



**SANDUSKY CITY COMMISSION
REGULAR SESSION AGENDA
FEBRUARY 8, 2021 AT 5 P.M.
CITY HALL, 240 COLUMBUS AVENUE**

INVOCATION	Wes Poole
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	January 25, 2021
AUDIENCE PARTICIPATION	
PUBLIC HEARING	Application to amend the zoning map—parcels between First and Second Streets
COMMUNICATIONS	Motion to accept all communications submitted below
CURRENT BUSINESS	

CONSENT AGENDA ITEMS

ITEM A – Submitted by Jared Oliver, Police Chief

PAYMENT TO LEXIPOL, LLC FOR ANNUAL SUBSCRIPTION FEE FOR SANDUSKY POLICE DEPARTMENT (FIRST READING)

Budgetary Information: The total cost for the annual subscription costs with Lexipol is \$14,341. The costs of the annual subscription will be paid from the Police Department Operating Budget.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing payment to Lexipol, LLC of Frisco, Texas, for the annual subscription fee for policy manual updates and daily training bulletin services for the Sandusky Police Department for the period of April 1, 2021, through March 31, 2022.

ITEM B – Submitted by Aaron Klein, Director of Public Works

APPROPRIATING FUNDS FOR ANNUAL SLUDGE EXPENSE

Budgetary Information: The estimated cost of disposal by the Wastewater Treatment Plant at the Erie County Sanitary Landfill for 2021 shall not exceed \$140,000, which will be paid out of the Contractual Services portion of the Operation and Maintenance budget through the Sewer Fund.

ORDINANCE NO. _____: It is requested an ordinance be passed appropriating funds for the dumping of Class B Biosolids (a.k.a. sludge cake) and other dewatered and compressed solids from the Wastewater Treatment Plant (WWTP) at the Erie County Sanitary Landfill for CY 2021; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

PERMISSION TO DISPOSAL OF VEHICLE

Budgetary Information: Proceeds from the sale of the item will be placed into the City's General Fund 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.

REGULAR AGENDA ITEMS

ITEM #1 – Submitted by Greg Voltz, City Planner

AMENDMENT TO THE ZONING MAP FOR PARCELS LOCATED BETWEEN FIRST & SECOND STREETS (FIRST READING)

Budgetary Information: There is no impact to the general fund.

ORDINANCE NO. _____: It is requested an ordinance be passed amending the official Zone Map of the City of Sandusky to rezone parcels on the south side of First Street, east of Farwell Street and parcels on the north side of Second Street, east of Wildman Drive, from "R1-40" (Single-Family Residential District) to "CR" (Commercial Recreation District).

ITEM #2 – Submitted by Jane Cullen, Project Engineer

PERMISSION TO BID CAMP STREET RESURFACING AND RECONSTRUCTION PROJECT

Budgetary Information: The estimated cost of the project including engineering, inspection, advertising, construction and miscellaneous costs, is \$416,463 paid with \$66,463 OPWC (0% loan), \$175,000 OPWC (grant), \$86,188 CDBG and \$88,812 Issue 8 (Street). CDBG funding is anticipated to be approved in March 2020. The project will not be awarded until funding is approved.

RESOLUTION NO. _____: It is requested a resolution be passed declaring the necessity for the city to proceed with the proposed Camp Street Resurfacing and Reconstruction Project; approving the specifications and Engineer's Estimate of cost thereof; and directing the City Manager to advertise for and receive bids in relation thereto; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

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

AMENDING CODIFIED ORDINANCE, CHAPTER 1157, FLOOD DAMAGE REDUCTION (FIRST READING)

Budgetary Information: There are no fees associated with making these administrative changes.

ORDINANCE NO. _____: It is requested an ordinance be passed amending Part Eleven (Planning and Zoning Code), Title Five (Additional Zoning Requirements), Chapter 1157 (Flood Damage Reduction) of the Codified Ordinances of the City of Sandusky in the manner and way specifically set forth hereinbelow.

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

EXPENDITURE TO MARK HAYNES CONSTRUCTION FOR EMERGENCY SHORELINE RESTORATION WORK AT SHORELINE PARK & THE PAPER DISTRICT MARINA

Budgetary Information: The cost of the shoreline restoration work is \$49,160.00 and shall be paid for with funds from the Parks and Recreation Capital Projects Fund.

