordinance and specifically incorporated herein, be and the same are hereby

vacated pursuant to the Ohio Revised Code, Section 723.08 and is a revocation of the acceptance thereof by this City Commission.

Section 2. The said vacations be and hereby are subject to the permanent easements for public utility purposes in such vacated premises as set forth in Section 723.041 of the Ohio Revised Code.

Section 3. The Clerk of the City Commission be instructed to endorse upon the plats, the City Commission action in vacating such portion of the street and alley and to cause said plats to be recorded in the office of the Erie County Recorder and to notify the Auditor of Erie County of such vacations, by sending a copy of this Ordinance.

Section 4. 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 5. 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 6. 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: December 28, 2020 (effective after 30 days)

DESCRIPTION FOURTH STREET VACATION

Situated in part of Frederick Klein's Subdivision of part of Outlot Number 31 and Outlot Number 32 east of Sycamore Line as per plat recorded in Volume 3 Page 27 of the Erie County Records, Ward 2, City of Sandusky, Erie County, Ohio, and being more particularly described as follows;

Commencing at an iron pin found at the northeasterly corner of Lot Number 7 in said Frederick Klein's Subdivision, said point being on the southerly right of way line of Third Street;

Thence North $89^{\circ}-56'-00''$ West, along the northerly line of said Lot Number 7 and the southerly right of way line of Third Street, a distance of 142.80 feet to a point at the northwesterly corner of said Lot Number 7, said point also being on the easterly right of way line of vacated Arthur Street being Ordinance No. 87-118 as per deed recorded in Volume 539 Page 214 and Page 215 of the Erie County Records;

Thence South $00^{\circ}-00'-00''$ West, along the westerly line of said Lot Number 7 and the westerly line of Lot Number 5 in said Frederick Klein's Subdivision and the easterly right of way line of said vacated Arthur Street, a distance of 280.50 feet to a point at the southwesterly corner of said Lot Number 5, being the southwesterly corner of a parcel of land now or formerly owned by BSL Holdings LTD. as per deed recorded in RN201311232 (Parcel No. 2) of the Erie County Records, said point also being the principal place of beginning for this description;

1. Thence South $89^{\circ}-56'-00''$ East, along the southerly line of said Lot Number 5 and said BSL Holdings LTD. parcel and the southerly line of Lot Number 6 in said Frederick Klein's Subdivision, being the southerly line of a parcel of land now or formerly owned by Robert and Deborah Herold as per deed recorded in RN200202057 (Parcel No. 3) of the Erie County Records, a distance of 285.60 feet to a point at the southeasterly corner of said Lot Number 6, said point being on the westerly line of a parcel of land now or formerly owned by BSL Holdings LLC. as per deed recorded in RN200711348 of the Erie County Records;

2. Thence South $00^{\circ}-00'-00''$ West, along the westerly line of said BSL Holdings LTD. parcel, a distance of 50.00 feet to a point at the northeasterly corner of Lot Number 4 in said Frederick Klein's Subdivision, being the northeasterly corner of a parcel of land now or formerly owned by Robert and Deborah Herold as per deed recorded in RN200202057 (Parcel No. 2) of the Erie County Records;

3. Thence North $89^{\circ}-56'-00''$ West, along the northerly line of said Lot Number 4 and said Herold parcel and the northerly line of Lot Number 3 in said Frederick Klein's Subdivision, being the northerly line of a parcel of land now or formerly owned by BSL Holdings LTD. as per deed recorded in RN201311232 (Parcel No. 1) of the Erie County Records, a distance of 285.60 feet to a point at the northwesterly corner of said Lot Number 3, said point being on the easterly right of way line of said vacated Arthur Street;

4. Thence North $00^{\circ}-00'-00''$ East, along the easterly right of way line of said vacated Arthur Street, a distance of 50.00 feet to the place of beginning and containing 0.3278 acres of land, but subject to all easements and restrictions of record.

In the above description the courses were referred to a meridian assumed for the purpose of indicating angles only.

This description was prepared by David A. Williams, Registered Surveyor No. 7166 and was taken from matters of record and not an actual field survey on September 2, 2020.



David A. Williams

Registered Surveyor No. 7166

APPROVED as per Erie County Requirements
And Sections 4733-37 thru 4733-37-07 of the Ohio
Administrative Code only. No Field Verifications
for Accuracy made.

Engineer/Surveyor, Erie County Engineer's

Date: 9-03-2020

12/10

1st County, Ohio

0 25 50 75 100
SAND ~ 11" = 50'

STATE OF OHIO
REGISTERED PROFESSIONAL SURVEYOR
DAVID A. WILLIAMS
7166

ASSUMED

David A. Williams
REC. SUBMIT-10P# 1166

Engineer/Surveyor: Erie County Engineer's

Date: 1-9-03-2020

500°00'00" W

COBET ALD
DREBEN, HEROLD
EUTDOOZDSI
(PARENT 113)

16,532.

PREPARED FOR THE SUBSET VARIATION
0.3278 ACETIS

05.92

BS HOLDINGS LTD.

КОРЕНЬ ИЛИ
ДЕБЕВА ИЛИ

PL 083155

LS020200217

PR-CE 11

CHART 1



PLANNING DEPARTMENT

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5715
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Greg Voltz, Planner

Date: December 2, 2020

Subject: December 14, 2020 Commission Agenda Item – petition for vacation of an alley located south of 1404 – 1424 Third Street (57-00419.000, 57-02037.000, 57-02039.000, 57-05552.000, 57-05554.000), and north of Parcels on 4th Street (57-00087.000, 57-05556.000, 57-02045.000).

Item for Consideration: Bob Waldock, on behalf of BSL Holdings Ltd, has submitted a petition for the vacation of an alley located behind 1404 – 1424 Third Street (57-00419.000, 57-02037.000, 57-02039.000, 57-05552.000, 57-05554.000), and Parcels on 4th Street (57-00087.000, 57-05556.000, 57-02045.000).

Purpose: Generally, it is important for the City Commission to analyze and preserve streets and alleys for future planning endeavors or projects when possible. Street and Alley vacations should only be considered when the City can definitively determine there will not be a public use in the future and when the vacation will not land lock any parcels, nor adversely impact traffic circulation or adjacent properties.

Background Information: At the October 28, 2020 Planning Commission meeting the Commission recommended approval for the vacation of the above referenced alley. The applicant, Bob Waldock, applied to vacate this area to create a more developable parcel. Planning staff recognizes that the mentioned alley has never been developed and used as an alley. All adjacent property owners have signed the petition for the vacation of this roadway. The proposed vacations will not land lock property and the right-of-way is no longer of use for the public. The City's Engineering Department, Police Department, Fire Department, and Building Department reviewed the petition for vacation and do not object.

Correlation to the Comprehensive Plan:

The Comprehensive Plan calls for reimagining this section for residential stabilization and infill. The proposed vacation could assist in the redevelopment of this parcel.

Budgetary Impact:

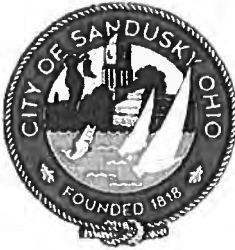
There is no impact to the general fund.

Action Requested: It is requested that City Commission approve the proposed a petition for the vacation of the alley located south of 1404 – 1424 Third Street (57-00419.000, 57-02037.000, 57-02039.000, 57-05552.000, 57-05554.000), and north of Parcels on 4th Street (57-00087.000, 57-05556.000, 57-02045.000).

I concur with this recommendation:

Eric Wobser, City Manager

cc: McKenzie Spriggs, Clerk of City Commission, Michelle Reeder, Finance Director, Brendan Heil, Law Director



PLANNING COMMISSION
Petition for Right-of-Way Vacation

Department of Planning
240 Columbus Ave
Sandusky, Ohio 44870
419.627.5891
www.cityofsandusky.com

Bob Waldock on behalf of BSL Holdings LTD.
Typed or Printed Name of Circulator

PO Box 1489, Sandusky, OH 44871
Typed or Printed address of Circulator

419-626-1979
Phone Number of Circulator

The undersigned owners of lots in the vicinity
Parcels 57-00087.00

Respectfully petition that a portion of said street/alley/right-of-way described as follows:

Alley of east
of Arthur St between Third & Fifth

Be vacated for the reason that it is no longer of use to the public and its vacation will not be detrimental to the general interest.

By signing this petition, we hereby support the proposed vacation and waive our right to public notice. Further, we realize that we shall be responsible for providing a completed petition including a complete legal description and a plat prepared by a professional, suitable for recording, and approved by the County Surveyor.

Name	Address	Date Signed
<u>Robert L Waldock</u>	<u>PO Box 1489 Sandusky</u>	<u>04/04/20</u>
<u>Barbara Hancock</u>	<u>1424 3rd St, Sandusky</u>	<u>05/05/2020</u>
<u>Christopher Hancock</u>	<u>1410 3rd St</u>	<u>09/18/20</u>

(You may attach an additional sheet of paper if the space provided above is not adequate)

Office use only:

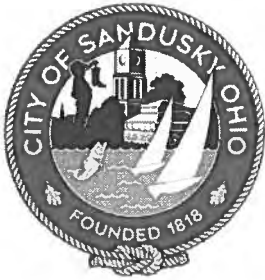
_____ \$500.00 filing fee

_____ Plat as detailed in "Right-of-Way Vacation Procedures", and approved by the County

Surveyor

_____ Legal Description approved by the County Surveyor

_____ Completed form containing required signatures



PLANNING COMMISSION

Application for Approval

Department of Planning
240 Columbus Ave
Sandusky, Ohio 44870
419.627.5891
www.cityofsandusky.com

TYPE OF APPLICATION:

☐ Conditional Use Permit
☐ Flood Plain Variance
☒ Other

☐ Similar Main Use
☐ Front Yard Fence

APPLICANT/AGENT INFORMATION:

Property Owner Name: BSL Holdings Ltd

Property Owner Address: PO Box 1489 Sandusky

Property Owner Telephone: 419-626-1979

Property Owner Email: _____

Authorized Agent Name: Bob Waldock

Authorized Agent Address: PO Box 1489 Sandusky

Authorized Agent Telephone: 419-626-1979

Authorized Agent Email: rl.waldock@cw-realty.com

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 1404-1424 Third Street

Legal Description of Property (check property deed for description):

Parcel Number: 57-00419.000
57-02037.000 Zoning District: _____
57-02039.000, 57-05552.000, 57-05554.000

DETAILED SITE INFORMATION:

Land Area of Property: _____ (sq. ft. or acres)

Total Building Coverage (of each existing building on property):

Building #1: _____ (in sq. ft.)

Building #2: _____

Building #3: _____

Additional: _____

Total Building Coverage (as % of lot area): _____

Gross Floor Area of Building(s) on Property (separate out the square footage of different uses – for example, 800 sq. ft. is retail space and 500 sq. ft. is storage space:

Proposed Building Height (for any new construction): _____

Number of Dwelling Units (if applicable): _____

Number of Off-Street Parking Spaces Provided: _____

Parking Area Coverage (including driveways): _____ (in sq. ft.)

Landscaped Area: _____ (in sq. ft.)

PROPOSED DEVELOPMENT (check those that apply):

- ☐ New Construction (new building(s))
☐ Addition to Existing Building(s)
☐ Change of Use in Existing Building(s)

Description of Proposed Development (Describe in detail your development plans, for example – proposed use, size of building or proposed addition, hours of operation, days of operation, seating capacity, etc.):

There is a 16' alley to the South of all 5 parcels. Since Arthur Street is platted & unimproved and the alley dead ends, we are asking the Commission to consider vacating the alley to the 3 abutting property owners. This will allow two owners to connect "islands" of property (to the south) to parcels of land with frontage on Third Street.

REQUIRED SUBMITTALS:

15 copies of a site plan/off-street parking plan for property

Application Fee:

Similar Main Use: \$100.00

Front Yard Fence: no charge

Conditional Use Permit: \$100.00

Flood Plan Variance: \$100.00

Other: check with staff for fee

APPLICATION MUST BE COMPLETELY FILLED OUT

APPLICATION AUTHORIZATION:

If this application is signed by an agent, authorization in writing from the legal owner is required. Where owner is a corporation, the signature of authorization should be by an officer of the corporation under corporate seal.

Robert L. Walcott 09/30/2020
Signature of Owner or Agent Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

As owner of 1404 Third (municipal street address of property), I hereby authorize Bob Walcott to act on my behalf during the Planning Commission approval process.

BSL Holdings, Ltd. Robert L. Walcott 09/30/2020
Signature of Property Owner member Date

STAFF USE ONLY:

Date Application Accepted: _____ Permit Number: _____

Date of Planning Commission Meeting: _____

Planning Commission File Number: _____

CITY OF SANDUSKY, OHIO
DEPARTMENT OF PLANNING

PLANNING COMMISSION REPORT

PETITION FOR VACATION OF 16.5' ALLEY
LOCATED BEHIND 1404-1424 THIRD STREET
AND PARCELS ON 4TH STREET.

Reference Number: PROWV20-0001

Date of Report: 10-21-2020

Report Author: Greg Voltz, Planner



City of Sandusky, Ohio

Planning Commission Report

BACKGROUND INFORMATION

Bob Waldock, on behalf of BSL Holdings Ltd, has submitted a petition for the vacation of a 16.5' alley located behind 1404-1424 Third Street and parcels on 4th street. The following information is relevant to this application:

Applicant: BSL Holdings Ltd
PO Box 1489
Sandusky, Ohio 44870

Authorized Agent(s): Bob Waldock
PO Box 1489
Sandusky, OH 44870

Site Location: Alley located behind 1404 – 1424 Third Street (57-00419.000, 57-02037.000, 57-02039.000, 57-05552.000, 57-05554.000), and Parcels on 4th Street (57-00087.000, 57-05556.000, 57-02045.000).

Zoning: City right-of-way

Adjacent Zoning
& Uses: North: “CS” – Commercial Service, Residential
South: “CS” – Commercial Service, Vacant Land
East: “GM” – General Manufacturing, Vacant Land
West: “CS” – Commercial Service, Vacant Land

Site Area: Alley – 0.1082 Acre

Existing Use: Undeveloped – City right-of-way

Proposed Use: The proposed vacated area will split between parcels currently owned by BSL Holdings Ltd and adjacent property owners.

The Alley located behind 1404 – 1424 Third Street (57-00419.000, 57-02037.000, 57-02039.000, 57-05552.000, 57-05554.000), and Parcels on 4th Street (57-00087.000, 57-05556.000, 57-02045.000). The parcels adjacent to the right-of-ways are currently zoned as “CS”- Commercial Service and “GM” – General Manufacturing.

The applicant is also requesting a vacation of 4th Street just to the south of parcels 57-00087.000, 57-05556.000, 57-02045.000.

Alley Outlined in Red





Zone Map Setbacks



PUD - Planned Unit Development



Parcels



TRO - Transient Rental Overlay



Zoning

- AG - Agriculture
- CA - Commercial Amusement
- CR - Commercial Recreation
- CS - Commercial Service
- DBD - Downtown Business
- GB - General Business
- GM - General MANufacturing
- LB - Local Business
- LM - Local Manufacturing
- P - Auto Parking

- PF - Public Facilities
- R1-40 - Single Family Residential
- R1-50 - Single Family Residential
- R1-60 - Single Family Residential
- R1-75 - Single Family Residential
- R2F Two-Family Residential
- RB - Roadside Business
- RMF - Multi-Family Residential
- RRB - Residential/Business
- RS - Residential Suburban

PLANNING STAFF COMMENTS

The applicant has worked diligently with staff prior to submitting the application, petition, and supporting documents for this proposed vacation. The applicant believes that this will benefit all adjacent property owners. The alley is currently unimproved and minimally maintained. Staff does not believe the alley holds a long term use, as a short dead end alley, surrounded by commercial and manufacturing zoned parcels.

ENGINEERING STAFF COMMENTS

The City's Engineering staff has not reviewed the proposed alley vacation at time of this report being written.

BUILDING STAFF COMMENTS

The City Building Official has not reviewed the proposed alley vacation at time of this report being written.

POLICE DEPARTMENT COMMENTS

The Police Department has not reviewed the proposed alley vacation at time of this report being written.

FIRE DEPARTMENT COMMENTS

The Fire Department has not reviewed the proposed alley vacation at time of this report being written.

CONCLUSION/RECOMMENDATION

In conclusion, planning staff has no objection to the Sandusky City Planning Commission recommending approval of the requested vacations to the City Commission because vacation of the alley will not adversely impact the adjoining properties and all the adjacent property owners have signed the petition. This right-of-way is no longer of use for the public. With this in mind planning staff recommends that a recommendation of approval to City Commission is granted.

**Planning Commission
October 28, 2020
Meeting Minutes**

Meeting called to order:

Chairman McGory called the meeting to order at 4:34pm. The meeting took place virtually. The following members were present: Jade Castile, Conor Whelan, David Miller, and Mike Zuilhof. Jim Jackson and Mike Meinzer were not present. Greg Voltz and Tom Horsman represented the Planning Department.

Approval of minutes from the September 23, 2020 meeting:

Mr. Miller made a motion to approve the minutes as submitted and Mr. Zuilhof seconded the motion. All voting members present were in favor.

New Business:

1. 407 W. Jefferson and 426 Central Ave:

Mr. McGory stated that the first application on the agenda was submitted by Geoff Palmer, on behalf of Central Catholic Athletic Boosters, for a site plan for a temporary parking area at 407 W. Jefferson and 426 Central Ave. Mr. Voltz explained that a temporary parking area is proposed while funds are raised for a permanent plan. He stated that Planning Staff recommends approval of the proposed temporary site with the following conditions: 1) The approval is for a period of two years, at which time the applicant will need to come back to Planning Commission for another temporary approval, or permanent site plan approval. If long-term use of this site is desired to be parking a rezone to "P" – Auto Parking would be required prior to site plan approval, 2) The applicant properly maintains markings on the temporary surface, 3) Install bicycle parking for students and teachers. Mr. Zuilhof stated that he thinks the commission should make sure that if this is approved that sidewalks are not left in disrepair. Mr. Zuilhof then made a motion to approve the application with the conditions outlined in the staff report as well as a condition to make sure any needed sidewalk repairs are completed in a reasonable amount of time. Mr. Miller seconded the motion. Mr. McGory asked who would be responsible for checking to see if the sidewalks are in good condition or not. Mr. Voltz stated that he could make sure that the Department of Public Works is in discussion with Mr. Palmer regarding the sidewalks.

2. 1512 George St:

Mr. McGory stated that the second application on the agenda was submitted by Roger Boesch, on behalf of XIACHUN LLC, for a site plan for a new addition to the existing building located at 1512 George Street. Mr. Voltz explained that the property is currently used for personal storage. He said that Planning Staff recommends approval of the proposed site plan with the following conditions: 1) All applicable permits are obtained through the Building Department, Engineering Department, and any other applicable departments or agencies, 2) If exterior lighting is added to the plan, the applicant must submit, for staff approval, the lighting plan and fixtures so that they are shielded parallel to the ground and to the neighboring houses and properties. Mr. Miller made a motion to approve the application subject to staff conditions and Mr. Whelan seconded the motion. All voting members were in favor of the motion.