(A) ORDINANCE NO. _____: It is requested an ordinance be passed approving the emergency shoreline restoration work to be performed at Shoreline Park by Mark Haynes Construction of Norwalk, Ohio, in the amount of \$30,740; 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 approving the emergency shoreline restoration work to be performed at the Paper District Marina by Mark Haynes Construction of Norwalk, Ohio, in the amount of \$18,420; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM #5 – Submitted by John Orzech, Assistant City Manager

PURCHASE OF USED TRUCK FOR CODE COMPLIANCE DIVISION

Budgetary Information: The cost per vehicle will not exceed \$15,000 and will be paid from the Code Compliance Division 2021 budget.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing the City Manager to enter into a contract for the purchase of a used vehicle for the Code Compliance Division at public auction at an amount not to exceed \$15,000; 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” 



CITY OF SANDUSKY POLICE DEPARTMENT

222 Meigs Street
Sandusky, Ohio 44870
419.627.5863
www.ci.sandusky.oh.us

TO: Eric Wobser, City Manager

FROM: Jared Oliver, Police Chief

DATE: January 26, 2021

RE: Commission Agenda Item

ITEM FOR CONSIDERATION: Requesting legislation authorizing the City Manager to make payment for the annual subscription costs to Lexipol: Lexipol, LLC 2611 Internet Blvd., suite 100 Frisco TX., 75034 in the amount of \$14,341.

BACKGROUND INFORMATION: The Sandusky Police Department had worked in the past on updating policies to CALEA (The Commission on Accreditation for Law Enforcement Agencies) Standards. This process was taking place back in 1997 and 1998. Policies need continuous monitoring and updating due to Case Law and best practices.

Lexipol policies and software have been implemented in police departments throughout the country. Lexipol has provided proven defensible policies since being founded in 2003. Additionally, within the software, officers will be required to complete Daily Training Bulletins on policies in place that total about thirty a month. Documentation will be available to depict that officers have acknowledged the policies and each time the policy is updated the officers must acknowledge the changes. The Sandusky Police Department will also be able to provide documentation that the Daily Training Bulletins were completed by each officer of the department. The Daily Training Bulletins can be used as continuing education credits through the State of Ohio and the policies are reflective of the Ohio Collaborative Initiative.

In 2018, the City Commission under Ordinance #18-073 approved the expenditure of funds for full implementation of the policy and procedures and annual subscription costs for the project with Lexipol. Full implementation of the policy and procedure manual has been accomplished.

BUDGETARY INFORMATION: The total cost for the annual subscription costs with Lexipol is \$14,341. The costs of the annual subscription will be paid from the police departments operating budget.

ACTION REQUESTED: It is requested that the proper legislation be prepared to make payment to Lexipol: Lexipol, LLC 2611 Internet Blvd., suite 100 Frisco TX., 75034 in the amount of \$14,341.

Approved:

I concur with this recommendation:

Jared Oliver, Police Chief

Eric Wobser, City Manager

cc: Michelle Reeder, Finance Director

Brendan Heil, Law Director

CERTIFICATE OF FUNDS

In the Matter of: Mark Haynes- Shoreline Restoration

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the City of Sandusky under the foregoing Contract have been lawfully appropriated for such purposes and are in the treasury of the City of Sandusky or are in the process of collection to an appropriate fund, free from any previous encumbrances. This certificate is given compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Account #431-3700-55990

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 2/4/2021



POLICE1) CORRECTIONS1)

FIRE RESCUE1) EMS1) GOV1)

Invoice

Date	3/1/2021
Invoice #	INVLEX563
Terms	Net 30
Due Date	3/31/2021
PO #	

NOTICE: WE HAVE A NEW MAILING ADDRESS.

Please change the address and remit payment to: 2611 Internet Blvd. Suite 100, Frisco, TX 75034

Bill To

Sandusky Police Department
222 Meigs St
Sandusky, OH 44870

End User

Contract Term

4/1/2021 to 3/31/2022

Item

Annual Law Enforcement Policy Manual & Daily Training Bulletins
Annual Law Enforcement Supplemental Manual(s)

Your price includes a 5% discount.