3. 1404-1424 Third St and parcels on Fourth St:

Mr. McGory stated that third on the agenda is a petition submitted by Bob Waldock, on behalf of BSL Holdings Ltd, has for the vacation of a 16.5' alley located behind 1404-1424 Third Street and parcels on 4th Street. Mr. Voltz stated that all neighboring property owners have signed the petition. Per the Ohio Revised Code, the vacated alley would be split down the middle and given to each adjacent property owner. He then said that Planning Staff has no objection and recommends approval to City Commission, contingent on if any buried utilities are discovered easements be granted so utilities can be properly maintained. Mr. Zuilhof made a motion to approve with staff conditions and Mr. Miller seconded. All voting members were in favor.

4. 4th St between parcels 57-00087.000, 57-05556.000, 57-02045.000 to the north and 57-00087.000, 57-05555.000 to the south.

Mr. McGory stated that fourth on the agenda is a petition submitted by Bob Waldock, on behalf of BSL Holdings LTD, for the vacation of Fourth Street located between parcels 57-00087.000, 57-05556.000, 57-02045.000 to the north and 57-00087.000, 57-05555.000 to the south. . Mr. Voltz stated that all neighboring property owners have signed the petition. The vacated alley would be split down the middle and given to each adjacent property owner. Staff recommends that this approval is contingent on all property owners affected combine their parcels so that no land locked parcel is created. This would allow access to the new combined parcels via 3rd Street or a future improved 4th Street. This could also create more developable parcels for future commercial use. Mr. Miller moved to approve the application subject to staff conditions and Ms. Castile seconded the motion. All voting members were in favor of the motion.

Old Business:

1. Discussion regarding zoning near First, Second, and Third Street between Farwell Street and the Cedar Point Dormitories.

Mr. Voltz stated that Planning Staff went out and talked with residents living in that area. Two residents Mr. Voltz spoke with who live on Third St requested no change in zoning. After hearing from residents and talking internally, staff recommend rezoning only parcels shown to Commercial Recreation, which are limited to between First and Second Street. Mr. Voltz stated that in order to give adequate notice to residents, the meeting on these agenda items would need to be in December.

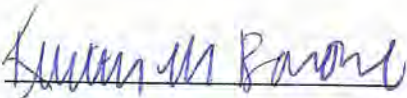
Next Meeting:

November 16th

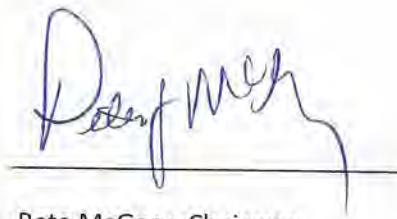
Meeting Adjourned:

Mr. Whelan moved to adjourn and the meeting. All voting members were in favor and the meeting ended at 5:22pm.

Approved:



Kristen Barone, Clerk



Pete McGory, Chairman



Department of Planning

240 Columbus Avenue
Sandusky, OH 44870
Phone: 419.627.5973
Fax: 419.627.5933
www.ci.sandusky.oh.us

October 29, 2020

Planning Commission at the October 28, 2020 meeting recommended approval to the City Commission for the proposed petition for vacation of an alley located behind 1404 – 1424 Third Street (57-00419.000, 57-02037.000, 57-02039.000, 57-05552.000, 57-05554.000), and Parcels on 4th Street (57-00087.000, 57-05556.000, 57-02045.000).

Peter McGory
Planning Commission Chair

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF AN ALLEY LOCATED SOUTH OF 1404-1424 THIRD STREET, WITHIN THE CITY, AS SET FORTH ON THE VACATION PLAT, A COPY OF WHICH IS MARKED EXHIBIT "A-2", ATTACHED TO THIS ORDINANCE AND INCORPORATED HEREIN.

WHEREAS, Section 723.04 of the Ohio Revised Code provides for statutory proceedings to vacate a street, alley, or portion thereof by the legislative authority upon petition by a person owning a lot in the immediate vicinity of the street or alley; and

WHEREAS, the petitioner, Robert Waldock, on behalf of BSL Holdings Ltd., and all abutting property owners are consenting to and signed the Petition for Vacation which dispensed with the notice requirement contained in Section 723.06 of the Ohio Revised Code; and

WHEREAS, the City's Engineering Department, Police Department, Fire Department and Building Department have reviewed the petition for vacation and do not object; and

WHEREAS, the Planning Commission considered this vacation request at its October 28, 2020, meeting and resolved to recommend approval of the requested vacation; and

WHEREAS, pursuant to the requirements of Section 723.04 of the Ohio Revised Code, the City Commission held a public hearing at its December 14, 2020, regularly scheduled meeting to consider the Planning Commission's recommendation for **approval** pursuant to Section 713.02 of the Ohio Revised Code; and

WHEREAS, this City Commission finds that there is good cause for such vacation as prayed for and that such vacation will not be detrimental to the general interest and is conducive to the general interests of the public and the area is no longer needed for any municipal purpose, and that it should be made; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of Municipal Departments of the City of Sandusky, that is vacation be made; NOW, THEREFORE,

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

Section 1. The portion of an alley located south of 1404-1424 Third Street (Parcel Nos. 57-00419.000, 57-02037.000, 57-02039.000, 57-05552.000, and 57-05554.000) and north of Fourth Street (Parcel Nos. 57-00087.000, 57-05556.000, and 57-02045.000), labeled as described on the vacation plat, with a total area of approximately 0.1082 acres of land, more or less, and as more fully described in the legal description and vacation plat marked Exhibits "A-1" and "A-2", attached to this Ordinance and specifically incorporated herein, be and the same are hereby vacated

pursuant to the Ohio Revised Code, Section 723.08 and is a revocation of the acceptance thereof by this City Commission.

Section 2. The said vacation be and hereby is subject to the permanent easements for public utility purposes in such vacated premises as set forth in Section 723.041 of the Ohio Revised Code.

Section 3. The Clerk of the City Commission be instructed to endorse upon the plat, the City Commission action in vacating such portion of the street and to cause said plat to be recorded in the office of the Erie County Recorder and to notify the Auditor of Erie County of such vacation, by sending a copy of this Ordinance.

Section 4. 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 5. 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 6. 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: December 28, 2020 (effective after 30 days)

DESCRIPTION ALLEY VACATION

Situated in part of Frederick Klein's Subdivision of part of Outlot Number 31 and Outlot Number 32 east of Sycamore Line as per plat recorded in Volume 3 Page 27 of the Erie County Records, Ward 2, City of Sandusky, Erie County, Ohio, and being more particularly described as follows;

Commencing at an iron pin found at the northeasterly corner of Lot Number 7 in said Frederick Klein's Subdivision, said point being on the southerly right of way line of Third Street;

Thence North $89^{\circ}-56'-00''$ West, along the northerly line of said Lot Number 7 and the southerly right of way line of Third Street, a distance of 142.80 feet to a point at the northwesterly corner of said Lot Number 7, being the northwesterly corner of a parcel of land now or formerly owned by BSL Holdings LTD. as per deed recorded in RN202006790 of the Erie County Records, said point also being on the easterly right of way line of vacated Arthur Street, being Ordinance No. 87-118 as per deed recorded in Volume 539 Page 214 and Page 215 of the Erie County Records ;

Thence South $00^{\circ}-00'-00''$ West, along the westerly line of said Lot Number 7 and said BSL Holdings LTD. parcel and along the easterly right of way line of said vacated Arthur Street a distance of 132.00 feet to a point at the southwesterly corner of said Lot Number 7, said point being the principal place of beginning for this description;

1. Thence South $89^{\circ}-56'-00''$ East, along the southerly line of said Lot Number 7 and said BSL Holdings LTD. parcel and the southerly line of a parcel of land now or formerly owned by Proactive Home Buyers LLC. as per deed recorded in RN201509332 of the Erie County Records and the southerly line of Lot Number 8 in said Frederick Klein's Subdivision, being the southerly line of a parcel of land now or formerly owned by Robert and Deborah Herold as per deeds recorded in RN201405071, RN200215404 and RN200202057 (Parcels No. 1 and No. 4) of the Erie County Records, a distance of 285.60 feet to a point at the southeasterly corner of said Lot Number 8, said point being on the westerly line of a parcel of land now or formerly owned by BSL Holdings LTD. as per deed recorded in RN200711348 of the Erie County Records;

2. Thence South $00^{\circ}-00'-00''$ West, along the westerly line of said BSL Holdings LTD. parcel, a distance of 16.50 feet to a point at the northeasterly corner of Lot Number 6 in said Frederick Klein's Subdivision, being the northeasterly corner of a parcel of land now or formerly owned by Robert and

Deborah Herold as per deed recorded in RN200202057 (Parcel No. 3) of the Erie County Records;

3. Thence North $89^{\circ}-56'-00''$ West, along the northerly line of said Lot Number 6 and said Herold parcel and the northerly line of Lot Number 5 in said Frederick Klein's Subdivision, being the northerly line of a parcel of land now or formerly owned by BSL Holdings LTD. as per deed recorded in RN201311232 (Parcel No. 2) of the Erie County Records, a distance of 285.60 feet to a point at the northwesterly corner of said Lot Number 5, said point being on the easterly right of way line of said vacated Arthur Street;

4. Thence North $00^{\circ}-00'-00''$ East, along the easterly right of way line of said vacated Arthur Street, a distance of 16.50 feet to the place of beginning and containing 0.1082 acres of land, but subject to all easements and restrictions of record.

In the above description the courses were referred to a meridian assumed for the purpose of indicating angles only.

This description was prepared by David A. Williams, Registered Surveyor No. 7166 and was taken from matters of record and not an actual field survey on September 2, 2020.



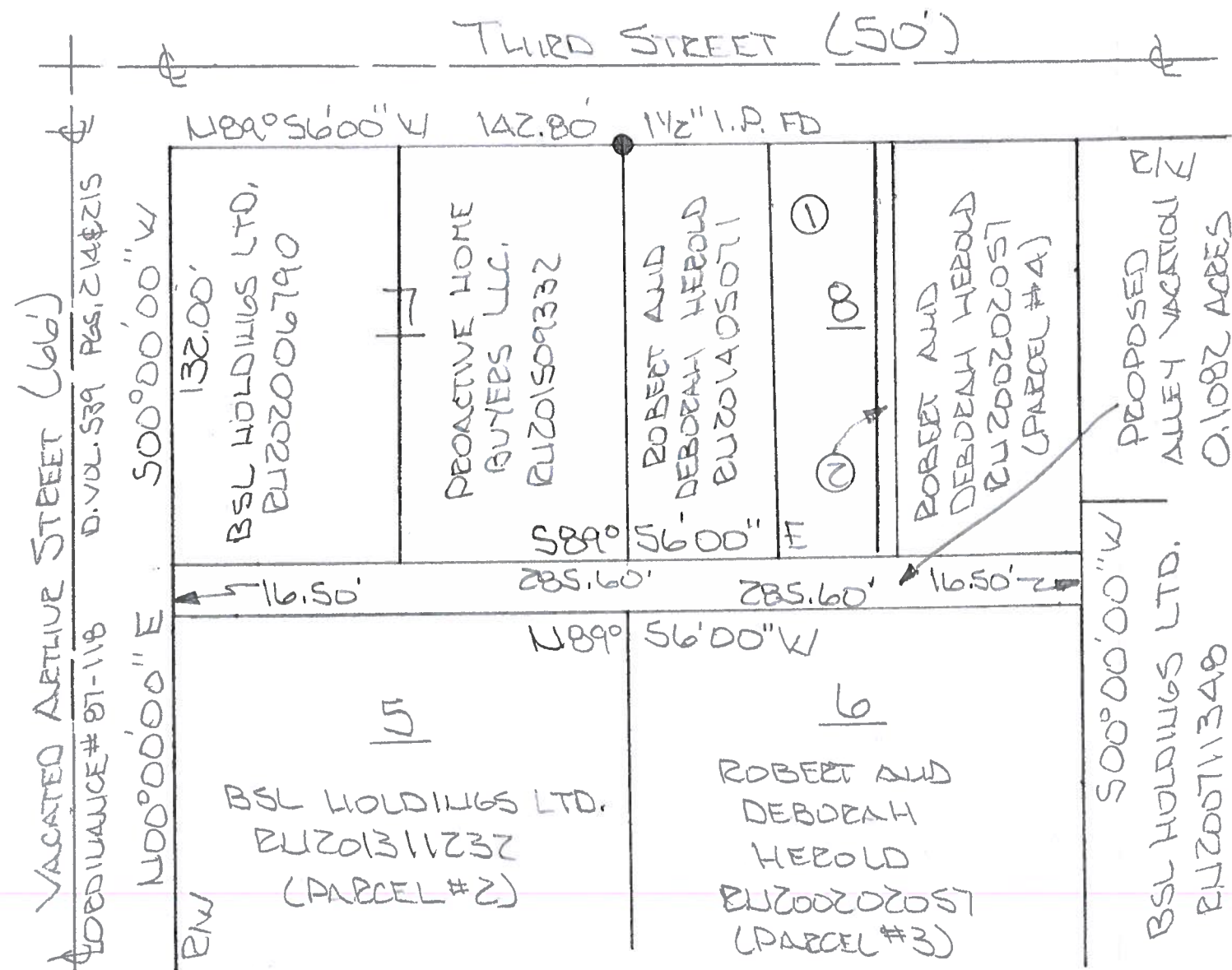
David A. Williams

Registered Surveyor No. 7166

APPROVED as per Erie County Requirements
And Sections 4733-37 thru 4733-37-07 of the Ohio
Administrative Code only. No Field Verifications
for Accuracy made.

Engineer/Surveyor: Erie County Engineer's

Date: 9-03-2020

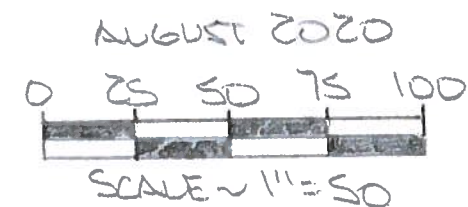


FREDERICK KLEIN'S SUBDIVISION
PLAT VOL. 3 PG. 27

- ① ROBERT AND DEBORAH HEROLD BU200215404
- ② ROBERT AND DEBORAH HEROLD BU200202057 (PARCEL #1)

PLAT

BEING PART OF FREDERICK KLEIN'S
SUBDIVISION OF PART OF OUTLOT
NUMBERS 31 AND 32 EAST OF
SYCAMORE LINE PLAT VOL. 3 PG. 27
SECOND WARD CITY OF SALDUSKY
ERIE COUNTY, OHIO



David A. Williams
DAVID A. WILLIAMS
REG. SURVEYOR #7166

APPROVED as per Erie County Requirements
And Sections 4733-37 thru 4733-37-07 of the Ohio
Administrative Code only, No Field Verifications
for Accuracy made.

Chris D. Farnsworth
Engineer/Surveyor: Erie County Engineer's

Date: 9-03-2020

NOTICE TO LEGISLATIVE
AUTHORITY

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

6620544		NEW	PADDLE AND CLIMB LLC 305 E WATER ST SANDUSKY OH 44879
PERMIT NUMBER		TYPE	
ISSUE DATE			
11 24 2020			
FILING DATE			
D1, D3, D3A			
PERMIT CLASSES			
22	077	B	C83925
TAX DISTRICT		RECEIPT NO.	



FROM 11/27/2020

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



MAILED 11/27/2020

RESPONSES MUST BE POSTMARKED NO LATER THAN. 12/28/2020

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES **B NEW 6620544**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING. ☐

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

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

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF SANDUSKY CITY COUNCIL
240 COLUMBUS AVE
SANDUSKY OHIO 44870

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

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

Searching Instructions

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

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

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

SEARCH CRITERIA

Permit Number

6620544

Permit Name / DBA**Member / Officer Name****Search****Reset****Main Menu**

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 6620544; Name: PADDLE AND CLIMB LLC; DBA: ; Address: 305 E WATER ST SANDUSKY 44879		
RYAN WHALEY	MANAGE MEM	

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McKenzie Spriggs

From: Greg Voltz
Sent: Friday, December 18, 2020 10:10 AM
To: McKenzie Spriggs; Stephen Rucker; Jared Oliver
Cc: John Orzech
Subject: RE: Paddle & Climb liquor license

McKenzie,

This property is zoned "DBD" – Downtown Business District. This is a permitted use within this district.

Thank you,



Greg Voltz | Planner
PLANNING DEPARTMENT
240 Columbus Avenue | Sandusky, OH 44870
T: 419.627.5973 |
www.ci.sandusky.oh.us



From: McKenzie Spriggs <mspriggs@ci.sandusky.oh.us>
Sent: Friday, December 18, 2020 10:07 AM
To: Greg Voltz <gvoltz@ci.sandusky.oh.us>; Stephen Rucker <srucker@ci.sandusky.oh.us>; Jared Oliver <joliver@ci.sandusky.oh.us>
Cc: John Orzech <jorzech@ci.sandusky.oh.us>
Subject: Paddle & Climb liquor license

Hi guys, please see the attached new liquor license transfer to Paddle & Climb, located at 305 E. Water Street. Please let me know if you sign off or have any concerns.

Thank you,

McK



McKenzie Spriggs | Commission Clerk
CITY COMMISSION
240 Columbus Avenue | Sandusky, OH 44870
T: 419.627.5850
www.ci.sandusky.oh.us



McKenzie Spriggs

From: Stephen Rucker
Sent: Friday, December 18, 2020 10:33 AM
To: McKenzie Spriggs; Greg Voltz; Jared Oliver
Cc: John Orzech
Subject: Re: Paddle & Climb liquor license

No issues, thanks

Get [Outlook for iOS](#)

From: McKenzie Spriggs <mspriggs@ci.sandusky.oh.us>
Sent: Friday, December 18, 2020 10:07:07 AM
To: Greg Voltz <gvoltz@ci.sandusky.oh.us>; Stephen Rucker <srucker@ci.sandusky.oh.us>; Jared Oliver <joliver@ci.sandusky.oh.us>
Cc: John Orzech <jorzech@ci.sandusky.oh.us>
Subject: Paddle & Climb liquor license

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Thank you,
McK



McKenzie Spriggs | Commission Clerk
CITY COMMISSION
240 Columbus Avenue | Sandusky, OH 44870
T: 419.627.5850
www.ci.sandusky.oh.us



McKenzie Spriggs

From: Jared Oliver
Sent: Friday, December 18, 2020 10:28 AM
To: McKenzie Spriggs; Greg Voltz; Stephen Rucker
Cc: John Orzech
Subject: RE: Paddle & Climb liquor license

I have no concerns.