Invoice Total	14,341.00
Amount Due	\$14,341.00

Contact Information:
Phone: 844-312-9500
Email: receivables@lexipol.com

ACH Payments to:
Lexipol LLC
Routing# 031207607
Account# 8026454197
PNC Bank, N.A.
2 Tower Center Blvd
East Brunswick, NJ 08816
Payment Notice to receivables@lexipol.com

Please Make Checks Payable to:
Lexipol LLC
2611 Internet Blvd, Suite 100
Frisco, Tx 75034

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING PAYMENT TO LEXIPOL, LLC OF FRISCO, TEXAS, FOR THE ANNUAL SUBSCRIPTION FEE FOR POLICY MANUAL UPDATES AND DAILY TRAINING BULLETIN SERVICES FOR THE POLICE DEPARTMENT FOR THE PERIOD OF APRIL 1, 2021, THROUGH MARCH 31, 2022.

WHEREAS, in the past, the Police Department would update their own policies to CALEA (the Commission on Accreditation for Law Enforcement Agencies) Standards which required constant monitoring and updating due to continual new case law and best practices; and

WHEREAS, the City Commission approved an agreement with Lexipol, LLC for the implementation and annual subscription for Policy Management Software to be used by the Police Department by Ordinance No. 18-073, passed on March 26, 2018; and

WHEREAS, Lexipol's Policy Management Software provides more than 150 policies based on federal and state statutes, case law, regulations, and best practices and the policy manual is written by legal and public safety professionals who constantly monitor major court decisions, legislation and emerging trends affecting the industry and provides regular updates in response to legislative mandates, case law and the evolution of best practices; and

WHEREAS, the annual subscription fee includes policy manual updates, 24/7 access to Knowledge Management System for updates and editing, and unique scenario daily training bulletins and testing data base; and

WHEREAS, the total cost for the annual subscription is \$14,341.00 and will be paid with funds from the Police Department's operating budget; 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 Police Department, of the City of Sandusky, Ohio and, NOW, THEREFORE,

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

Section 1. This City Commission hereby authorizes and directs the City Manager and/or Finance Director to make payment to Lexipol, LLC, of Frisco, Texas, in an amount **not to exceed** Fourteen Thousand Three Hundred Forty One and 00/100 Dollars (\$14,341.00) for the annual subscription fee for policy manual updates and daily training bulletin services for the Police Department for the period of April 1, 2021, through March 31, 2022.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent

jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed:



DEPARTMENT OF PUBLIC WORKS

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

To: Eric Wobser, City Manager

From: Aaron M. Klein, P.E.

Date: January 27, 2021

Subject: Commission Agenda Item – WWTP Sludge Hauling for CY 2021

ITEM FOR CONSIDERATION: Legislation appropriating funds for the dumping of Class B Biosolids (a.k.a. sludge cake) and dewatered combined material from the Wastewater Treatment Plant (WWTP) and Sewer Maintenance (SM) at the Erie County Sanitary Landfill in an amount not to exceed \$140,000.00 for CY 2021.

BACKGROUND INFORMATION: Typical daily treatment operations at the Wastewater Treatment Plant generate solids, called sludge cake, as a byproduct. In 2020, the WWTP disposed of 4,390.87 tons of material at the Erie County Sanitary Landfill.

In addition, vacuum trucks used to clean storm, sanitary and combined sewers empty their contents in a basin that allows the water to drain back into the plant for treatment while the debris, grease and solids remain. Materials from the WWTP grit removal process and grease from the scum concentrator are also allowed to separate in this same manner. In 2020, this process, called dewatering, generated approximately 191 tons of solid byproducts that were disposed of at the Erie County Sanitary Landfill.

An additional 36.55 tons of miscellaneous waste and dewatered and compressed solids from the WWTP bar screens or other daily operations at the plant or within the sewer maintenance department were generated.

Combined disposal costs for these materials in 2020 were approximately \$131,817. Materials are removed from the WWTP and transported to the Erie County Sanitary Landfill by CDL-licensed city staff, using city vehicles. This process is approved by the Ohio EPA. Sludge is considered Municipal Solid Waste (MSW). Erie County Sanitary Landfill has flow control for all MSW, meaning that the material must be hauled to and disposed of at that location. Public bidding will not be used.

The city is estimating 4,300 tons of Class B Biosolids (Sludge Cake) at \$30.00 per ton and 190 tons of dewater combined material at \$52.00 per ton will be taken to the Erie County Sanitary Landfill for disposal in 2021.