Jared Oliver | Chief of Police
SANDUSKY POLICE DEPARTMENT
222 Meigs Street | Sandusky, OH 44870
T: 419.627.5869 | F: 419.627.5862
www.cityofsandusky.com



From: McKenzie Spriggs
Sent: Friday, December 18, 2020 10:07 AM
To: Greg Voltz <gvoltz@ci.sandusky.oh.us>; Stephen Rucker <srucker@ci.sandusky.oh.us>; Jared Oliver <joliver@ci.sandusky.oh.us>
Cc: John Orzech <jorzech@ci.sandusky.oh.us>
Subject: Paddle & Climb liquor license

Hi guys, please see the attached new liquor license transfer to Paddle & Climb, located at 305 E. Water Street. Please let me know if you sign off or have any concerns.

Thank you,
McK

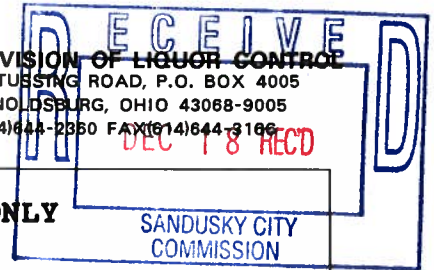


McKenzie Spriggs | Commission Clerk
CITY COMMISSION
240 Columbus Avenue | Sandusky, OH 44870
T: 419.627.5850
www.ci.sandusky.oh.us



**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSTING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2350 FAX (614)644-3100



4975580		N		LAKES ELEVEN LLC	
PERMIT NUMBER		TYPE		211 W WATER ST 1ST FLR ONLY	
ISSUE DATE					
11 04 2019					
FILING DATE					
D2					
PERMIT CLASSES					
22		077		B	
TAX DISTRICT		C54612		RECEIPT NO.	

FROM 12/08/2020

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



MAILED 12/08/2020

RESPONSES MUST BE POSTMARKED NO LATER THAN. 01/08/2021

IMPORTANT NOTICE

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WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **B N 4975580**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING. ☐

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

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

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

**CLERK OF SANDUSKY CITY COUNCIL
240 COLUMBUS AVE
SANDUSKY OHIO 44870**

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SEARCH CRITERIA**Permit Number**

4975580

Permit Name / DBA**Member / Officer Name****Search****Reset****Main Menu**

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 4975580; Name: LAKES ELEVEN LLC; DBA: ; Address: 211 W WATER ST 1ST FLR ONLY SANDUSKY 44870		
KEVIN W BERTSCHI	MANAGE MEM	

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McKenzie Spriggs

From: Greg Voltz
Sent: Monday, December 21, 2020 10:19 AM
To: McKenzie Spriggs; Stephen Rucker; Jared Oliver
Subject: RE: another liquor permit: 211 W. Water St.

McKenzie,

This property is zoned "DBB" Downtown Business. Planning has no issues with this transfer.

Thank you,



Greg Voltz | Planner
PLANNING DEPARTMENT
240 Columbus Avenue | Sandusky, OH 44870
T: 419.627.5973 |
www.ci.sandusky.oh.us



From: McKenzie Spriggs <mspriggs@ci.sandusky.oh.us>
Sent: Monday, December 21, 2020 9:56 AM
To: Greg Voltz <gvoltz@ci.sandusky.oh.us>; Stephen Rucker <srucker@ci.sandusky.oh.us>; Jared Oliver <joliver@ci.sandusky.oh.us>
Subject: another liquor permit: 211 W. Water St.

Hi all,

Please see the attached request for Lakes Eleven LLC located at 211 W. Water Street. Please comment back any concerns or your sign off.



McKenzie Spriggs | Commission Clerk
CITY COMMISSION
240 Columbus Avenue | Sandusky, OH 44870
T: 419.627.5850
www.ci.sandusky.oh.us



McKenzie Spriggs

From: Jared Oliver
Sent: Monday, December 21, 2020 10:12 AM
To: McKenzie Spriggs; Greg Voltz; Stephen Rucker
Subject: RE: another liquor permit: 211 W. Water St.

No issues here.

Jared



Jared Oliver | Chief of Police
SANDUSKY POLICE DEPARTMENT
222 Meigs Street | Sandusky, OH 44870
T: 419.627.5869 | F: 419.627.5862
www.cityofsandusky.com



From: McKenzie Spriggs
Sent: Monday, December 21, 2020 9:56 AM
To: Greg Voltz <gvoltz@ci.sandusky.oh.us>; Stephen Rucker <srucker@ci.sandusky.oh.us>; Jared Oliver <joliver@ci.sandusky.oh.us>
Subject: another liquor permit: 211 W. Water St.

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McKenzie Spriggs

From: Stephen Rucker
Sent: Monday, December 21, 2020 2:22 PM
To: McKenzie Spriggs; Greg Voltz; Jared Oliver
Subject: Re: another liquor permit: 211 W. Water St.

No issues, thanks

Get [Outlook for iOS](#)

From: McKenzie Spriggs <mspriggs@ci.sandusky.oh.us>
Sent: Monday, December 21, 2020 9:55:59 AM
To: Greg Voltz <gvoltz@ci.sandusky.oh.us>; Stephen Rucker <srucker@ci.sandusky.oh.us>; Jared Oliver <joliver@ci.sandusky.oh.us>
Subject: another liquor permit: 211 W. Water St.

Hi all,

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NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSHING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX (614)644-3165



2275362			TRFO	TO
PERMIT NUMBER			TYPE	
02	01	2020		DOT RED, LLC
ISSUE DATE				DBA CIRCLE K 5260
12	11	2020		814 W WASHINGTON ST
FILING DATE				SANDUSKY OHIO 44870
C1 C2				
PERMIT CLASSES				
22	077	B	F24511	
TAX DISTRICT			RECEIPT NO.	

FROM 12/15/2020

54054195260				MACS CONVENIENCE STORES LLC
PERMIT NUMBER			TYPE	
02	01	2020		DBA CIRCLE K 5260
ISSUE DATE				814 W WASHINGTON ST
12	11	2020		SANDUSKY OHIO 44870
FILING DATE				
C1 C2				
PERMIT CLASSES				
22	077			
TAX DISTRICT			RECEIPT NO.	



MAILED 12/15/2020

RESPONSES MUST BE POSTMARKED NO LATER THAN. 01/15/2021

IMPORTANT NOTICE

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

REFER TO THIS NUMBER IN ALL INQUIRIES **B TRFO 2275362**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING. ☐

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

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

(Signature)

(Title) ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF SANDUSKY CITY COUNCIL
240 COLUMBUS AVE
SANDUSKY OHIO 44870

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

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

Searching Instructions

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

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

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

SEARCH CRITERIA**Permit Number**

2275362

Permit Name / DBA**Member / Officer Name****Search****Reset****Main Menu**

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 2275362; Name: DOT RED LLC; DBA: DBA CIRCLE K 5260; Address: 814 W WASHINGTON ST SANDUSKY 44870		
MAYANK PATEL	MANAGE MEM	
SANJEEV PATEL	MANAGE MEM	

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

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

McKenzie Spriggs

From: Greg Voltz
Sent: Tuesday, December 22, 2020 12:12 PM
To: McKenzie Spriggs; Stephen Rucker; Jared Oliver
Subject: RE: Circle K on Washington

Thanks McKenzie,

This site is zoned "GB" General Business and this would be a permitted use. No concerns from Planning.

Thank you,



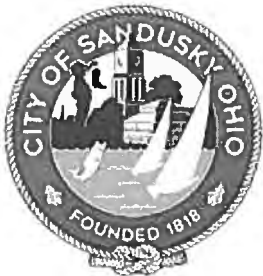
Greg Voltz | Planner
PLANNING DEPARTMENT
240 Columbus Avenue | Sandusky, OH 44870
T: 419.627.5973 |
www.ci.sandusky.oh.us



From: McKenzie Spriggs <mspriggs@ci.sandusky.oh.us>
Sent: Monday, December 21, 2020 4:54 PM
To: Stephen Rucker <srucker@ci.sandusky.oh.us>; Greg Voltz <gvoltz@ci.sandusky.oh.us>; Jared Oliver <joliver@ci.sandusky.oh.us>
Subject: Circle K on Washington

Guys—must be the season for liquor permits... get it in before the end of the year? Idk. Hopefully our last one of 2020. I've also asked some questions to the state, typically they send over more of an explanation.

Please see the attached for Dot Red LLC, doing business as Circle K. They're located at 814 W. Washington St. I believe this one is a transfer in names/ownership. Please let me know if you see any issues.



McKenzie Spriggs | Commission Clerk
CITY COMMISSION
240 Columbus Avenue | Sandusky, OH 44870
T: 419.627.5850
www.ci.sandusky.oh.us



McKenzie Spriggs

From: Jared Oliver
Sent: Tuesday, December 22, 2020 11:56 AM
To: McKenzie Spriggs; Stephen Rucker; Greg Voltz
Subject: RE: Circle K on Washington

Sorry – forgot to reply. No issues here.



Jared Oliver | Chief of Police
SANDUSKY POLICE DEPARTMENT
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McKenzie Spriggs

From: Stephen Rucker
Sent: Monday, December 21, 2020 4:56 PM
To: McKenzie Spriggs; Greg Voltz; Jared Oliver
Subject: Re: Circle K on Washington

No issues, thanks

Get [Outlook for iOS](#)

From: McKenzie Spriggs <mspriggs@ci.sandusky.oh.us>
Sent: Monday, December 21, 2020 4:53:53 PM
To: Stephen Rucker <srucker@ci.sandusky.oh.us>; Greg Voltz <gvoltz@ci.sandusky.oh.us>; Jared Oliver <joliver@ci.sandusky.oh.us>
Subject: Circle K on Washington

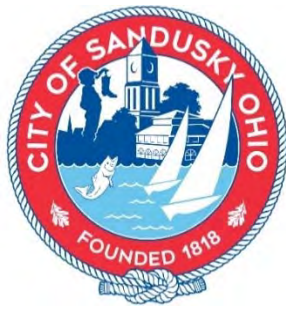
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DEPARTMENT OF PUBLIC WORKS

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

To: Eric Wobser, City Manager

From: Joshua R. Snyder, P.E., Assistant City Engineer

Date: December 10, 2020

Subject: **Commission Agenda Item – Updating sections of ordinances 933 and 939**

ITEM FOR CONSIDERATION: Legislation approving updates to the Water and Sewer fee schedules from the Codified Ordinance Chapters 933 and 939.

BACKGROUND INFORMATION: The 1996 fees for water taps and 1980 fees for sewer connection charges are outdated and unfairly weighted against larger connections. For background reference, the labor involved by City staff is included in both fees, which includes various extents of time and efforts. Additionally, in the cases of larger service line connections or “taps”, there are drawings to review. There could be several departments and staff members involved in this process. The current fees are set in ordinance format. Keep in mind these changes **ARE NOT** rate changes to residential accounts and are effectively applied to private land developers, re-developers, sewage haulers and industries.

Public Works Department Recommendations:

Water Connection Fees:

As a standard, the City **does** purchase and then provide (sells) the meter unit, which is the single largest cost factored into this price. The City labor expended on these connections would be in the plan reviews, utility location markings and visual inspection of the connections and subsequent restoration of any public right of way, if the contractor fails to do so. Additionally, the City Water Department makes this connection/tap to the main line for each customer desiring such, so there is much more labor incurred by staff in the instance of a water tap. The proposed rates for Chapters 939.03, 939.04 are based on an average cost of the 8 regionally and demographically comparable areas listed on the attachment. Additionally, an annual 3 percent increase would be prudent to pay for increased labor costs and inflation of the costs of a meter, as those are constantly increasing also. In general, the proposed pricing is increased for the smaller service lines and reduced for the larger lines. It could be said that the decrease in fees for larger service lines is a sort of incentive for economic development appealing to larger water consumers. Industrial and process uses tend to be typical larger water users. In the example of a 6” service line (possible fire suppression line), the tap fee proposed is to be decreased by over \$10,000.

Sewer Connection Fees:

As a standard, the City **does not** provide the fittings OR installation labor for this connection fee. The City labor expended on these connections would only be for the plan reviews, utility location markings, visual inspection of the connections and subsequent restoration of any

public right of way, if the contractor fails to do so. Because of these facts, the fees for sewer taps are a fraction of the water taps. The proposed fees for Chapter 933.15 are grouped into only a handful of cost ranges, as the sewer diameter is not directly related to the water service line and does not necessarily require more inspection work as the size increases. There may be more plan review and more cursory work related to existing utilities for the larger lines, making justification for slight increases in the fees as sewer tap sizes increase. The other way many communities charge for sewer taps is basing it off of the desired sewer tap diameter. Using this methodology would also be a more equitable way to assess fees for connection, than the current method. However, we are not proposing that at this time.

Storm Sewer Rates:

Chapter 933.25 addresses storm water charges that shall be applied to each sewer account, which is how it has been billed since the storm utility was implemented in 2015. The original plan was to develop a measuring tool based in impervious surface on each parcel called the *Equivalent Residential Unit (ERU)*, and then begin billing at that revised rate on January 1, 2021. Staff is not prepared at this time to make this recommendation as it would increase storm sewer costs to many property owners, and therefore would like to continue billing as per the current language of per property, not per ERU.

High Strength Surcharges:

Section 933.27, last updated in 2015, the current fees do not reflect the recent findings and science to address the algal-causing fertilizers and pesticides commonly used by agricultural uses. The new fees reflect updated fees for Biological Oxygen Demand (BOD) and suspended solids (SS) and even greater increases for phosphorus, a chemical commonly used as a fertilizer and often linked to algal blooms in Lake Erie. These increased loading restrictions are included in the City's five-year National Pollution Discharge Elimination System (NPDES) permit received in 2020.

Miscellaneous Charges:

Section 933.28, last updated in 2015 also primarily deals with private sewer haulers who are commonly known for bringing super-concentrated loads of sewage into the plant from rural septic systems outside City limits. The recommended changes made to this ordinance subtly increases rates by 5% for 2021, rather than the 3% currently stated. Going forward, these charges will increase 3% annually for the increased cost of chemical treatment and labor also. Additionally, the update memorializes how haulers shall be charged, taking out "the honor system" of load sizes being brought in and ultimately treated by our plant. The current procedure is to ask the driver how much material they are dumping and then billing for that amount. If that driver claims their tank is half-full, we have no mechanism by which to confirm. Staff investigated the option of installing a flow metering skid to rectify this but decided to go a different route when costs began exceeding \$100,000. The new set-up will be to simply bill the maximum amount of the truck capacity. This will eliminate the real possibility that the residents within the City are subsidizing those folks outside the City that aren't connected to the sewer system in any way.

Finance Department Recommendations:

Nonreceipt of Bill:

Section 939.17, we are simply omitting the phrase, "to the owner of consumer." The section reiterates the fact that failure to receive a utility bill in the mail, does not relieve any person from the obligation of payment. Effective January 1, 2021, water bills will only be provided to the property owners.

BUDGETARY INFORMATION: There are no fees associated with making these administrative changes. The updated rates were calculated based on actual time and materials to complete the work by City staff. They were then compared to other cities to ensure Sandusky stays competitive and fair with other cities that have updated their same fees more frequently. Furthermore, the updated fees are to eliminate the fact that the City's utilities, in turn protecting the residents who have been subsidizing a portion of the private developers and private haulers due to the age of the ordinance.

ACTION REQUESTED: It is recommended that proper legislation be prepared to fairly pay for the related labor, equipment, equipment maintenance, fuel and materials associated with each of these items and incurred by City Departments as fees, be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter to allow the new fees and rates, in particular the storm water rate, to take effect prior to the 2021 calendar year since there is no mechanism to bill as per the current language.

I concur with this recommendation:

Eric Wobser
City Manager

Aaron Klein, PE
Director, City Engineer

cc: M. Spriggs, Commission Clerk; M. Reeder, Finance Director; B. Heil, Law Director

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART NINE (STREETS, UTILITIES, AND PUBLIC SERVICES CODE), TITLE THREE (UTILITIES), CHAPTER 933 (SEWER REGULATIONS AND RATES) SECTION 933.07 (DEFINITIONS), SECTION 933.15 (COMPUTATION OF CONNECTION CHARGES), SECTION 933.17 (BUILDING SEWER AND SEWER CONNECTIONS), SECTION 933.25 (RATES), SECTION 933.27 (HIGH STRENGTH SURCHARGES), AND SECTION 933.28 (MISCELLANEOUS CHARGES) OF THE CODIFIED ORDINANCES OF THE CITY OF SANDUSKY IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City's 1996 fees for water taps and 1980 fees for sewer connection charges are outdated and unfairly weighted against larger connections and these proposed amendments to Chapter 933 will update the sewer connection fees, storm water rates, high strength surcharges, and miscellaneous fees that will only effect private land developers, re-developers, sewage haulers and industries; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to allow the new fees and rates, in particular the storm water rate, to take effect January 1, 2021, as there is no mechanism to bill in the current language; 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:

NEW LANGUAGE APPEARS IN BOLD PRINT

LANGUAGE TO BE STRICKEN APPEARS WITH A STRIKE THROUGH IT

LANGUAGE TO REMAIN UNCHANGED APPEARS IN REGULAR PRINT

Section 1. Part Nine (Streets, Utilities, And Public Services Code), Title Three (Utilities), Chapter 933 (Sewer Regulations and Rates), Section 933.07 (Definitions) be amended by the deletion of one (1) definition and the addition of two (2) definitions as follows and the subsequent alphabetizing and renumbering:

DELETE

~~"Equivalent Residential Unit (ERU)" means the statistical average horizontal impervious area of "residential units" (single family, mobile homes, multifamily, condominiums, etc., within the City). The horizontal impervious area includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways and sidewalks. The ERU shall be established by the City of Sandusky prior to January 1, 2017.~~

ADD

“Chief Foreman” means the Chief Foreman of the City POTW.

“POTW” means Publicly Owned Treatment Works.