BUDGETARY INFORMATION: The estimated cost of disposal by the Wastewater Treatment Plant at the Erie County Sanitary Landfill for 2021 shall not exceed \$140,000.00, which will be paid out of the Contractual Services portion of the Operation and Maintenance budget through the Sewer Fund.

ACTION REQUESTED: It is recommended that legislation be approved appropriating funds to continue dumping at the Erie County Sanitary Landfill for an amount not to exceed \$145,400 for CY 2021. It is requested that legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order to continue uninterrupted disposal.

I concur with this recommendation:

Eric Wobser
City Manager

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

CERTIFICATE OF FUNDS

In the Matter of: Sludge Dumping- Erie County Landfill

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the City of Sandusky under the foregoing Contract have been lawfully appropriated for such purposes and are in the treasury of the City of Sandusky or are in the process of collection to an appropriate fund, free from any previous encumbrances. This certificate is given compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Account #613-5420-53000

By: _____

Michelle Reeder

Michelle Reeder

Finance Director

Dated: 2/4/2021

ORDINANCE NO. _____

AN ORDINANCE APPROPRIATING FUNDS FOR THE DUMPING OF CLASS B BIOSOLIDS (A.K.A. SLUDGE CAKE) AND OTHER DEWATERED AND COMPRESSED SOLIDS FROM THE WASTEWATER TREATMENT PLANT (WWTP) AT THE ERIE COUNTY SANITARY LANDFILL FOR CY 2021; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Wastewater Treatment Plant generates biosolids called sludge cake along with other dewatered and compressed solid byproducts during daily operations that are disposed of at the Erie County Sanitary Landfill; and

WHEREAS, the Erie County Sanitary Landfill has flow control for all Municipal Solid Waste (MSW), which sludge is considered, and therefore must be hauled to and disposed of at the Erie County Sanitary Landfill; and

WHEREAS, the sludge and other dewatered and compressed solid byproducts are removed from the Wastewater Treatment Plant and transported to the Erie County Sanitary Landfill by CDL-licensed City staff using City vehicles which is an approved process by the Ohio EPA and the combined disposal costs for these materials in 2020 were approximately \$131,817.00; and

WHEREAS, the estimated cost of disposal by the Wastewater Treatment Plant at the Erie County Sanitary Landfill for CY 2021 is \$140,000.00 and will be paid with Sewer Funds; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to appropriate funds and continue uninterrupted disposal of sludge from the Wastewater Treatment Plant; 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 authorizes and directs the City Manager and/or Finance Director to appropriate funds in an amount **not to exceed** One Hundred Forty Thousand and 00/100 Dollars (\$140,000.00) to make timely payments for the dumping of Class B Biosolids (a.k.a. sludge cake) and other

dewatered and compressed solids from the Wastewater Treatment Plant at the Erie County Sanitary Landfill for the CY 2021.

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: February 8, 2021



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: January 28, 2021

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.

1994 Ford Super Duty: 1FDLF47G7REA08811 – 140,190 miles: This truck was purchased new for Horticultural Services with a crane and dump body for use in the Forestry Department. Due to rust, this truck has exceeded its useful lifespan. Proceeds of this sale will be deposited into the General Fund account (110-0000-48000).

BUDGETARY INFORMATION: Proceeds from the sale of the item will be placed into the City's General Fund 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; Brandon 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>
1994 Ford Super Duty Truck	1FDLF47G7REA08811	140,190

WHEREAS, the proceeds from the sale of this vehicle will be placed into the City’s General Fund; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to 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 General Fund.

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: February 8, 2021



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: January 26, 2021

Subject: February 8th, Commission Agenda Item –Application for an amendments to the zoning map for the following parcels located along 1st and 2nd Streets: 57-00057.000, 57-00923.000, 57-00924.000, 57-00925.000, 57-00926.000, 57-01977.000, 57-02060.000, 57-02304.000, 57-02507.000, 57-02667.000, 57-02925.000, 57-03247.000, 57-03690.000, 57-03694.000, 57-03695.000, 57-03842.000, 57-03843.000, 57-03844.000, 57-03845.000, 57-03847.000, 57-03848.000, 57-03849.000, 57-03850.000, 57-03859.000, 57-03861.000, 57-03863.000, 57-03961.000, 57-03962.000, 57-04022.000, 57-04024.000, 57-05755.000, 57-05756.000, 57-60034.000.