Section 2. Part Nine (Streets, Utilities, And Public Services Code), Title Three (Utilities), Chapter 933 (Sewer Regulations and Rates), Section 933.15 (Computation Of Connection Charges), Section 933.17 (Building Sewer And Sewer Connections), Section 933.25 (Rates), Section 933.27 (High Strength Surcharges), and Section 933.28 (Miscellaneous Charges) of the Codified Ordinances of the City are hereby amended as follows:

933.15 COMPUTATION OF CONNECTION CHARGES.

(a) Connection charges shall be computed as follows in Fee Schedule “B”, which is also included in duplicate in Section 939.03 (Setting Tap Charges):

City of Sandusky									
Engineering Permit - Fee Schedule B.									
CONNECTION CHARGES									
Water Meter Size	Equivalent Size	Water Connection		Size Tap	Tap Fee	Total Water Fees	Sewer Connection	Total Fees	
5/8"	1	\$1,044.10		3/4"	\$765.52	\$1,809.62	\$255.00	\$2,064.62	
5/8"	1	\$1,044.10		1"	\$838.71	\$1,882.81	\$255.00	\$2,137.81	
3/4"	2	\$1,143.83		3/4"	\$765.52	\$1,909.35	\$357.00	\$2,266.35	
3/4"	2	\$1,143.83		1"	\$838.71	\$1,982.53	\$357.00	\$2,339.53	
1"	3	\$1,345.36		1"	\$838.71	\$2,184.06	\$561.00	\$2,745.06	
1"	3	\$1,345.36		1 1/2"	\$1,957.15	\$3,302.51	\$561.00	\$3,863.51	
1 1/2"	4	\$6,648.40		1 1/2"	\$1,957.15	\$8,605.55	\$1,020.00	\$9,625.55	
2"	5	\$7,439.37		2"	\$2,144.49	\$9,583.86	\$1,020.00	\$10,603.86	
3"	6	\$3,472.08		3"	\$503.27	\$3,975.35	\$1,020.00	\$4,995.35	
4"	7	\$3,571.77		4"	\$625.67	\$4,197.44	\$1,020.00	\$5,217.44	
6"	8	\$6,762.28		6"	\$625.67	\$7,387.95	\$1,530.00	\$8,917.95	
8"	9	\$11,628.11		8"	\$834.77	\$12,462.88	\$1,530.00	\$13,992.88	
10"	10	\$15,014.40		10"	\$834.77	\$15,849.17	\$1,530.00	\$17,379.17	
12"	11	\$16,422.00		12"	\$834.77	\$17,256.77	\$2,040.00	\$19,296.77	
Water Only Meters									
Water Meter Size	Equivalent Size	Meter Fee	Double Yoke	W4 Hood & Tile	Total*				
5/8"	1	\$168.35	\$367.42	\$322.68	\$858.45				
3/4"	2	\$189.14	\$397.71	\$372.71	\$959.55				
1"	3	\$247.98	\$574.69	\$372.71	\$1,195.38				
1 1/2"	4	\$1,622.12			\$1,622.12				
Notice: All connections will require Plumbing Permits and Excavation permits. Plumbing permit cost varies and may be obtained by a Registered contractor or Homeowners occupying their own structure. Excavation permit costs are \$85.00 per trench and may be obtained by a Licensed Excavator only.									
FLOW RATES									
Meter size		GPM		Sewer Deduct Meter (Sprinkler/Pool Filling)					
5/8"		25		Residential - Cost of the Meter					
3/4"		35		Plumbing Permit \$64.00 + 1%BBS Fee= \$64.64					
1"		55		Commercial- Cost of the Meter					
1 1/2"	compound	100		Plumbing Permit \$100 + 3%BBS Fee= \$103.00					
1 1/2"	compound	200							
2"		160							
2"	compound	200							
3"	compound	500							
4"	compound	1000							
6"	compound	2000		Account #'s					
3"	turbo	650		Water Tap	612-0000-45271				
4"	turbo	1250		Water Meter	612-0000-45270				
6"	turbo	2500		Sewer Conne	613-0000-45070				
8"	turbo	3500							
10"	turbo	5500							
16"	turbo	10000							

Connection charges shall be increased by three percent (3%) each subsequent calendar year starting on January 1 2022. Thereafter, this annual Connection Charge increase shall take effect on the first of January each successive year. The City Engineer shall update the rates charged annually to reflect this increase. A current version of the rates charged will be on file in the office of the City Engineer.

<u>Size of Water Meter Serving the Premises (inches)</u>	<u>Equivalent 5/8" Water Meter Size</u>	<u>Charge</u>
5/8	1.0	\$ 202
3/4	1.5	303
1	2.5	505
1 1/2	5	1010
2	8	1616
3	15	3030
4	25	5050
6	50	10,100
8	80	16,160
10	120	24,240
12	215	43,430
Flumes		
3	76.5	15,453
6	272	54,944
9	613	123,826
12	1,120	226,240

~~(b) For water meters not listed above, the charge shall be computed as follows:~~

Water Meter Capacity
in GPM
20 GPM
(1980 Code 50.18.1)

×

~~The Connection Charge~~
~~for a 5/8 Inch Water Meter~~

933.17 BUILDING SEWER AND SEWER CONNECTIONS.

- (a) (1) A separate and independent building sewer shall be provided for every building; except where one nonresidential building stands at the rear of another nonresidential building on an interior lot and no private sewer is available nor can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer; but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- (2) A single connection to the public system may be provided for several nonresidential building sewers collected by a privately owned interceptor. All provisions of this chapter shall apply to the privately owned

interceptor.

(b) Old building sewers may be used in connection with new buildings only when they are found, on examination and test satisfactory to the City Engineer, to meet all requirements of this chapter and any other pertinent ordinance, law, or regulation.

(c) Abandoned sewers or openings shall be plugged to prevent dirt or fill material from entering the sewer system.

(d) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

(e) No connection or lateral extending to private property from a public sewer or drain shall be constructed except in accordance with specifications adopted or approved by the City Engineer.

(f) All connections, tapings, or openings shall be made under the supervision of the City Engineer. The applicant for the permit shall notify the City Engineer when the connections are ready for inspection.

(g) At least ~~24~~ **48** hours notice must be given to the City Engineer before any streets or public right of way can be opened for the purpose of laying a private sewer or drain, and the work may not proceed until approval of the City Engineer is obtained.

(h) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. All refilling of the excavation made for the connection shall be under the supervision of the City Engineer.

(i) Whenever a building is demolished thus terminating sewage flow from the location, all building connections to the sewer system shall be plugged at the tapping or opening into the **public sewer main**, unless the building sewer is found to meet requirements of this chapter and any other pertinent ordinances, laws, or regulations; in which case the plug shall be at the property line. The plugging shall be made under the supervision of the City Engineer. The owner of the building shall notify the City Engineer as to when the plugging shall occur.

~~(1980 Code 50.19)~~

933.25 RATES.

Each user connected to the City system shall pay charges **as prescribed in this section** ~~equal to the sum of subsections (a) and (b) hereof~~ according to the size of the water meter ~~in subsection (a) hereof~~ and **the** quantity of wastewater ~~in subsection (b) hereof~~.

MONTHLY

(a) Meter charge - (minimum) inside City users only: includes 100 cubic feet of use monthly:

Step 1: Effective April 1, 2015

Meter size	Capital Charge	Billing Charge	Commodity Charge	Monthly Charge
-	\$/Month	\$/Month	\$/Month	\$/Month
5/8"	2.57	1.22	4.96	8.75
3/4"	3.86	1.22	4.96	10.04
1'	6.43	1.22	4.96	12.61
1-1/2"	12.85	1.22	4.96	19.03
2"	20.56	1.22	4.96	26.74
3"	38.55	1.22	4.96	44.73
4"	64.25	1.22	4.96	70.43
6"	128.50	1.22	4.96	134.68
8"	205.60	1.22	4.96	211.78
10"	295.55	1.22	4.96	301.73
12"	552.55	1.22	4.96	558.73

Gravity Flume	Capital Charge	Billing Charge	Commodity Charge	Monthly Charge
-	\$/Month	\$/Month	\$/Month	\$/Month
3"	192.75	1.22	4.96	198.93
6"	706.75	1.22	4.96	712.93
9"	1,580.55	1.22	4.96	1,586.73
12"	2,878.40	1.22	4.96	2,884.58

All over 100 cubic feet shall pay the commodity charge above, per 100 cubic feet.

The Storm Water charge will be \$3.00 per property.

Step 2: Effective January 1, 2016

Meter size	Capital Charge	Billing Charge	Commodity Charge	Monthly Charge
-	\$/Month	\$/Month	\$/Month	\$/Month
5/8"	3.48	1.26	6.20	10.94
3/4"	5.22	1.26	6.20	12.68
1'	8.70	1.26	6.20	16.16
1-1/2"	17.40	1.26	6.20	24.86
2"	27.84	1.26	6.20	35.30
3"	52.20	1.26	6.20	59.66
4"	87.00	1.26	6.20	94.46
6"	174.00	1.26	6.20	181.46
8"	278.40	1.26	6.20	285.86
10"	400.20	1.26	6.20	407.66
12"	748.20	1.26	6.20	755.66

Gravity Flume	Capital Charge	Billing Charge	Commodity Charge	Monthly Charge
-	\$/Month	\$/Month	\$/Month	\$/Month
3"	261.00	1.26	6.20	268.46
6"	957.00	1.26	6.20	964.46
9"	2,140.20	1.26	6.20	2,147.66
12"	3,897.60	1.26	6.20	3,905.06

All over 100 cubic feet shall pay the commodity charge above, per 100 cubic feet.

The Storm Water charge will be \$3.00 per property.

Step 3: Effective January 1, 2017

Meter size	Capital Charge	Billing Charge	Commodity Charge	Monthly Charge
-	\$/Month	\$/Month	\$/Month	\$/Month
5/8"	4.62	1.30	7.75	13.67
3/4"	6.93	1.30	7.75	15.98
1'	11.55	1.30	7.75	20.60
1 1/2"	23.10	1.30	7.75	32.15
2"	36.96	1.30	7.75	46.01
3"	69.30	1.30	7.75	78.35
4"	115.50	1.30	7.75	124.55
6"	231.00	1.30	7.75	240.05
8"	369.60	1.30	7.75	378.65
10"	531.30	1.30	7.75	540.35
12"	993.30	1.30	7.75	1,002.35

Gravity Flume	Capital Charge	Billing Charge	Commodity Charge	Monthly Charge
-	\$/Month	\$/Month	\$/Month	\$/Month
3"	346.50	1.30	7.75	355.55
6"	1,270.50	1.30	7.75	1,279.55
9"	2,841.30	1.30	7.75	2,850.35
12"	5,174.40	1.30	7.75	5,183.45

All over 100 cubic feet shall pay the commodity charge above, per 100 cubic feet.

The Storm Water charge will be \$3.00 per property.

Step 4: Effective January 1, 2018

Meter size	Capital Charge	Billing Charge	Commodity Charge	Monthly Charge
-	\$/Month	\$/Month	\$/Month	\$/Month
5/8"	4.88	1.34	8.14	14.36
3/4"	7.32	1.34	8.14	16.80
1'	12.20	1.34	8.14	21.68
1 1/2"	24.40	1.34	8.14	33.88
2"	39.04	1.34	8.14	48.52
3"	73.20	1.34	8.14	82.68
4"	122.00	1.34	8.14	131.48
6"	244.00	1.34	8.14	253.48

8"	390.40	1.34	8.14	399.88
10"	561.20	1.34	8.14	570.68
12"	1,049.20	1.34	8.14	1,058.68

Gravity Flume	Capital Charge	Billing Charge	Commodity Charge	Monthly Charge
-	\$/Month	\$/Month	\$/Month	\$/Month
3"	366.00	1.34	8.14	375.48
6"	1,342.00	1.34	8.14	1,351.48
9"	3,001.20	1.34	8.14	3,010.68
12"	5,465.60	1.34	8.14	5,475.08

All over 100 cubic feet shall pay the commodity charge above, per 100 cubic feet.

The Storm Water charge will be \$3.00 per property.

Step 5: Effective January 1, 2019

Meter size	Capital Charge	Billing Charge	Commodity Charge	Monthly Charge
-	\$/Month	\$/Month	\$/Month	\$/Month
5/8"	5.02	1.38	8.39	14.79
3/4"	7.53	1.38	8.39	17.30
1'	12.55	1.38	8.39	22.32
1-1/2"	25.10	1.38	8.39	34.87
2"	40.16	1.38	8.39	49.93
3"	75.30	1.38	8.39	85.07
4"	125.50	1.38	8.39	135.27
6"	251.00	1.38	8.39	260.77
8"	401.60	1.38	8.39	411.37
10"	577.30	1.38	8.39	587.07
12"	1,079.30	1.38	8.39	1,089.07

Gravity Flume	Capital Charge	Billing Charge	Commodity Charge	Monthly Charge
-	\$/Month	\$/Month	\$/Month	\$/Month
3"	376.50	1.38	8.39	386.27
6"	1,380.50	1.38	8.39	1,390.27
9"	3,087.30	1.38	8.39	3,097.07
12"	5,622.40	1.38	8.39	5,632.17

All over 100 cubic feet shall pay the commodity charge above, per 100 cubic feet.

The Storm Water charge will be \$3.00 per property.

Step 6: Effective January 1, 2020

Meter size	Capital Charge	Billing Charge	Commodity Charge	Monthly Charge
-	\$/Month	\$/Month	\$/Month	\$/Month
5/8"	5.17	1.42	8.64	15.23
3/4"	7.76	1.42	8.64	17.82
1'	12.93	1.42	8.64	22.99
1-1/2"	25.85	1.42	8.64	35.91

2"	41.36	1.42	8.64	51.42
3"	77.55	1.42	8.64	87.61
4"	129.25	1.42	8.64	139.31
6"	258.50	1.42	8.64	268.56
8"	413.60	1.42	8.64	423.66
10"	594.55	1.42	8.64	604.61
12"	1,111.55	1.42	8.64	1,121.61

Gravity Flume	Capital Charge	Billing Charge	Commodity Charge	Monthly Charge
-	\$/Month	\$/Month	\$/Month	\$/Month
3"	387.75	1.42	8.64	397.81
6"	1,421.75	1.42	8.64	1,431.81
9"	3,179.55	1.42	8.64	3,189.61
12"	5,790.40	1.42	8.64	5,800.46

All over 100 cubic feet shall pay the commodity charge above, per 100 cubic feet.
The Storm Water charge will be \$3.00 per property.

Step 7- Effective January 1, 2021

Meter size	Capital Charge	Billing Charge	Commodity Charge	Monthly Charge
	\$/Month	\$/Month	\$/Month	\$/Month
5/8"	5.33	1.46	8.90	15.69
3/4"	8.00	1.46	8.90	18.36
1'	13.33	1.46	8.90	23.69
1-1/2"	26.65	1.46	8.90	37.01
2"	42.64	1.46	8.90	53.00
3"	79.95	1.46	8.90	90.31
4"	133.25	1.46	8.90	143.61
6"	266.50	1.46	8.90	276.86
8"	426.40	1.46	8.90	436.76
10"	612.95	1.46	8.90	623.31
12"	1,145.95	1.46	8.90	1,156.31

Gravity Flume	Capital Charge	Billing Charge	Commodity Charge	Monthly Charge
-	\$/Month	\$/Month	\$/Month	\$/Month
3"	399.75	1.46	8.90	410.11
6"	1,465.75	1.46	8.90	1,476.11
9"	3,277.95	1.46	8.90	3,288.31
12"	5,969.60	1.46	8.90	5,979.96

All over 100 cubic feet shall pay the commodity charge above, per 100 cubic feet.
The Storm Water charge will be \$4.00 per Equivalent Residential Unit property.
(Ord. 17-215. Passed 11-27-17.)

933.27 HIGH STRENGTH SURCHARGES.

(a) In addition to the minimum charges and the commodity charge provided for in this chapter, any non-significant industrial user discharging wastewater containing B.O.D. in excess of 250 mg/l, suspended solids in excess of 300 mg/l, or phosphorous in excess of 12 mg/l shall pay additional charges as follows:

- (1) B.O.D. ~~\$50.00~~ **\$55.00** per 100 pounds of excess over 250 mg/l
- (2) SS ~~\$45.00~~ **\$50.00** per 100 pounds of excess over 300 mg/l
- (3) Phosphorous ~~\$250.00~~ **\$300.00** per 100 pounds of excess over 12 mg/l

(b) Significant Industrial Users (SIUs) will have site specific Conventional Loading Rates, assigned by the City Engineer, and/or duly authorized employee of the City. These Loading Rates will be kept on file, and reviewed yearly. The City Engineer, and/or duly authorized employee of the City has the authority to make changes to these Loading rates if there is an increase in the SIUs production and/or discharge rate, an increase in Industrial Growth, or any situation that would create an increase in the industrial loading to the point where it will affect the efficiency of the City’s Wastewater Treatment Plant

Significant Industrial User Limits will be site specific and will be maintained by the Superintendent.
(~~Ord. 15-140. Passed 10-13-15.~~)

933.28 MISCELLANEOUS CHARGES.

In addition to the above charges, each user shall pay the charges for miscellaneous service as determined by the City Manager and approved by the City Commission. The charges may be revised by the City Manager whenever in his opinion it is deemed appropriate. The City Engineer shall devise and procure the appropriate billing forms for such miscellaneous charges. **Sewer haulers will be charged as if every load dumped is full, equal to the entire capacity of the tank.**

	Step 1: Effective April 1, 2015	Step 2: Effective January 1, 2016	Step 3: Effective January 1, 2017	Step 4: Effective January 1, 2018
Gallons	Charge			
1-1,000	\$54.85	\$68.56	\$85.70	\$89.99
1,001-2,000	\$82.26	\$102.83	\$128.54	\$134.96
2,001-3,000	\$109.69	\$137.11	\$171.39	\$179.96
3,001-4,000	\$137.11	\$171.39	\$214.24	\$224.95
4,001-5,000	\$164.54	\$205.67	\$257.09	\$269.94
5,001 or more	\$219.38	\$274.22	\$342.77	\$359.91

	Step 5: Effective January 1, 2019	Step 6: Effective January 1, 2020	Step 7: Effective January 1, 2021
Gallons	Charge		
1 -1,000	\$92.69	\$95.47	\$98.33 \$100.24
1,001 - 2,000	\$139.01	\$143.18	\$147.48 \$150.34
2,001 - 3,000	\$185.35	\$190.92	\$196.64 \$200.47
3,001 - 4,000	\$231.70	\$238.65	\$245.81 \$200.58
4,001 - 5,000	\$278.04	\$286.38	\$294.98 \$300.70
5,001 or more	\$370.71	\$381.83	\$393.29 \$400.92

The rates that sewer haulers will be charged shall increase three percent (3%) each subsequent calendar year starting on January 1 2022. Thereafter, this annual rate increase shall take effect on the first of January each successive year. The City Engineer shall update the rates charged to sewer haulers annually to reflect this increase. A current version of the rates charged to sewer haulers will be on file in the office of the City Engineer.

~~{Ord. 15-021. Passed 2-9-15.}~~

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: December 28, 2020

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART NINE (STREETS, UTILITIES, AND PUBLIC SERVICES CODE), TITLE THREE (UTILITIES), CHAPTER 939 (WATER REGULATIONS AND RATES), SECTION 939.01 (SERVICE INSTALLATION; CONNECTIONS TO WATER MAINS OR DISTRIBUTION PIPES), SECTION 939.03 (SETTING TAP CHARGES), SECTION 939.04 (SETTING CONNECTION CHARGES), SECTION 939.05 (PRIVATE SERVICE LINES IN SAME TRENCH WITH PRIVATE SEWERS), 939.06 (NEW SERVICE LINES EQUIPPED WITH WATER METER), 939.17 (NONRECEIPT OF BILL) OF THE CODIFIED ORDINANCES OF THE CITY OF SANDUSKY IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City's 1996 fees for water taps and 1980 fees for sewer connection charges are outdated and unfairly weighted against larger connections and these proposed amendments to Chapter 939 will increase fees for smaller service lines and reduced fees for larger lines that will only effect private land developers and re-developers; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to allow the new fees and rates to take effect January 1, 2021; 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:

NEW LANGUAGE APPEARS IN BOLD PRINT

LANGUAGE TO BE STRICKEN APPEARS WITH A STRIKE THROUGH IT

LANGUAGE TO REMAIN UNCHANGED APPEARS IN REGULAR PRINT

Section 1. Part Nine (Streets, Utilities, And Public Services Code), Title Three (Utilities), Chapter 939 (Water Regulations and Rates), Section 933.01 (Service Installation; Connections to Water Mains or Distribution Pipes), Section 939.03 (Setting Tap Charges), Section 933.04 (Setting Connection Charges), Section 939.05 (Private Service Lines in Same Trench With Private Sewers), 939.06 (New Service Lines Equipped With Water Meter), 939.17 (Nonreceipt of Bill) of the Codified Ordinances of the City of Sandusky are hereby amended as follows:

939.01 SERVICE INSTALLATION; CONNECTIONS TO WATER MAINS OR

DISTRIBUTION PIPES.