Item for Consideration: Application for an amendments to the zoning map for the following parcels located along 1st and 2nd Streets: 57-00057.000, 57-00923.000, 57-00924.000, 57-00925.000, 57-00926.000, 57-01977.000, 57-02060.000, 57-02304.000, 57-02507.000, 57-02667.000, 57-02925.000, 57-03247.000, 57-03690.000, 57-03694.000, 57-03695.000, 57-03842.000, 57-03843.000, 57-03844.000, 57-03845.000, 57-03847.000, 57-03848.000, 57-03849.000, 57-03850.000, 57-03859.000, 57-03861.000, 57-03863.000, 57-03961.000, 57-03962.000, 57-04022.000, 57-04024.000, 57-05755.000, 57-05756.000, 57-60034.000. The proposed rezoning is from "R1-40" – Single Family Residential to "CR" – Commercial Recreation.

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: When Staff received the two rezoning applications for this area in July of 2020, we received feedback from residents and owners in the area that had concerns with a potential rezoning. With those comments in mind, and reasons discussed later in this report we wanted to take a holistic look and approach at the entire area. Staff requested the items be tabled at the July 2020 meeting so that we could gain more feedback from the residents in the neighborhood. In October of 2020 Staff walked around the neighborhood and knocked on doors to discuss the potential rezoning with neighbors. After these discussions Staff decided, with Planning Commission feedback, to propose the option of rezoning parcels between 1st Street and 2nd Street and not further south over 2nd Street. Planning Commission voted to recommend approval of this rezoning to City Commission at the December 21st Planning Commission meeting.

The City's Bicentennial Vision Comprehensive Plan often mentions the opportunities of the redevelopment of land along the First Street corridor, particularly pointing out its advantages of being in close proximity to Cedar Point. The plan touts this neighborhood as being one of the largest redevelopment opportunities in the city. Mixed-use development is called for on Cedar Point Drive, along with areas slightly to the east on First Street. Beyond that, the plan states the city should "redevelop vacant land and infill to extend and stabilize single family neighborhoods" for the area south of First Street and to "develop waterfront residential on former industrial sites while maintaining and/or creating public access..." for the area on the north side of First Street.

This residential section of the city has had many challenges over the past few decades, and little residential development has taken place in recent years. However, the planned investments of the Sandusky Bay Pathway and other private investments, along with the recent implementation of Sandusky's residential tax abatement program, staff believes that this neighborhood could be well-poised for residential development in the future. This has become even more evident with the Planned Unite Development that is proposed to the Northwest of the proposed rezoning location. The area's proximity to Cedar Point and the waterfront also present it with many opportunities. Staff believes that the land along the First Street Corridor should be developed in line with the goals laid out in the Bicentennial Vision Comprehensive Plan and that development here should not negatively impact the existing residents in the neighborhood.

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. Staff believes the rezoning of these parcels between 1st Street and 2nd Street could create an opportunity for investment that could attract new infill development further south into the neighborhood. Commercial Recreation also still permits single-family residential and permits transient rental.

Correlation to the Comprehensive Plan:

The Bicentennial Vision Comprehensive Plan outlined multiple priorities for this area including 1) the creation of the Sandusky Bay Pathway multi-purpose trail along First Street, 2) redevelop vacant land and infill to extend and stabilize single family neighborhoods, 3) target areas around First Street for residential stabilization and infill and mixed-use residential development.

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 parcels located along 1st and 2nd Streets: 57-00057.000, 57-00923.000, 57-00924.000, 57-00925.000, 57-00926.000, 57-01977.000, 57-02060.000, 57-02304.000, 57-02507.000, 57-02667.000, 57-02925.000, 57-03247.000, 57-03690.000, 57-03694.000, 57-03695.000, 57-03842.000, 57-03843.000, 57-03844.000, 57-03845.000, 57-03847.000, 57-03848.000, 57-03849.000, 57-03850.000, 57-03859.000, 57-03861.000, 57-03863.000, 57-03961.000, 57-03962.000, 57-04022.000, 57-04024.000, 57-05755.000, 57-05756.000, 57-60034.000. The proposed rezoning is "R1-40" – Single Family Residential to "CR" – Commercial Recreation.