All applications for installation of services for water must be made at the Customer Accounting office in ~~the Sandusky City Hall Building~~. No person except an authorized employee of the **Department of Public Works**, Divisions of ~~Filtration and Water~~ Distribution will be permitted to make any connection to the water mains or distribution pipes of the Divisions of ~~Filtration and Water~~ Distribution.

~~(1980 Code 51.01)~~

939.03 SETTING TAP CHARGES.

(a) All physical taps into City-owned main lines will be made by ~~City Water Staff~~ authorized employees of the Department of Public Works, Division of Water Distribution. Tap charges include labor, equipment maintenance, saddle and valve, except for taps equal to or greater than 3". In these cases, materials (saddles and valves) are the responsibility of the property owner.

(ab) Water service pipes between the main and the stopcock at the curb and from the stopcock at the curb and to the meter shall be laid at not less than 4 feet below the surface of the street and the material used for the service pipes must be Type K Copper or other material approved by the City Engineer.

(1) At the time that a service pipe is constructed or installed, except to replace one that is no longer serviceable, a tap charge shall be made to the owner of the property to be served according to the following **Fee Schedule "B", which is also included in duplicate in Section 933.15 (Computation of Connection Charges):**

City of Sandusky								
Engineering Permit - Fee Schedule B.								
CONNECTION CHARGES								
Water Meter Size	Equivalent Size	Water Connection		Size Tap	Tap Fee	Total Water Fees	Sewer Connection	Total Fees
5/8"	1	\$1,044.10		3/4"	\$765.52	\$1,809.62	\$255.00	\$2,064.62
5/8"	1	\$1,044.10		1"	\$838.71	\$1,882.81	\$255.00	\$2,137.81
3/4"	2	\$1,143.83		3/4"	\$765.52	\$1,909.35	\$357.00	\$2,266.35
3/4"	2	\$1,143.83		1"	\$838.71	\$1,982.53	\$357.00	\$2,339.53
1"	3	\$1,345.36		1"	\$838.71	\$2,184.06	\$561.00	\$2,745.06
1"	3	\$1,345.36		1 1/2"	\$1,957.15	\$3,302.51	\$561.00	\$3,863.51
1 1/2"	4	\$6,648.40		1 1/2"	\$1,957.15	\$8,605.55	\$1,020.00	\$9,625.55
2"	5	\$7,439.37		2"	\$2,144.49	\$9,583.86	\$1,020.00	\$10,603.86
3"	6	\$3,472.08		3"	\$503.27	\$3,975.35	\$1,020.00	\$4,995.35
4"	7	\$3,571.77		4"	\$625.67	\$4,197.44	\$1,020.00	\$5,217.44
6"	8	\$6,762.28		6"	\$625.67	\$7,387.95	\$1,530.00	\$8,917.95
8"	9	\$11,628.11		8"	\$834.77	\$12,462.88	\$1,530.00	\$13,992.88
10"	10	\$15,014.40		10"	\$834.77	\$15,849.17	\$1,530.00	\$17,379.17
12"	11	\$16,422.00		12"	\$834.77	\$17,256.77	\$2,040.00	\$19,296.77
Water Only Meters								
Water Meter Size	Equivalent Size	Meter Fee	Double Yoke	W4 Hood & Tile	Total*			
5/8"	1	\$168.35	\$367.42	\$322.68	\$858.45			
3/4"	2	\$189.14	\$397.71	\$372.71	\$959.55			
1"	3	\$247.98	\$574.69	\$372.71	\$1,195.38			
1 1/2"	4	\$1,622.12			\$1,622.12			
Notice: All connections will require Plumbing Permits and Excavation permits. Plumbing permit cost varies and may be obtained by a Registered contractor or Homeowners occupying their own structure. Excavation permit costs are \$85.00 per trench and may be obtained by a Licensed Excavator only.								
FLOW RATES								
Meter size		GPM	Sewer Deduct Meter (Sprinkler/Pool Filling)					
5/8"		25	Residential - Cost of the Meter					
3/4"		35	Plumbing Permit \$64.00 + 1%BBS Fee= \$64.64					
1"		55	Commercial- Cost of the Meter					
1 1/2"	compound	100	Plumbing Permit \$100 + 3%BBS Fee= \$103.00					
1 1/2"	compound	200						
2"		160						
2"	compound	200						
3"	compound	500						
4"	compound	1000	Account #'s					
6"	compound	2000	Water Tap	612-0000-45271				
3"	turbo	650	Water Meter	612-0000-45270				
4"	turbo	1250	Sewer Conne	613-0000-45070				
6"	turbo	2500						
8"	turbo	3500						
10"	turbo	5500						
16"	turbo	10000						

Setting Tap Charges shall be increased by three percent (3%) each subsequent calendar year starting on January 1 2022. Thereafter, this annual Setting Tap Charge increase shall take effect on the first of January each successive year. The City Engineer shall update the rates charged annually to reflect this increase. A current version of the rates charged will be on file in the office of the City Engineer.

Tap Size (inches)	Capacity Equivalent to 5/8 Inch Tap Size	Tap Charge
5/8	1.0	\$ 650.00
3/4	1.5	— 670.00
1	2.5	— 750.00
1-1/2	5	1,100.00
2	8	1,400.00
3	15	1,600.00
4	25	1,700.00
6	50	3,000.00

8	80	4,100.00
10	120	5,200.00
12	215	6,200.00

(2) If the tap charge is not specified, the charge shall be determined by the City Engineer and shall be actual cost to the City, labor, materials and supervision, together with the cost of the meter and other equipment necessary to make a service connection even though not then installed. If the service pipe is installed for the convenience of or at the request of the property owner because a larger service is required, then the tap charge shall be reduced by the value of recovered materials and equipment.

(3) Even though a water service connection is not then to be made, the tap charge is to be made when the service pipe is applied for, or upon construction when the City Engineer orders a service pipe constructed, provided written notice of 30 days is given to the owner of the property to be served and the owner fails to have the service pipe constructed. Notice shall be given in the manner provided for service of summons in civil cases.

(4) A delinquent tap charge shall be made a lien upon the property served or to be served and if not paid by the owner within 60 days of billing it may be certified to the Erie County Auditor who shall place the same on the tax duplicate of the County with interest and penalties allowed by law and to be collected as other taxes are collected.

~~(Ord. 96-186. Passed 10-15-96.)~~

939.04 SETTING CONNECTION CHARGES.

(a) The setting connection charge covers the cost of the required meter set, strainer and meter pit/vault. Once the meter size is equal to or greater than 3", this charge covers the meter set only.

(ab) When a water service connection is applied for, except as set forth below, a connection charge shall be made to the applicant according to the following amounts set for in Section 939.03, Fee Schedule "B".: A current version of the rates charged will be on file in the Office of the City Engineer.

Meter Size (inches)	Equivalent 5/8 Inch Meter Size	Connection Charge
5/8	1.0	\$ 316.00
3/4	1.5	474.00
1	2.5	790.00
1 1/2	5	1,580.00
2	8	2,528.00
3	15	4,740.00
4	25	7,900.00
6	50	15,800.00

8	80	25,280.00
10	120	37,930.00
12	215	67,940.00

(bc) When the water service replaces one of a greater size, the charge shall be for actual cost of labor and equipment; but when a replacement service is a larger size, the connection charge for the replacement service shall be as for a new service but reduced by the amount of the connection charge of a new service of the same size as the service replaced.

~~(c) When a customer installs a deduct meter, the City shall collect a fee of forty five dollars (\$45.00) for the inspection of the installation of the deduct meter.
(1980 Code 51.03.1)~~

939.05 PRIVATE SERVICE LINES IN SAME TRENCH WITH PRIVATE SEWERS.

Private service lines may be placed in the same trench with private sewers upon obtaining permission from the ~~Superintendent~~ **Chief Foreman** of the Water Distribution. Where permission is granted, the water line must be put on a shelf at least 12 inches wide out into the side of the trench, and the trenches shall not be backfilled until the work has been inspected and approved by an authorized employee of the Divisions of ~~Filtration and~~ **Water** Distribution.
~~(1980 Code 51.04)~~

939.06 NEW SERVICE LINES EQUIPPED WITH WATER METER.

All new service lines must be equipped with a water meter furnished by the Divisions of ~~Filtration and~~ **Water** Distribution and so located as to be satisfactory to all requirements of the ~~Superintendent~~ **Chief Foreman** of Water Distribution. All water passing through the meter must be paid for at those meter rates adopted from time to time by the authorized officials of the City. **Dedicated Fire Suppression Lines are an exception to this section, as they are not required to be metered.**
~~(1980 Code 51.05)~~

939.17 NONRECEIPT OF BILL.

The Division of Customer Accounting will undertake to deliver bills and notices by depositing same in the post office only as a matter of convenience, ~~to the owner or consumer~~; and failure to receive bills shall not relieve any person from his obligation in the payment of the bills. ~~(1980 Code 51.19)~~

Section 2. Part Nine (Streets, Utilities, And Public Services Code), Title Three (Utilities), Chapter 939 (Water Regulations and Rates), Sections 939.08, 939.09, 939.12, 939.15, 939.22, 939.23, 939.24, 939.27, 939.28, 939.31, 939.32, 939.33, 939.35, 939.36, 939.37, 939.40, 939.41 are hereby amended as follows:

All references in these sections, included the title in Section 939.32, as to “Divisions of Filtration and Distribution” should be amended to read “Divisions of ~~Filtration and~~ **Water** Distribution”.

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: December 28, 2020



FINANCE DEPARTMENT

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5776
www.cityofsandusky.com

TO: Eric L. Wobser, City Manager
FROM: Michelle Reeder, Finance Director
DATE: December 18, 2020
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

A resolution authorizing the transfer of funds from the Capital Improvement Fund to the Capital Projects Fund.

Pursuant to ORC Section 5705.14, a resolution by the taxing authority is required authorizing any transfers of funds from funds other than the General Fund.

BUDGETARY INFORMATION:

The transfer amount of \$550,000 will be transferred from the Capital Improvement Fund to the Capital Project Fund. The 2020 budget was passed with an approved amount of up to \$605,000 allocated for this transfer.

ACTION REQUIRED:

It is requested that the City Commission approve the necessary legislation under suspension of the rules in accordance with Section 14 of the City Charter to complete the transfer before the end of the calendar year.

I concur with this recommendation:

Eric Wobser
City Manager

Michelle Reeder
Finance Director

CC: Brendan Heli, Law Director

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE CAPITAL IMPROVEMENT FUND TO THE CAPITAL PROJECTS FUND; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, pursuant to Ohio Revised Code Section 5705.14, the transfer of funds shall only be made by Resolution of the taxing authority, unless funds are being transferred from the General Fund; and

WHEREAS, approval is requested to transfer funds from the Capital Improvement Fund to the Capital Projects Fund in the amount of \$550,000.00; 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 complete the transfer of funds before the end of the 2020 calendar year; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Finance Department, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **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 and authorizes the transfer of funds from the Capital Improvement Fund to the Capital Projects Fund in the amount of Five Hundred Fifty Thousand and 00/100 Dollars (\$550,000.00).

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: December 28, 2020



FINANCE DEPARTMENT

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5776
www.cityofsandusky.com

TO: Eric L. Wobser, City Manager
FROM: Michelle Reeder, Finance Director
DATE: December 16, 2020
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

Ohio Rev. Code Section 5705.40 states that any appropriation ordinance or measure may be amended or supplemented, provided that such amendment or supplement shall comply with all provisions of law governing the taxing authority in making an original appropriation and that no appropriation for any purpose shall be reduced below an amount sufficient to cover all unliquidated and outstanding contracts or obligations certified from or against the appropriation. I am submitting amendment #4 which is the final amendment to the 2020 General Appropriations.

BUDGETARY INFORMATION:

This action will cover anticipated expenditures through December 31, 2020. The agenda deadline occurs before the final payroll costs can be determined. The amendment needs to cover final payroll and other projected costs through December 31, 2020. The ordinance will be available at the meeting.

Appropriation amendments are required to update the 2020 budget. Examples include, but are not limited to:

- General Fund
- Corona Virus Relief funds
- Federal Grants
- Capital Project funds
- Water funds
- Sewer funds

ACTION REQUIRED:

It is requested that the City Commission enact the ordinance, and have it take immediate effect under Section 14 of the City Charter, so that the budget amendments can be entered into the financial system prior to the end of the calendar year. To ensure all items are covered, the ordinance will be presented at the meeting.

I concur with this recommendation:

Eric Wobser
City Manager

Michelle Reeder
Finance Director

ORDINANCE NO. _____

AN ORDINANCE MAKING GENERAL APPROPRIATIONS FOR THE FISCAL YEAR 2021.

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 Finance 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. There shall be and hereby are appropriated out of any funds now in the treasury and any accruing revenues of the City available for said purposes, the values set forth below for the payment of all expenses and obligations of the City during fiscal year 2021, for the various purposes hereinafter specified.

Section 2. The amounts appropriated for the various purposes hereinafter set forth shall, in no event, be exceeded unless the City Commission shall by Ordinance authorize a transfer from one appropriation account to another, or shall appropriate additional unappropriated funds:

DEPARTMENT	PERSONAL SERVICES	OTHER	TOTAL
POLICE PATROL	4,154,285	376,100	4,530,385
POLICE RECORDS	100,025	204,300	304,325
POLICE RESERVES	99,010	3,700	102,710
FIRE	4,440,895	394,125	4,835,020
STREET LIGHTING	-	270,000	270,000
OAKLAND CEMETERY	224,101	60,975	285,076
PLANNING	211,780	42,925	254,705
DEVELOPMENT	303,200	137,300	440,500
BUILDING DIVISION	213,410	52,250	265,660
HORTICULTURAL SERVICES	732,155	418,025	1,150,180
JACKSON ST PIER	-	21,400	21,400
CITY MANAGER	200,030	21,050	221,080
ADMINISTRATIVE SERVICES	73,395	57,790	131,185
FINANCE	99,990	5,650	105,640
INCOME TAX	-	355,000	355,000
INFORMATION TECHNOLOGY	128,015	286,400	414,415
LAW	219,010	14,790	233,800
CITY COMMISSION	43,130	8,925	52,055
CITY COMMISSION CLERK	37,630	1,140	38,770
MUNICIPAL COURT	980,770	54,000	1,034,770

PAGE 2 - ORDINANCE NO. _____

BUILDING MAINTENANCE	270,175	340,900	611,075
ENGINEERING	258,865	20,142	279,007
FLEET MAINTENANCE	193,480	118,500	311,980
ADMINISTRATIVE SUPPORT	-	736,000	736,000
ADMIN SUPPORT- INCOME TAX REFUNDS	-	120,000	120,000
TRANSFERS:			-
TRANSIT FUND	-	200,000	200,000
PARKS & RECREATION FUND	-	50,000	50,000
POLICE PENSION FUND	-	559,000	559,000
PAYROLL STAB FUND	-	210,000	210,000
CAPITAL ECONOMIC DEV FUND	-	305,000	305,000
CAPITAL PLANNING/SPECIAL			
PROJECTS/ART FUND	-	10,000	10,000
CAPITAL PUBLIC WORKS FUND	-	750,000	750,000
CAPITAL PROGRAMMING/ MARKETING	-	60,000	60,000
FIRE PENSION FUND	-	703,400	703,400
GENERAL FUND	12,983,351	6,968,787	19,952,138
STREET FUND	894,155	540,300	1,434,455
ST HIGHWAY FUND	50,000	42,000	92,000
TRANSIT FUND	138,300	4,079,270	4,217,570
PARKS & RECREATION FUND	93,425	268,900	362,325
FIRE PENSION FUND	804,000	51,946	855,946
POLICE PENSION FUND	670,375	35,403	705,778
STATE GRANTS FUND	-	239,000	239,000
FEDERAL GRANTS FUND	215,100	722,561	937,661
INDIGENT DRIVER ALCOHOL TRT FUND	-	50,000	50,000
ENFORCEMENT & EDUCATION	-	8,000	8,000
COURT COMPUTER FUND	10,350	35,884	46,234
INDIGENT TELEPHONE FUND	-	12,000	12,000
COURT PROBATION FUND	164,800	9,000	173,800
PAYROLL STAB FUND	305,000	-	305,000
REAL ESTATE DEV FUND	-	170,000	170,000
CAPITAL IMPROVEMENT FUND	-	585,000	585,000
CAPITAL PROJECTS FUND	246,900	10,105,550	10,352,450

TAX INCREMENT FUND	-	45,632	45,632
SPECIAL ASSESSMENT FUND	384,255	179,059	563,314
BOND RETIREMENT FUND	-	1,059,502	1,059,502
URBAN RENEWAL TEMP REV BOND FUND	-	534,077	534,077
CENTRAL PUBLIC IMPROVEMENT FUND	-	10,000	10,000
CLEVELAND ROAD PUBLIC IMPROV FUND	-	516,284	516,284
SPECIAL ASMNT BOND RETIREMENT FUND	-	219,962	219,962
WATER FUND	3,359,544	4,407,338	7,766,882
SEWER FUND	3,778,110	6,846,087	10,624,197
INTERNAL SERVICE FUND	-	4,300,000	4,300,000
GENERAL TRUST FUND	-	81,200	81,200
PARK ENDOWMENT FUND	-	31,000	31,000
CEMETERY ENDOW FUND	-	33,250	33,250
TRUST & AGENCY	-	28,000	28,000
SPECIAL ASSESSMENTS- NON-CITY	-	69,126	69,126
TOTAL ALL FUNDS	24,097,665	42,284,118	66,381,783

Section 3. The Finance Director is authorized to draw warrants upon the City treasury for funds appropriated in this Ordinance upon presentation of properly approved vouchers and when in conformity with the Charter and general laws of the State of Ohio. In addition, the Finance Director is authorized to make transfers between funds, to cover deficiencies in City funds provided said transfers are included in the general appropriations.

Section 4. 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.