I concur with this recommendation:

Eric Wobser
City Manager

Jonathon Holody
Community Development Director

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

PLANNING COMMISSION REPORT

APPLICATION FOR AN AMENDMENT TO
THE ZONING MAP FOR THE FOLLOWING
PARCELS LOCATED ALONG 1ST AND 2ND

STREET: 57-00057.000, 57-00923.000, 57-
00924.000, 57-00925.000, 57-00926.000, 57-
01977.000, 57-02060.000, 57-02304.000, 57-
02507.000, 57-02667.000, 57-02925.000, 57-
03247.000, 57-03690.000, 57-03694.000, 57-
03695.000, 57-03842.000, 57-03843.000, 57-
03844.000, 57-03845.000, 57-03847.000, 57-
03848.000, 57-03849.000, 57-03850.000, 57-
03859.000, 57-03861.000, 57-03863.000, 57-
03961.000, 57-03962.000, 57-04022.000, 57-
04024.000, 57-05755.000, 57-05756.000, 57-
60034.000.

Reference Number: PRZ20-0004

Date of Report: December 16, 2020

Report Author: Greg Voltz, Planner



City of Sandusky, Ohio

Planning Commission Report

BACKGROUND INFORMATION

The City of Sandusky is requesting the rezoning of property from R1-40 -Single-Family Residential to CR Commercial Recreation. The following information is relevant to this application:

Applicant: City of Sandusky
420 Columbus Avenue
Sandusky, Ohio 44870

Site Location: LOTS 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 431, 432, 433, 434, 435, 436, 437, 438, 439, 584, 585, 586, 596, 597, 598, 599, 600, 601, 602, 603, 604 on First Street and Second Street.

Current Zoning: “R1-40” Single-Family Residential

Surrounding Zoning: North- “R1-40” Single-Family Residential District and “CR” Commercial Recreation / Use: Residential and storage
East- “R1-40” Single-Family Residential District and “CR” Commercial Recreation / Use: Cedar Point Dormitories
South- “R1-40” Single-Family Residential District /Use: Vacant and Residential
West- “R1-40” Single-Family Residential District / Use: Residential

Existing Use: Residential and Vacant Land

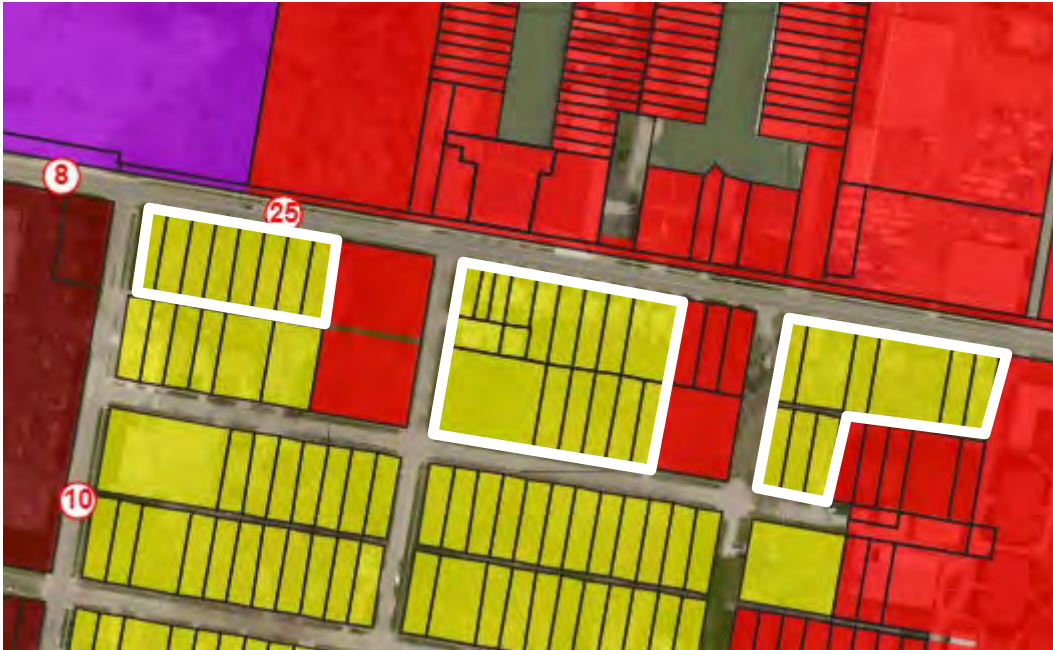
Proposed Zoning: “CR” Commercial Recreation