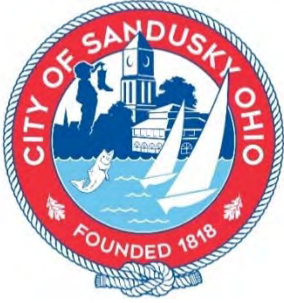
Section 5. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and any of its committees that resulted 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 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:



FINANCE DEPARTMENT

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5776
www.cityofsandusky.com

TO: Eric Wobser, City Manager
FROM: Michelle Reeder, Finance Director
DATE: December 17, 2020
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

Ohio Rev. Code Section 5705.38 (A) requires that on or about the first day of each fiscal year, an appropriation measure is to be passed. If the taxing authority wants to postpone the passage of the annual appropriation measure until an amended certificate is received from the county budget commission based upon the actual year end balances, it may pass a temporary appropriation measure for meeting the ordinary expenses until no later than April 1. I am submitting an ordinance approving Temporary Appropriations for 2021.

BUDGETARY INFORMATION:

This action will establish a budget for operations until the annual appropriations can be approved after the second Monday in January 2021. The City Charter prohibits the City from enacting the 2021 budget before January 11, 2021.

ACTION REQUESTED:

It is requested that the City Commission enact the ordinance and have it take immediate effect under Section 14 of the City Charter. This will establish a temporary operating budget for 2021 until the City Commission passes an Appropriation Ordinance in accordance with Section 51 of the City Charter.

I concur with this recommendation:

Eric Wobser
City Manager

Michelle Reeder
Finance Director

CC: Brendan Heil, Law Director; Eric Wobser, City Manager

ORDINANCE NO. _____

AN ORDINANCE TO MAKE TEMPORARY APPROPRIATIONS FOR THE MONTHS OF JANUARY, FEBRUARY AND MARCH 2021, AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to establish an Operating Budget for 2021 until the City Commission passes an Appropriation Ordinance which may not be passed before the second Monday in January of each budget year as required by Section 51 of the City Charter; and

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

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

Section 1. There shall be and hereby are appropriated out of any funds now in the treasury or any accruing revenues of the City available for said purposes at the values set forth herein below for the payment of the expenses and obligations of the City during the months of January, February and March 2021, for the various purposes hereinafter specified.

DEPARTMENT	PERSONAL SERVICES	OTHER	TOTAL
POLICE PATROL	1,038,571	94,025	1,132,596
POLICE RECORDS	25,006	51,075	76,081
POLICE RESERVES	24,753	925	25,678
FIRE	1,110,224	98,531	1,208,755
STREET LIGHTING	-	67,500	67,500
OAKLAND CEMETERY	56,025	15,244	71,269
PLANNING	52,945	10,731	63,676
DEVELOPMENT	75,800	34,325	110,125
BUILDING DIVISION	53,353	13,063	66,415
HORTICULTURAL SERVICES	183,039	104,506	287,545
JACKSON ST PIER	-	5,350	5,350
CITY MANAGER	50,008	5,263	55,270
ADMINISTRATIVE SERVICES	18,349	14,448	32,796
FINANCE	24,998	1,413	26,410

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INCOME TAX	-	88,750	88,750
INFORMATION TECHNOLOGY	32,004	71,600	103,604
LAW	54,753	3,698	58,450
CITY COMMISSION	10,783	2,231	13,014
CITY COMMISSION CLERK	9,408	285	9,693
MUNICIPAL COURT	245,193	13,500	258,693
BUILDING MAINTENANCE	67,544	85,225	152,769
ENGINEERING	64,716	5,036	69,752
FLEET MAINTENANCE	48,370	29,625	77,995
ADMINISTRATIVE SUPPORT	-	184,000	184,000
ADMIN SUPPORT- INCOME TAX			
REFUNDS	-	30,000	30,000
TRANSFERS:			-
TRANSIT FUND	-	50,000	50,000
PARKS & RECREATION FUND	-	12,500	12,500
POLICE PENSION FUND	-	139,750	139,750
PAYROLL STAB FUND	-	52,500	52,500
CAPITAL ECONOMIC DEV FUND	-	76,250	76,250
CAPITAL PLANNING/SPECIAL			
PROJECTS/ART FUND	-	2,500	2,500
CAPITAL PUBLIC WORKS FUND	-	187,500	187,500
CAPITAL PROGRAMMING/			
MARKETING	-	15,000	15,000
FIRE PENSION FUND	-	175,850	175,850
GENERAL FUND	3,245,842	1,742,199	4,988,041
 STREET FUND	 223,539	 135,075	 358,614
 ST HIGHWAY FUND	 12,500	 10,500	 23,000
 TRANSIT FUND	 34,575	 1,019,818	 1,054,393
 PARKS & RECREATION FUND	 23,356	 67,225	 90,581
 FIRE PENSION FUND	 201,000	 12,987	 213,987
 POLICE PENSION FUND	 167,594	 8,851	 176,445
 STATE GRANTS FUND	 -	 59,750	 59,750
 FEDERAL GRANTS FUND	 53,775	 180,640	 234,415
 INDIGENT DRIVER ALCOHOL TRT FUND	 -	 12,500	 12,500
 ENFORCEMENT & EDUCATION	 -	 2,000	 2,000
 COURT COMPUTER FUND	 2,588	 8,971	 11,559
 INDIGENT TELEPHONE FUND	 -	 3,000	 3,000
 COURT PROBATION FUND	 41,200	 2,250	 43,450

PAYROLL STAB FUND	76,250	-	76,250
REAL ESTATE DEV FUND	-	42,500	42,500
CAPITAL IMPROVEMENT FUND	-	146,250	146,250
CAPITAL PROJECTS FUND	61,725	2,526,388	2,588,113
TAX INCREMENT FUND	-	11,408	11,408
SPECIAL ASSESSMENT FUND	96,064	44,765	140,829
BOND RETIREMENT FUND	-	264,876	264,876
URBAN RENEWAL TEMP REV BOND FUND	-	133,519	133,519
CENTRAL PUBLIC IMPROVEMENT FUND	-	2,500	2,500
CLEVELAND ROAD PUBLIC IMPROV FUND	-	129,071	129,071
SPECIAL ASMNT BOND RETIREMENT FUND	-	54,991	54,991
WATER FUND	839,886	1,101,835	1,941,721
SEWER FUND	944,528	1,711,522	2,656,050
INTERNAL SERVICE FUND	-	1,075,000	1,075,000
GENERAL TRUST FUND	-	20,300	20,300
PARK ENDOWMENT FUND	-	7,750	7,750
CEMETERY ENDOW FUND	-	8,313	8,313
TRUST & AGENCY	-	7,000	7,000
SPECIAL ASSESSMENTS- NON-CITY	-	17,282	17,282
TOTAL ALL FUNDS	6,024,422	10,571,036	16,595,454

Section 2. The amounts appropriated for the various purposes hereinafter set forth shall, in no event, be exceeded unless the City Commission shall by Ordinance authorize a transfer from one appropriation account to another, or shall appropriate additional unappropriated funds.

Section 3. No payments shall be made out of any of the funds herein appropriated for any extraordinary purpose, without specific authority of the City Commission.

Section 4. The Finance Director is authorized to draw warrants upon the City treasury for funds appropriated in this Ordinance upon presentation of properly approved vouchers and when in conformity with the Charter and general laws of the State of Ohio. In addition, the Finance Director is authorized to make transfers between funds, to cover deficiencies in City funds provided said transfers are included in the general appropriations.

Section 5. 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 6. This Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 7. That for reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter upon its passage, and its due authentication by the President, and the Clerk of the City Commission of the City of Sandusky, Ohio.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
MCKENZIE E. SPRIGGS
CLERK OF THE CITY COMMISSION

Passed: December 28, 2020



PLANNING DEPARTMENT

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5715
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Greg Voltz, Planner

Date: December 15, 2020

Subject: December 28th, Commission Agenda Item –Application for an amendment to the zoning map for parcel #58-68009.000 (2101 W. Perkins Avenue).

Item for Consideration: Application for an amendment to the zoning map for parcel 58-68009.000 (2101 W Perkins Avenue). This rezoning from "PF" - Public Facilities to "LM" - Limited Manufacturing

Purpose: The Bicentennial Vision/ Comprehensive Plan outlines the citywide development for the next ten (10) years. In general, zoning amendments should align with the proposed land uses stated in a Comprehensive Plan. Therefore, the Comprehensive Plan is utilized by staff as one factor when evaluating proposed amendments.

Background Information: Rosalyn Ahner, on behalf of RL Ahner Properties LLC, has submitted an application for an amendment to the zoning map for parcel 58-68009.000 (2101 Perkins Avenue). This rezoning from "PF" - Public Facilities to "LM" - Limited Manufacturing is requested to allow the applicant to utilize the site for a limited manufacturing use. At the November 16th, 2020 meeting Planning Commission recommended approval for the zoning amendment to the City Commission.

The City adopted the Bicentennial Vision/ Comprehensive Plan, which outlines a citywide development plan for the next ten (10) years. Although, within this specific area, the Comprehensive Plan does not have a recommendation for new uses, Planning Staff believes the property is in line with priorities for the southern neighborhoods. Some of the priorities related to this site are:

- 1) Redevelop vacant and blighted parcels along Perkins and encourage design standards that give a uniform experience along the corridor.
- 2) Regional Partnerships & Perspective; Human Capital, Entrepreneur & Small Business Support

The existing building itself is not likely to be able to be re-used as a public facilities use any longer as its floorplan is not easily adaptable for modern codes required for a recreational facility. The building has also been vandalized, and now sits in a somewhat precarious state of disrepair. Staff believes that this rezoning could offer great potential towards developing small businesses, human capital, and entrepreneurship. Within a quick commute for many Sandusky residents. It is important to be reminded that the property directly to the south of this property is zoned for a much higher industrial use.

Correlation to the Comprehensive Plan:

The Bicentennial Vision plan references a Vibrant City and speaks to reclaiming and repurposing blighted land and sites for commercial redevelopment. This property has sat vacant for a couple years, which could lead to an increase in future blight if left vacant. The proposed rezoning should also provide small business support and allow for an investment into human capital in the southern neighborhoods. The proposed zoning amendment would allow this site to be developed for commercial use.

Budgetary Impact:

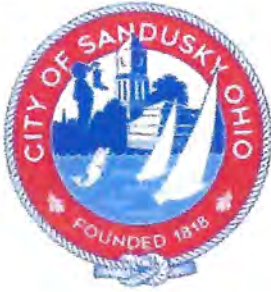
There is no impact to the general fund.

Action Requested: It is requested that City Commission approve the proposed amendments to the zoning map for the following parcel: 57-01486.000 (2309 Columbus Avenue). It is requested that this ordinance take effect under Section 13 of the City Charter.

I concur with this recommendation:

Eric Wobser
City Manager

cc: McKenzie Spriggs, Clerk of City Commission
Michelle Reeder, Finance Director
Brendan Heil, Law Director



PLANNING COMMISSION

Application for Zoning Map Amendment

Department of Planning

240 Columbus Ave

Sandusky, Ohio 44870

419.627.5891

www.cityofsandusky.com

APPLICANT/AGENT INFORMATION:

Property Owner Name: RL Ahner Properties LLC

Property Owner Address: 5214 Ransom Rd.
Sandusky, OH 44870

Property Owner Telephone: 419 366 6206

Email: RAhner@ahnercommercial.com

Authorized Agent Name: Rosalyn Ahner

Authorized Agent Address: 5214 Ransom Rd.
Sandusky, OH 44870

Authorized Agent Telephone: 419 366 6206

Email: RAhner@ahnercommercial.com

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 2101 Perkins Ave.

Legal Description of Property (check property deed for description):
land fronting Perkins Ave and Hills Creek Golf Course

Parcel Number: 58-68009-000 Zoning District: Ward 3

DETAILED SITE INFORMATION:

Land Area of Property: 4.934 Acres (sq. ft. or acres)

Total Building Coverage (of each existing building on property):

Building #1: 40,000 (in sq. ft.)

Building #2: 720 garage

Building #3: 1600 shelter

Additional: _____

Total Building Coverage (as % of lot area): 20%

Gross Floor Area of Building(s) on Property (separate out the square footage of different uses – for example, 800 sq. ft. is retail space and 500 sq. ft. is storage space:

currently 40,000 sqft. recreational
future 5000 sqft. office/retail/commercial for lease
2500 sqft. office/retail/commercial for lease
22500 sqft. commercial for other commercial use
10,000 sqft. warehouse for lease

Proposed Building Height (for any new construction): 0

Number of Dwelling Units (if applicable): 0

Number of Off-Street Parking Spaces Provided: 075

Parking Area Coverage (including driveways): 60000 (in sq. ft.)

Landscaped Area: 300 (in sq. ft.)

Requested Zoning District Classification: C2

APPLICATION AUTHORIZATION:

If this application is signed by an agent, authorization in writing from the legal owner is required. Where owner is a corporation, the signature of authorization should be by an officer of the corporation under corporate seal.

Rosalyn Ahner
Signature of Owner or Agent

10/28/2020
Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

As owner of _____ (municipal street address of property), I hereby authorize _____ to act on my behalf during the Planning Commission approval process.

Signature of Property Owner

Date

REQUIRED SUBMITTALS:

15 copies of a site plan/off-street parking plan for property
1 copy of the deed or legal description for property
\$300.00 application fee

STAFF USE ONLY:

Date Application Accepted: _____ Permit Number: _____

Date of Planning Commission Meeting: _____

Planning Commission File Number: _____

Purchase Agreement

THIS AGREEMENT is entered in to this 29th day of October, 2020 by and between RL Ahner Properties or its assignee as ("Buyer") and Sandusky Young Men's Christian Association as ("Seller").

1. **Property.** To include the property located at 2101 W. Perkins Avenue in Sandusky, Ohio 44870, including all land, improvements and fixtures (the "Property"), formerly know as the "Sandusky - YMCA" and being part of Erie County Parcel(s) #58-68009.000
2. **Purchase Price.** The Purchase Price for the Property shall be Two Hundred Ten-Thousand Dollars (\$210,000.00) payable as follows:
 - a. \$5,000.00 earnest money deposit paid to the escrow agent upon full execution of this Agreement.
 - b. \$205,000 additional cash or certified funds at closing.
3. **Earnest Money.** The earnest money deposit shall be applied to the Purchase Price at Closing. In the event this transaction does not close for any reason, other than default by Buyer, or in the event all conditions precedent are not fully satisfied or waived, the earnest money deposited shall be returned in full to Buyer. However, upon waiver of all contingencies at the expiration of the Due Diligence Period, and so long as there is no default by Seller, the earnest money shall become non-refundable.
4. **Financing.** NA - "Cash-Sale".
5. **Due Diligence Period.** As a condition precedent to Buyer's obligations under the Purchase Agreement, Buyer shall have forty-five (45) days from final execution of the Purchase Agreement to review and/or conduct and be satisfied with (at Buyer's expense) all those tests, surveys, examinations, environmental assessments, soil tests, mold inspections and other studies which Buyer may desire to conduct including the mechanical, electrical, HVAC and electrical systems and to review and/or obtain any and all documentation, including but not limited to (i) plans and specifications, (ii) acceptable site plan, (iii) acceptable traffic ingress, egress and curb cuts, (iv) proof of utility availability, (v) all applicable government approvals, licenses, permits, zoning modifications and such related notices, (vi) all existing or proposed leases, and (vii) seller shall provide all documentation of capital repairs, roof warranties, and a property condition assessment (if applicable).
6. **Survey.** Buyer, at Buyer's sole cost and expense, as soon as reasonably practicable after the Agreement Date, may obtain, in a form satisfactory to Buyer, a current ALTA/ASCM survey of the Property. If required by the Title Company, Seller, at closing, shall provide to Buyer and the Title Company in a form reasonably satisfactory to Buyer, and sufficient to permit Title Company to provide extended title insurance coverage, an affidavit warranting that nothing has occurred since the date of any existing survey that would affect its accuracy, if the foregoing is true and correct.

7. **Title Provider.** The title evidence and escrow shall be provided by Fidelity National Title – North Ridgeville, OH with Karen Duskin as Escrow Officer. Title shall be transferred to Buyer or its assignee, by General Warranty or appropriate Deed acceptable to both parties.

8. **Title.** An Owner's Fee Policy of Title Insurance in the amount of the Purchase Price shall be issued showing Seller or insuring Buyer, good and merchantable title in fee simple, free and clear of all liens and encumbrances except those specifically set forth in this Agreement.

9. **Conveyance.** Seller shall deliver to Buyer a General Warranty Deed conveying good and marketable title in the Property to Buyer free and clear of all liens and encumbrances whatsoever except a) any mortgages, liens or encumbrances created by or assumed by Buyer, b) reservations, easements, conditions and restrictions of record, c) zoning ordinances, d) legal highways, and e) taxes and assessments, both general and specific, for the current half of the taxable year and thereafter, not yet due and payable.

10. **Pro-rations.** Real estate taxes, rents, the security deposits, if any, and other pro-ratable items, as applicable, shall be prorated as of the closing date. Real estate taxes shall be prorated utilizing the most recent ascertainable assessed value, tax rate and equalization factor.

11. **Closing.** This contract shall be closed, and all obligations of the parties shall be performed on or before January 15th, 2021. Closing may be extended upon the mutual written consent of both parties.

12. **Charges Paid through Escrow.**

- a. Including any other charges or fees set forth in this Agreement, Buyer shall pay the following:
 - i. ½ the cost of insuring premiums of the Owner's Fee Policy of Title Insurance.
 - ii. ½ the cost of the escrow/closing fee.
 - iii. All filing fees.
- b. Including any other charges or fees set forth in this Agreement, Seller shall pay for:
 - i. Any amount required to discharge any mortgage of record, lien or encumbrance not permitted by this Agreement.
 - ii. Taxes and assessments due and payable on the date of transfer.
 - iii. After taxes and assessments have been prorated to the date of transfer, the amount of prorated taxes and assessments which are a lien, but not yet due and payable.
 - iv. ½ the cost of insuring premiums of the Owner's Fee Policy of Title Insurance.

- v. ½ the cost of the escrow/closing fee.
- vi. Proration of existing or proposed tenant leases.
- vii. The commission to Broker(s) as per separate agreement.

13. Conditions Precedent to Closing.

- a. The following shall be conditions precedent to the Closing:
 - i. Seller shall order a Preliminary Title Commitment, which shall include copies of all easements and restrictions of record, and the amount and terms of any special assessments and shall provide the Commitment to Buyer within five (5) days of receipt.
 - ii. All currently issued governmental authorizations must remain in full force and effect as of the date of Closing.
 - iii. Seller agrees, to the best of its knowledge, that all representations and warranties made by the Seller shall be true and correct when made and as of the date of Closing.
 - iv. Upon execution of this Agreement by Seller, Seller shall deliver to Purchaser true, correct, and complete copies of all the Leases and appliance inventory for the property.
 - v. Subject property to be rezoned to a (CS) "Commercial Services" District as approved by City of Sandusky Zoning Department and the City Commissioners of the City of Sandusky.
 - vi. Subject to the City of Sandusky and Erie County Auditor granting a 10-year, 75% property tax abatement to subject property.
 - vii. Buyer has waived their requirement for FEMA flood insurance for the subject property.

14. Seller representations and warranties.

- a. To the best of its knowledge after reasonable inquiry, Seller represents and warrants the following:
- b. Buyer shall receive free and clear title to the Property by General Warranty Deed from the Seller and that existing mortgages, not assumed or assigned to Buyer, on the Property will be satisfied no later than the date of Closing. In the event Seller is unable to convey such title to the Property, then Buyer may terminate the Agreement and all monies paid or deposited by Buyer shall be returned and all obligations under the Agreement shall terminate.

- c. All information delivered to Buyer, including but not limited to leases, reports, contracts, agreements, prior appraisals, surveys the absence of pending or threatened litigation and full disclosure of all other relevant information regarding the property provided is true and accurate.
- d. The persons or entities signing this Agreement and all Closing documents, including the Deed, have due authority to deliver title to the Property.
- e. The Seller shall continue compliance with all applicable zoning and use laws, rules, and regulations.
- f. That the Property shall be maintained substantially in its present condition until Closing.
- g. That Seller has no knowledge of any present or future improvements by a public authority, any part of the cost of which would or might be assessed against the Property, and Seller has no knowledge of any current or contemplated future assessments of any kind.
- h. That, except as to those improvements disclosed to Buyer, no improvements have been or will be made to the Property within ninety (90) days of the date of Closing such that any person or entity is entitled to a mechanics' lien against the Property by reason of services rendered or materials furnished, or otherwise.
- i. That the Seller has no knowledge of any pending condemnation proceedings or overtly threatened condemnation proceedings which would affect all or any part of the Property.
- j. That, to the best of Seller's knowledge, no litigation, legal proceeding or government proceeding, or investigation of any kind is pending or has been overtly threatened which would adversely affect all or part of the Property or tenancies or Buyer's title to the same, as herein contemplated, after Closing.
- h. In the event Seller breaches any of the above representations or warranties prior to Closing, Buyer may terminate this Agreement and receive the return receipt of its earnest money deposit. In the event Seller does not discover the breach until after this transaction has Closed, Seller may pursue other remedies at law.
- i. All representations and warranties of Seller shall survive Closing.

15. Possession. Buyer shall obtain possession at Closing.

16. Miscellaneous.

- a. Each party hereto is responsible to pay its own respective attorney's fees, if any, incurred in this transaction.
- b. This Purchase Agreement shall be binding on the heirs, successors and assigns of the parties hereto.

c. Any changes, modifications or amendments to this Agreement shall be in written form and shall be executed by both parties hereto.

d. Seller is represented Henry "Mac" Lehrer of Hoty Enterprises, Inc., whose fees shall be paid by separate agreement. All requisite disclosures under Ohio law have been made to both Seller and Buyer.

e. This Purchase Agreement shall be governed by the laws of the State of Ohio and jurisdiction over any matter arising under this Agreement shall be within Erie County, Ohio.

Signature Page to Follow

Agreed:

Buyer: Rosalyn Ahren Owner

Its: RL Ahren Properties

Dated: October 29, 2020

Seller: ~~BEKO~~

Its: Sandusky Area YWCA, CVO

Dated: 11/3, 2020

PLANNING COMMISSION REPORT

APPLICATION FOR MAP AMENDMENT TO THE ZONING MAP FOR PARCEL 58-68009.00 (2101 PERKINS AVENUE)

Reference Number: PRZ20-0003

Date of Report: November 12, 2020

Report Author: Greg Voltz, Planner



City of Sandusky, Ohio

Planning Commission Report

BACKGROUND INFORMATION

Rosalyn Ahner, as an authorized agent of RL Ahner Properties LLC., has applied for a rezoning of property from “PF” – Public Facilities to “LM” – Limited Manufacturing. The following information is relevant to this application:

Applicant: RL Ahner Properties LLC
5214 Ransom Road
Sandusky, Ohio 44870

Authorized Agent: Rosalyn Ahner
5214 Ransom Road
Sandusky, Ohio 44870

Site Location: 2101 Perkins Avenue/Parcel 58-68009.000

Current Zoning: “PF” Public Facilities

Surrounding Zoning: North- “PF” Public Facilities / Use: Wooded area and golf course
East- “PF” Public Facilities / Use: Religious Institution
South- “I-2” Heavy Industrial (Perkins Township)/Use: Land
West- “PF” Public Facilities / Use: Golf Course

Existing Use: Vacant

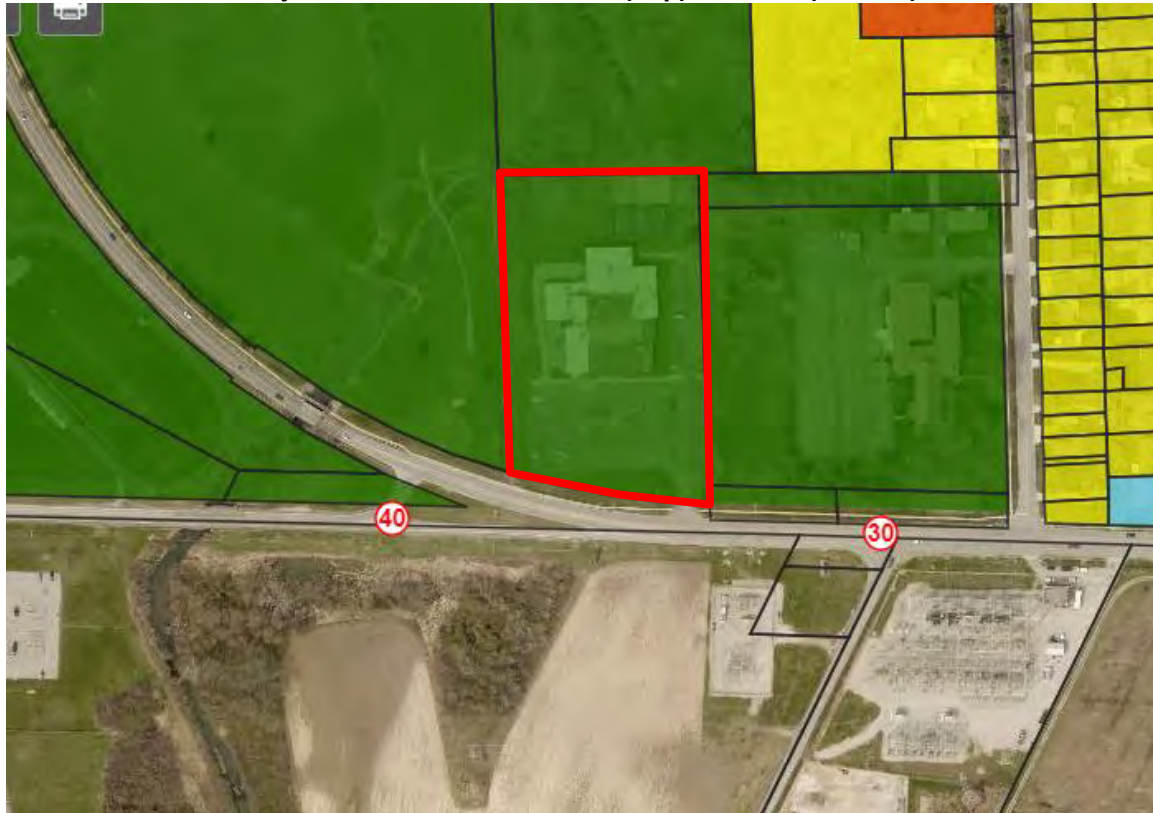
Proposed Zoning: “LM” Limited Manufacturing

Applicable Plans & Regulations: City of Sandusky Bicentennial Comprehensive Plan
City of Sandusky Planning and Zoning Code Chapters:
1129 Residential Districts
1139 Manufacturing Districts

SITE DESCRIPTION

The subject property is currently located within a “PF” Public Facilities District. The subject property is adjacent to other “PF” Public Facilities zoned parcels and to “I-2” Heavy Industrial property located to the South in Perkins Township. The parcel of the subject properties are pointed out:

Subject Parcels Outlined in Red (Top) and Blue (Bottom):



Zone Map Setbacks



PUD - Planned Unit Development



Parcels



TRO - Transient Rental Overlay



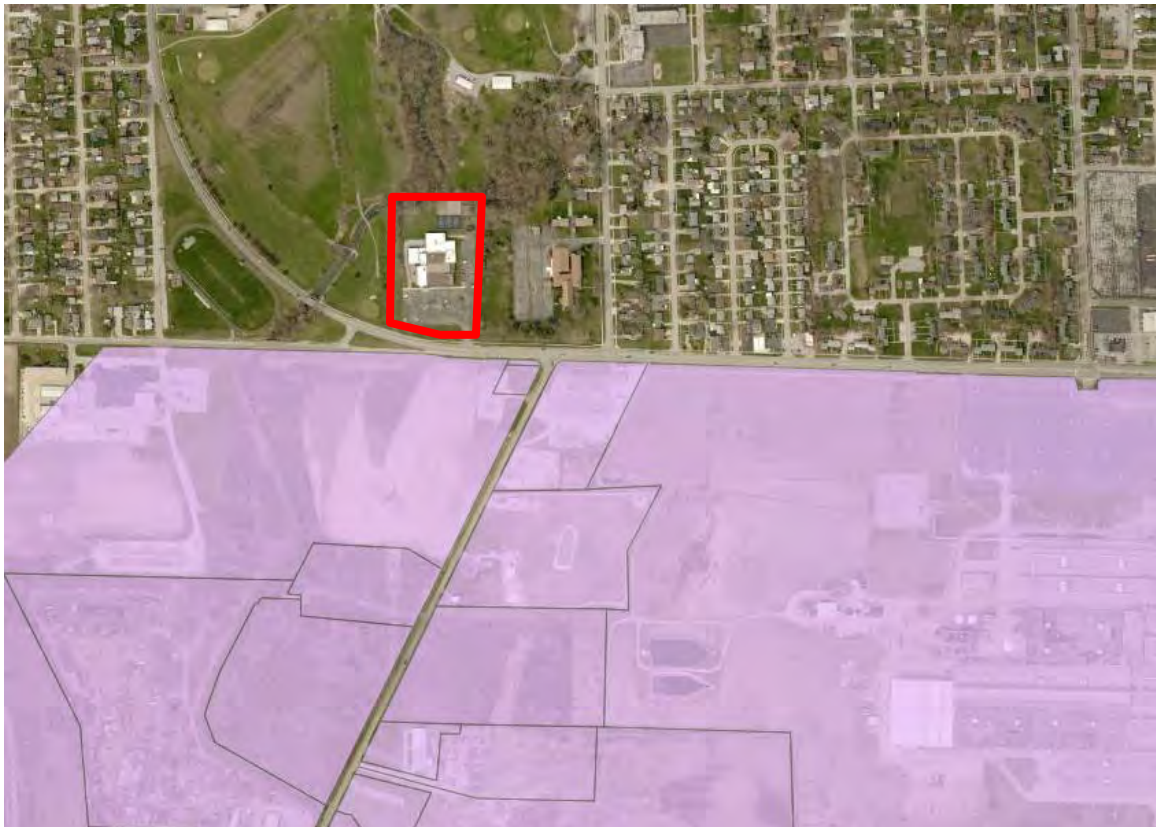
Zoning

- AG - Agriculture
- CA - Commercial Amusement
- CR - Commercial Recreation
- CS - Commercial Service
- DBD - Downtown Business
- GB - General Business
- GM - General MAnufacturing
- LB - Local Business
- LM - Local Manufacturing
- P - Auto Parking

- PF - Public Facilities
- R1-40 - Single Family Residential
- R1-50 - Single Family Residential
- R1-60 - Single Family Residential
- R1-75 - Single Family Residential
- R2F Two-Family Residential
- RB - Roadside Business
- RMF - Multi-Family Residential
- RRB - Residential/Business
- RS - Residential Suburban



Perkins Township Zoning in relation to site



I-2 - Heavy Industrial

Photo of site



PLANNING DEPARTMENT COMMENTS

This parcel is mostly adjacent to other public facilities districts, and to the north is land that is zoned heavy industrial in Perkins Township. The applicant is proposing the rezoning of this land as they look to relocate their light manufacturing facility to Sandusky to provide jobs and ancillary benefits to the community.

According to the City's Bicentennial Vision Comprehensive Plan, this neighborhood had several strong recommendations that could be addressed by this rezoning.

The Bicentennial Comprehensive Plan outlines a number of priorities for the southern neighborhoods. Some of the priorities related to this site are:

- 1) Redevelop vacant and blighted parcels along Perkins and encourage design standards that give a uniform experience along the corridor.
- 2) Regional Partnerships & Perspective; Human Capital, Entrepreneur & Small Business Support

While the loss of the YMCA has left a vacancy for recreation in Sandusky the repurposing of the building for a light manufacturing use could offer great opportunity for the neighborhood and Sandusky. The applicant is not only looking to move their business into Sandusky but also use portions of the building as spaces for other companies to also utilize, with the potential of some of it being a 'makerspace' or co-work type concept, however final decisions on the remaining space is still to be determined.

The building itself is not likely to be able to be re-used as a public facilities use any longer as its floorplan is not easily adaptable for modern codes required for a recreational facility. The building has also been vandalized, and now sits in a somewhat precarious state of disrepair. Staff believes it is important to be reminded that the property directly to the south of this property is zoned for a much higher industrial use.

As staff examined the City's Bicentennial Vision Comprehensive Plan as it relates to this area and we believe that this rezoning could offer great potential towards developing small businesses, human capital, and entrepreneurship. Within a quick commute for many Sandusky residents.

Chapter 1113 Amendments, of the Zoning Code states that the Zoning Map may be amended periodically in order to keep it abreast of new zoning techniques, as well as when the following general conditions arise:

- (1) Whenever a general hardship prevails throughout a given district;
- (2) Whenever a change occurs in land use, transportation, or other sociological trends, either within or surrounding the community; and
- (3) Whenever extensive developments are proposed that do not comply but would be in the public interest.

Understanding the goals set for this area by the city's Comprehensive Plan and the reasons previously stated in this report staff believes the rezoning could satisfy the above conditions.

ENGINEERING STAFF COMMENTS

The City Engineer has reviewed the proposed zoning amendment and we have not received objects at the time of writing the report.

BUILDING STAFF COMMENTS

The City Building Official has reviewed the proposed zone map amendment and we have not received objects at the time of writing the report.

POLICE DEPARTMENT COMMENTS

The City Police Chief has reviewed the proposed zone map amendment and we have not received objects at the time of writing the report.

FIRE DEPARTMENT COMMENTS

The City Fire Chief has reviewed the proposed zone map amendment and we have not received objects at the time of writing the report.

CONCLUSION/RECOMMENDATION

In conclusion, staff continues recommends the approval of the proposed amendment to the Zone Map for 2101 Perkins Avenue/Parcel 58-68009.000 from "PF" Public Facilities to "LM" Limited Manufacturing.

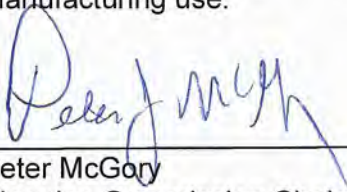


Department of Planning

240 Columbus Avenue
Sandusky, OH 44870
Phone: 419.627.5973
Fax: 419.627.5933
www.ci.sandusky.oh.us

December 15, 2020

Planning Commission at the November 16th, 2020 meeting recommended approval to the City Commission for the proposed amendment to the zoning map for parcel 58-68009.000 (2101 Perkins Avenue). This rezoning from "PF" - Public Facilities to "LM" - Limited Manufacturing is requested to allow the applicant to utilize the site for a limited manufacturing use.



Peter McGory
Planning Commission Chair

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONE MAP OF THE CITY OF SANDUSKY TO REZONE PARCEL NO. 58-68009.000 LOCATED AT 2101 W. PERKINS AVENUE FROM "PF" PUBLIC FACILITIES DISTRICT TO "LM" LIMITED MANUFACTURING DISTRICT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT UNDER SUSPENSION OF THE RULES AS CONTAINED IN AND IN ACCORDANCE WITH SECTION 13 OF THE CITY CHARTER.

WHEREAS, a request is being made on behalf of RL Ahner Properties LLC for an amendment to the Zone Map No. 96-01 as codified in Section 1121.03 of the Codified Ordinances of the City for Parcel No. 58-68009.000, located at 2101 Perkins Avenue, from "PF" Public Facilities District to "LM" Limited Manufacturing District and as more fully described in Exhibit "A" which is attached to this Ordinance and specifically incorporated as if fully rewritten herein; and

WHEREAS, Rosalyn Ahner, on behalf of RL Ahner Properties LLC, has applied for a zoning amendment to use the parcel for the relocation of a light manufacturing facility and for commercial leasing; and

WHEREAS, this request was heard by the Planning Commission at their November 16, 2020, meeting resulting in the Planning Commission's recommendation to **approve** the requested Zone Map Amendment for Parcel No. 58-68009.000, located at 2101 Perkins Avenue; and

WHEREAS, a public hearing on the applicant's request was held by this City Commission at their December 28, 2020, regularly scheduled meeting; and

WHEREAS, this Ordinance should be passed under suspension of the rules in accordance with Section 13 of the City Charter approving the Amendment to the Zone Map 96-01 as Codified in Section 1121.03 of the Codified Ordinances to rezone Parcel No. 58-68009.000, located at 2101 Perkins Avenue from "PF" Public Facilities District to "LM" Limited Manufacturing District; and

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

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

Section 1. This City Commission approves the requested rezoning and the Zone Map 96-01, as codified in Section 1121.03 of the Codified Ordinances of the City, is hereby amended to effect the rezoning of Parcel No. 58-68009.000, located at 2101 Perkins Avenue from "PF" Public Facilities District to "LM" Limited Manufacturing District as more fully described in Exhibit "A" which is attached to this Ordinance and specifically incorporated herein.

Section 2. The City's Chief Planner is directed to make the change on the original Zoning Map on file in the Office of Planning and Zoning.

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 shall take effect under suspension of the rules as contained in and in accordance with Section 13 of the City Charter after its adoption and due authentication by the President and the Clerk of The City Commission.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
MCKENZIE E. SPRIGGS
CLERK OF THE CITY COMMISSION

Passed: December 28, 2020 (effective after 30 days)

EXHIBIT A

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

Being that part of the Mills 175 Acre Tract in the City of Sandusky, Erie County, Ohio, as follows: Beginning at the intersection of the westerly line of lands now or formerly owned by the trustees of St. Paul Lutheran Church with the northerly right of way line of Perkins Avenue (35 feet north of south corporation line of City of Sandusky), the same point of beginning being South $89^{\circ}07'$ West, 567.91 feet from the centerline of Mills Street, measured along said north right of way line; thence North $4^{\circ}00'$ West, along the westerly line of lands of said trustees of St. Paul Lutheran Church, 626.36 feet to a south line of lands of the City of Sandusky, Ohio (Mills Creek Golf Course); thence South $89^{\circ}14'$ West, along last mentioned line, 358.09 feet to the east line of Calvary Cemetery (Bishop of Toledo); thence South $4^{\circ}00'$ East, along last mentioned line, 570.89 feet to the north right of way line of Perkins Avenue; thence along a curve to the left, having a radius of 1392.69 feet, the chord for which is South $83^{\circ}29'38''$ East, 358.26 feet, a distance of 359.24 feet to a point of tangency; thence South $0^{\circ}53'$ East, 10.00 feet to a point, thence North $89^{\circ}07'$ East, still along said north right of way line of Perkins Avenue, 5.86 feet to the place of beginning and containing 4.8766 acres, more or less, together with any title or interest that owner may have in that portion of Perkins Avenue lying within the limits of the City of Sandusky, Ohio.