Applicable Plans & Regulations: City of Sandusky Bicentennial Comprehensive Plan
City of Sandusky Planning and Zoning Code Chapters:
1129 Residential Districts
1137 Commercial Districts

SITE DESCRIPTION

The subject properties are currently located within an R1-40 Single-Family Residential District. The subject property is adjacent to a R1-40 Single Family Residential District on two sides and near other CR Commercial Recreation Districts. The parcels of the subject properties are pointed out:

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



Photos of various properties

Looking Northwest on 2nd Street near unimproved Austin Street



First Street near Cedar Point Dorm exit looking West



Looking Southeast at the intersection of First Street and Farwell Street



PLANNING DEPARTMENT COMMENTS

The lots are mostly adjacent to other R1-40 residential districts, and across the street or adjacent to some parcels previously rezoned to Commercial Recreation district, which are being used primarily as private storage or still vacant land.

According to the City's Bicentennial Vision Comprehensive Plan, the vacant land in the eastern neighborhoods along First Street are called to be residential stabilization and infill and mixed-use infill. Since the adoption of that plan, there have been proposed residential projects, as well as proposed investments in infrastructure such as the Sandusky Bay Pathway. The city has also implemented a residential tax abatement program. The plan described this area as a great opportunity for residential development within close proximity of recreation areas.

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

- 1) Creation of the Sandusky Bay Pathway multi-purpose trail along First Street.
- 2) Redevelop vacant land and infill to extend and stabilize single family neighborhoods.
- 3) Target areas around First Street for residential stabilization and infill and mixed-use residential development.

When Staff received the two rezoning applications for this area in July of 2020, we received feedback from residents and owners in the area that had concerns with a potential rezoning. With those comments in mind, and reasons discussed later in this report we wanted to take a holistic look and approach at the entire area. Staff requested the items be tabled at the July 2020 meeting so that we could gain more feedback from the residents in the neighborhood. In October of 2020 Staff walked around the neighborhood and knocked on doors to discuss the potential rezoning with neighbors. Most people along 1st and 2nd Street did not answer the doors but notes were left requesting them to call staff to discuss. Staff did have an opportunity to talk to people along 3rd Street at the time. In these discussions it was evident that these homeowners take deep pride in their house and neighborhood and were not in favor of a rezoning that could impact.

Planning Commission may recall that applications for parcels in this area previously came for a rezoning in 2018-2019. At that time Planning Commission had requested that staff gather additional information regarding the area in the immediate vicinity of the subject parcels. It was determined about 25% of the housing units on First and Second Streets to the east of Farwell are owner-occupied. Staff at that time had concerns about how a change to Commercial Recreation zoning would impact the existing residents in this neighborhood. Commercial Recreation allows for the following uses:

- (1) One- and two-family dwellings, boathouses, motels;
- (2) The following amusement establishments, whether open or enclosed:
 - A. Beaches and swimming pools, with accessory bath houses and locker rooms;
 - B. Manufacturing, rental, repair, and storage of boats, marinas; sale of live bait for fishing;
 - C. Hunting and fishing clubs, shooting ranges;
 - D. Arenas, auditoriums;
 - E. Golf courses, driving ranges;
 - F. Riding academies, stables, race tracks;
 - G. Assembly and meeting halls, bowling alleys, dance halls, skating rinks.
 - H. All retail stores, services and offices as permitted in General Business Districts.
 - I. Transient Occupancy.

As it states under section G, Commercial Recreation zoning districts allow for uses that are permitted in General Business Districts, which thus also allows for uses in Roadside and Local Business districts. This would allow for by-right development of many various uses, some of which could negatively impact the surrounding single-family residences. Even though the land to the north of First Street is zoned as Commercial Recreation, it does not immediately adjoin the subject parcels as it is separated by First Street, and the current use in that part of the Commercial Recreation district is residential boathouses.

Staff has also reexamined the City's Bicentennial Vision Comprehensive Plan as it relates to this area. The plan often mentions the opportunities of the redevelopment of land along the First Street corridor, particularly pointing out its advantages of being in close proximity to Cedar Point. The plan touts this neighborhood as being one of the largest redevelopment opportunities in the city. Mixed-use development is called for on Cedar Point Drive, along with areas slightly to the east on First Street. Beyond that, the plan states the city should "redevelop vacant land and infill to extend and stabilize single family neighborhoods" for the area south of First Street and to "develop waterfront residential on former industrial sites while maintaining and/or creating public access..." for the area on the north side of First Street.