Permanent Parcel No. 58-68009.000



PLANNING DEPARTMENT

Division of Transit

240 Columbus Avenue
Sandusky, Ohio 44870
419.621.8462
www.cityofsandusky.com

TO: Eric Wobser, City Manager

FROM: Thomas Horsman, Transit Director

DATE: December 16, 2020

SUBJECT: Resolution to Amend the Bylaws of NEORide

ITEM FOR CONSIDERATION: Legislation approving an amendment to the bylaws of NEORide, a regional council of governments.

BACKGROUND INFORMATION: In August 2019, the City of Sandusky joined NEORide, a regional council of governments consisting of 16 transit agencies across Ohio, Kentucky, and Michigan. On November 9, 2020, the NEORide Board of Directors passed a resolution to accept a resolution to amend the bylaws to allow for the NEORide Governing Board to be able to independently make changes to the NEORide Bylaws without the requirements of a majority vote of each of their individual governing boards. Currently, in order to make any amendment to the Bylaws, "new Bylaws may be amended or they may be repealed and new Bylaws adopted by a majority vote of legislative authorities of the Members upon the recommendation of the Governing Board."

BUDGET IMPACT: There is no budget impact.

ACTION REQUESTED: It is requested legislation be adopted to approve the amendment to the NEORide Bylaws. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter to order to approve the amended Bylaws, as requested by the NEORide Board of Directors so the changes may become effective as the earliest opportunity.

I concur with this recommendation:

Eric Wobser

City Manager

cc: McKenzie Spriggs, Clerk of the City Commission
Michelle Reeder, Acting Finance Director
Brendan Heil, Law Director



Memo

To: NEORide Governing Board

From: Katherine Conrad

Date: November 10, 2020

Re: NEORide Bylaws Amendment

On November 9, 2020 the NEORide Board of Directors passed a resolution to accept a resolution to amend the bylaws to allow for the NEORide Governing Board to be able to independently make changes to the NEORide Bylaws without the requirements of a majority vote of each of their individual governing boards.

Currently, in order to make any amendment to the Bylaws, "new Bylaws may be amended or they may be repealed and new Bylaws adopted by a majority vote of legislative authorities of the Members upon the recommendation of the Governing Board."

The current bylaws require that two-thirds of the members governing boards must pass the amendment (see sample resolution attached) for it to go into effect. We are asking members to take this to their governing boards by the end of January 2021. Please send me a copy of your final signed resolution for our records.

If you have any questions, please feel free to contact me directly.

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE AMENDED BYLAWS OF NEORIDE REGIONAL COUNCIL OF GOVERNMENTS; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, NEORide was created in 2014 by transit agencies in Summit, Portage, and Stark counties for the purpose to plan, promote, further and enhance transportation options within the jurisdictions of the members and in the State of Ohio by encouraging cooperative arrangements and coordinating action among the members, and between the members and other governmental agencies, private persons, corporations, or agencies; and

WHEREAS, the City Commission determined that it was in the best interest of the Sandusky Transit System to become a member of a NEORide, an Ohio Council of Governments, and adopted the Bylaws of NEORide Regional Council of Governments and approved the City's membership into NEORide by Ordinance No. 19-138, passed on August 26, 2019; and

WHEREAS, on November 9, 2020, the NEORide Board of Directors passed a resolution to amend the Bylaws of NEORide to the NEORide Governing Board to be able to independently make future amendments to its Bylaws as it finds necessary; and

WHEREAS, Article VIII of the Bylaws currently requires that the legislative authority of a majority of NEORide members is required to amend the Bylaws and this Ordinance provides such approval of the amendment by this City Commission; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to approve the amended Bylaws, as requested by the NEORide Board of Directors, so the changes may become effective at the earliest opportunity; and

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

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

Section 1. This City Commission hereby approves the amended Bylaws of NEORide Regional Council of Governments, a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for

any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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

Section 4. That for 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: December 28, 2020

BYLAWS
OF
NEORIDE REGIONAL COUNCIL OF GOVERNMENTS

Adopted November 19, 2014

Revised August 22, 2019

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**BYLAWS
OF
NEORIDE REGIONAL COUNCIL OF GOVERNMENTS**

ARTICLE I GENERAL

SECTION 1. AUTHORITY: The NEORide Regional Council of Governments (“NEORide”) has been established by the legislative action of the Portage Area Regional Transportation Authority (“PARTA”), Metro Regional Transit Authority (“METRO”) and Stark Area Regional Transit Authority (“SARTA,” and together with PARTA and METRO, collectively, the “Cooperative Parties”) as a regional council of governments pursuant to the authority of Chapter 167 of the Ohio Revised Code.

SECTION 2. ORGANIZATION: PARTA, METRO and SARTA entered into the Agreement Establishing the NEORide Regional Council of Governments dated as of November 19, 2014 (the “Establishing Agreement”).

SECTION 3. PURPOSE: In accordance with the Establishing Agreement, the purpose of NEORide is to plan, promote, further and enhance transportation options within the jurisdictions of the Members and in the State of Ohio by encouraging cooperative arrangements and coordinating action among the Members, and between the Members and other governmental agencies, private persons, corporations, or agencies.

SECTION 4. POWERS: NEORide shall have such powers as are now, or hereafter may be, granted to regional council of governments by Chapter 167 of the Ohio Revised Code, as amended from time to time, and the Establishing Agreement.

SECTION 5. APPOINTMENT OF FISCAL OFFICER: In accordance with Section 167.04 of the Ohio Revised Code, the Ohio Transit Risk Pool is hereby appointed as the Fiscal Officer of NEORide. The Fiscal Officer shall receive, deposit, invest, and disburse the funds of NEORide in the manner authorized by action of the Governing Board. The Fiscal Officer shall make an annual report of the activities of NEORide to the Members in compliance with Section 167.06(C) of the Ohio Revised Code. The Fiscal Officer shall develop and follow procedures for the receipt, expenditure and accounting of funds in a manner that is capable of being audited and in accordance with the public accounting practices required for data information sites by the law of Ohio and the regulations of the Auditor of State. The Fiscal Officer shall prepare an annual budget for consideration and adoption by the Governing Board. The Fiscal Officer shall prepare and file an annual report on behalf of NEORide in the manner set forth in Section 117.38 of the Ohio Revised Code and shall participate in all audits of NEORide as required by Section 117.11 of the Ohio Revised Code.

SECTION 6. LEGAL ADDRESS: The legal address for the NEORide and the Governing Board shall be: NEORide, 1 Park Center Drive #300, Wadsworth, OH 44281. All notices permitted or required by law, these by-laws or establishing agreement shall be written and delivered, by first class mail postage prepaid, to the Legal Address; provided, however,

notices of the withdrawal of a Member, a hearing on the removal of a Member, or a hearing on any request to amend these by-laws, shall be sent by certified mail.

SECTION 7. ADDITIONAL MEMBERS. Any political subdivision in the State of Ohio, or any other state to the extent that laws of such other state permit membership, may apply for membership in NEORide in accordance with the Establishing Agreement and mutually agreed upon initial fiscal contribution under Section 7.2 of said agreement.

ARTICLE II MEMBERSHIP IN NEORIDE

SECTION 1. MEMBERS: Members of NEORide shall include the Cooperative Parties and any other political subdivision admitted as a Member pursuant to the terms of the Establishing Agreement.

SECTION 2. ADDITIONAL MEMBERS: Any political subdivision located in the State of Ohio may apply for membership in NEORide in accordance with the Establishing Agreement and mutually agreed upon initial fiscal contribution under Section 7.2 of said agreement. The Governing Board of NEORide shall meet and shall take action to admit or decline to admit the applicant as a Member of NEORide.

SECTION 3. ACTION BY MEMBERS: Any action to be taken by NEORide that requires the authorization, approval or ratification of the Members shall be taken only with the affirmative vote of a majority of the Members. Each Member shall as to such matter have one vote, which vote shall be exercised by such Member's legislative authority. The Governing Board may make recommendations to the NEORide Members as to matters to be considered for approval by the Members.

SECTION 4. REMOVAL OF MEMBERS If a Members fails to pay its financial commitments to NEORide when due, then such Member may be removed by a majority vote of the remaining members of the Governing Board.

ARTICLE III GOVERNING BOARD

SECTION 1. GOVERNING BOARD: There shall exist a Governing Board whose purpose it shall be to consider matters relating to the membership and operation of NEORide. The powers of NEORide shall be exercised by and under the direction of the Governing Board.

SECTION 2. MEMBERS OF THE GOVERNING BOARD: Each Member shall designate, by appropriate action of its legislative authority, from time to time, a Representative, who shall act as a member of the Governing Board. Any Member may designate one or more alternative Representatives to represent such Member on the Governing Board from time to time through an appropriate action of its legislative authority.

SECTION 3. RESIGNATION AND REMOVAL: Any member of the Governing Board may resign at any time by giving written notice thereof to the secretary of the Governing

Board. A Representative of the Governing Board may be removed at any time by action of the legislative authority of the Member designating such Representative.

SECTION 4. VACANCIES: Any vacancy occurring in the Governing Board shall be filled from time to time by the Member whose Representative has resigned or been removed.

SECTION 5. LIMITATION CLAUSE: The Governing Board shall have no authority to do or perform any act and thing which is reserved to the Members in the Establishing Agreement or under Ohio law.

ARTICLE IV MEETINGS OF THE GOVERNING BOARD

SECTION 1. REGULAR MEETINGS: Regular meetings of the Governing Board shall be held not less than three times each year at a time and place designated by the Chairman of the Governing Board.

SECTION 2. SPECIAL MEETINGS: Special meetings of the Governing Board may be called by the Chairman of the Governing Board or by a majority of the members of the Governing Board in a writing delivered to the secretary of the Governing Board. The person or persons calling the meeting shall specify the place, time and purpose for such meeting.

SECTION 3. LOCATION OF MEETING: Meetings of the Governing Board shall be held at any place located within the territory of the Members.

SECTION 4. NOTICE OF MEETING: Written notice of the time and place of each regular and special meeting of the Governing Board shall be given to each Representative of the Governing Board by personal delivery, facsimile or e-mail transmission or by regular mail at least five days before the meeting, which notice, in the case of a regular meeting, need not specify the purpose of the meeting. If the notice is mailed, it shall be deemed to be delivered when deposited in the United States mail so addressed with postage thereon prepaid. The attendance of a Representative at a Governing Board meeting shall constitute a waiver of notice of such meeting, except where the member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

SECTION 5. QUORUM: A majority of the members of the Governing Board is necessary to constitute a quorum for a meeting of the Governing Board. The act of a majority of the members of the Governing Board present at a meeting at which a quorum is present is the act of the Governing Board.

SECTION 6. VOTING: Each Representative on the Governing Board shall be entitled to one vote on any matter coming before the Governing Board for vote or action.

SECTION 7. COMPENSATION AND EXPENSES: Representatives on the Governing Board shall not receive any compensation for their service.

SECTION 8. PUBLIC MEETINGS: The Governing Board of NEORide hereby adopts the public meetings policy set forth in Exhibit A attached hereto as required by Section 121.22 of the Ohio Revised Code.

ARTICLE V COMMITTEES OF GOVERNING BOARD

SECTION 1. COMMITTEES: The Governing Board by action may designate such committees which shall have and may exercise such powers as shall be conferred or authorized from time to time by the Governing Board. The Governing Board, by affirmative vote, shall have power at any time to change the powers and members of any such committees, to fill vacancies, and to dispose of any such committee.

SECTION 2. ACTION BY COMMITTEES: A majority of the members of any committee may determine its actions and fix the time and place of its meetings unless the Governing Board shall otherwise provide.

ARTICLE VI OFFICERS OF GOVERNING BOARD

SECTION 1. OFFICERS: The officers of the Governing Board shall consist of a Chairman, a Vice Chairman and a Secretary-Treasurer and such other officers and assistant officers as the Governing Board may deem necessary, each of whom may be designated by such other titles as may be provided in an action of the Governing Board. The officers of the Governing Board shall each be elected from among the members of the Governing Board.

SECTION 2. ELECTION AND TERM OF OFFICE: The officers of the Governing Board shall be elected annually by the Governing Board at the first regular meeting after the beginning of a new fiscal year. Each officer shall hold office for a term of one year, or until his successor shall have been duly elected and accepted office, or until his death, resignation or removal in the manner hereinafter provided.

SECTION 3. REMOVAL: Any officer may be removed at any time by the Governing Board by a vote of a majority of the members of the Governing Board.

SECTION 4. VACANCIES: A vacancy in office because of death, resignation, removal, disqualification or otherwise may be filled by the Governing Board.

SECTION 5. CHAIRMAN: The Chairman of the Governing Board shall preside at all meetings of the Governing Board. The Chairman shall have general overall supervision of all of the business and affairs of the Governing Board.

SECTION 6. VICE CHAIRMAN: In the absence of the Chairman or the inability or refusal of the Chairman to act, the Vice Chairman shall perform the duties of the Chairman, and otherwise the Vice Chairman shall perform duties as may be prescribed by the Governing Board from time to time.

SECTION 7. SECRETARY-TREASURER: The Secretary-Treasurer shall, subject to the direction of the Governing Board, keep or cause to be kept the minutes of the meetings of the

Governing Board; assure that minutes of all meetings of committees of the Governing Board are prepared and filed with the records of the Governing Board; assure that minutes of all notices are given in accordance with the provisions of these Bylaws or as required by the Cooperative Agreement; be custodian of the records of the Governing Board; and in general perform all duties as may be assigned to the Secretary-Treasurer by Governing Board from time to time.

ARTICLE VII ANNUAL BUDGET

SECTION 1. ANNUAL BUDGET: Annually the Governing Board shall consider and adopt an annual budget as prepared by the Fiscal Officer which maintains operations and expenditures within the budget.

SECTION 2. BUDGET PROCESS: The Governing Board shall provide, or cause to be provided, budget procedures and shall maintain supervision over budget controls. The Governing Board shall adopt the annual budget for the upcoming year, prior to the last day of NEORide's fiscal year.

SECTION 3. PAYMENTS: The Governing Board shall determine the time and the amount of all payments from Members and Former Members.

ARTICLE VIII AMENDMENTS

SECTION 1. AMENDMENTS: These Bylaws may be amended or they may be repealed and new Bylaws adopted by a majority vote of the ~~legislative authorities~~Representatives of the Members upon the recommendation of the Governing Board.

ARTICLE IX TERMINATION

SECTION 1. TERMINATION: If and when determined by a majority vote of the Governing Board that the purposes of NEORide are not being fulfilled, that the continuation of NEORide is impractical, unnecessary, or contrary to law, NEORide shall be terminated. In the event of termination, all assets of NEORide must first be used to pay all debts and legal obligations of NEORide. All assets remaining after the satisfaction of all legal obligations shall be distributed to the then current Members on a pro-rata basis as determined by their membership dues or contributions to NEORide. No Member shall be liable for any debt or obligation of NEORide.

EXHIBIT A

Section 1: Deliberations

Ohio Revised Code Section 121.22(A) states that “This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law.” This provision, which includes all deliberations rather than just final decisions is difficult to fully specify in law but should be considered a major guiding principle concerning public meetings. It clearly requires that deliberations upon official business not occur at private meetings, even if a quorum of the Council or of a particular committee is not present. However, there is also a proper place in government for research, consultation, identification of alternatives, personal reflection, and informal discussion outside of public meetings.

Section 2: Definitions

“**Deliberations**” are defined as the process of choosing among alternatives for official action by the Governing Board.

“**Executive Session**” means a meeting of the Governing Board or any committee that is not open to the public.

“**Public meeting**” means any prearranged discussion of official business relating to NEORide which is open to the public and for which the public notice and other requirements of this ordinance and Section 121.22 of the Ohio Revised Code have been met.

Section 3. State Law to Control

All provisions of Ohio Revised Code Section 121.22 and all other provision of general law related to open, public meetings shall apply to the conduct of NEORide. All provisions of this ordinance shall be construed only in ways that are consistent with general law.

Section 4: Open Meetings

(a) Open Meetings Required. All meetings conducted by any public body at which official action is considered or deliberations upon official business takes place shall be open to the public.

(b) Executive Session. Notwithstanding the foregoing, any public body may conduct an Executive Session, provided that all of the requirements of Ohio Revised Code Section 121.22, as amended, are met. An Executive Session may be conducted solely to discuss but not act upon any of the matters set forth in Ohio Revised Code Section 121.22 (G), as amended, and no other matters may be discussed or acted upon.

Prior to conducting an Executive Session, the public body shall, at a public meeting of that body, adopt a motion to go into Executive Session, stating the specific matter(s) to be discussed and stating that no other matters shall be discussed. The motion shall be approved

by a majority of members present, by roll call vote, with a quorum being present. The agenda for the meeting at which an executive session is to be conducted shall state the intent to conduct an executive session and name the matter(s) to be discussed.

Section 5: Notice Requirements

(a) Schedule of Governing Board and Committee Meetings. The Fiscal Officer shall post on NEORide's website and make available to the public a list of the dates, times, and locations of the meetings of the Governing Board and any committees thereof.

(b) Publication of Notice and Agenda for Meetings. Not later than the close of business on the second business day prior to each Governing Board or committee meeting, the Fiscal Officer shall post the meeting notice and agenda for the meeting and supporting information from the packets of information prepared on NEORide's website.

(c) Emergency Meetings. The Governing Board, its committees, and other public bodies may conduct emergency or special meetings with less notice than that specified in Section 5(b) of this policy. Such meetings shall be publicized in the same way as other meetings of the same public body and the meeting notice and agenda shall also be sent to news media organizations who have requested this information. A meeting may be held with less than twenty-four (24) hours' notice only when (A) there is an emergency that requires immediate official action, (B) the notice and agenda for the meeting state the nature of the emergency, and (C) matters related to the emergency are the only matters discussed at the meeting.

(d) Minutes. Minutes shall be kept at all public meetings and maintained as public records. Minutes of all meetings shall be available to the public and posted on the appropriate page of NEORide website when approved by the Governing Board. The minutes of all public meetings shall include the following:

the name of the organization conducting the meeting;

that location, date, and time that the meeting started and the time that the meeting adjourned;

a presentation of the events of the meeting that included all matters discussed and all actions taken, including amendments and procedural actions;

a summary of all votes taken, including a description of the question that was considered, the results of the vote, and the vote of each member.

(e) Advance Notice Available to News Media. The Fiscal Officer shall provide to any news organization, upon request, information including the date, time, location, and agenda of any special or emergency meeting of that public body. The Fiscal Officer shall establish a procedure, consistent with Section 121.22 of the Ohio Revised Code, for news media to apply to receive this information on an ongoing basis.

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