This residential section of the city has had many challenges over the past few decades, and little residential development has taken place in recent years. However, the planned investments of the Sandusky Bay Pathway and other private investments, along with the recent implementation of Sandusky's residential tax abatement program, staff believes that this neighborhood could be well-poised for residential development in the future. This has become even more evident with the Planned Unite Development that is proposed to the Northwest of the proposed rezoning location. The area's proximity to Cedar Point and the waterfront also present it with many opportunities. Staff believes that the land along the First Street Corridor should be developed in line with the goals laid out in the Bicentennial Vision Comprehensive Plan and that development here should not negatively impact the existing residents in the neighborhood.

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. Staff believes the rezoning of these parcels between 1st Street and 2nd Street could create an opportunity for investment that could attract new infill development further south into the neighborhood. Commercial Recreation also still permits single-family residential and permits transient rental.

However, staff believes there will need to be precautions put in place to limit the type of uses permitted in this area to ensure that future development in this area does continue to be a contribution to the area and not a detriment. Types of development that staff believes would not be ideal would include boat storage buildings, gas stations, and other developments that would prohibit residential infill on the interior of this neighborhood south of 2nd Street.

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 recommends the approval of the proposed amendment to the Zone Map for the above referenced parcels from “R1-40” Single Family Residential to “CR” Commercial Recreation.

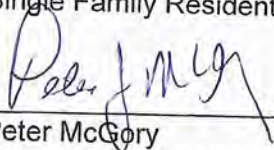


Department of Planning

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

January 25, 2021

Planning Commission at the December 21st, 2020 meeting recommended approval to the City Commission for the proposed amendment to the zoning map for the following parcels located along 1st and 2nd Streets: 57-00057.000, 57-00923.000, 57-00924.000, 57-00925.000, 57-00926.000, 57-01977.000, 57-02060.000, 57-02304.000, 57-02507.000, 57-02667.000, 57-02925.000, 57-03247.000, 57-03690.000, 57-03694.000, 57-03695.000, 57-03842.000, 57-03843.000, 57-03844.000, 57-03845.000, 57-03847.000, 57-03848.000, 57-03849.000, 57-03850.000, 57-03859.000, 57-03861.000, 57-03863.000, 57-03961.000, 57-03962.000, 57-04022.000, 57-04024.000, 57-05755.000, 57-05756.000, 57-60034.000. The proposed rezoning is from "R1-40" – Single Family Residential to "CR" – Commercial Recreation.



Peter McGory
Planning Commission Chair

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONE MAP OF THE CITY OF SANDUSKY TO REZONE PARCELS ON THE SOUTH SIDE OF FIRST STREET, EAST OF FARWELL STREET AND PARCELS ON THE NORTH SIDE OF SECOND STREET, EAST OF WILDMAN DRIVE, FROM “R1-40” (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO “CR” (COMMERCIAL RECREATION DISTRICT).

WHEREAS, a request is being made by the City for an amendment to the Zone Map No. 96-01 as codified in Section 1121.03 of the Codified Ordinances of the City for parcels located on the south side of First Street and east of Farwell Street, identified as Parcel Nos. 57-00923.000, 57-00924.000, 57-00925.000, 57-00926.000, 57-01977.000, 57-02925.000, 57-03247.000, 57-03690.000, 57-03694.000, 57-03695.000, 57-03842.000, 57-03843.000, 57-03844.000, 57-03845.000, 57-03847.000, 57-03848.000, 57-03849.000, 57-03850.000, 57-03961.000, 57-03962.000, 57-04022.000, 57-04024.000, 57-05755.000, 57-05756.000 (Lots 408-424 and 596-604) and for parcels located on the north side of Second Street and east of Wildman Drive, identified as Parcel Nos. 57-00057.000, 57-02060.000, 57-02304.000, 57-02507.000, 57-02667.000, 57-03859.000, 57-03861.000, 57-03863.000, 57-60034.000 (Lots 431-439 and 584-586), from “R1-40” (Single-Family Residential District) to “CR” (Commercial Recreation District) as more fully described in Exhibits “A” and “B” which are attached to this Ordinance and specifically incorporated as if fully rewritten herein; and

WHEREAS, the request for rezoning from “R1-40” (Single-Family Residential District) to “CR” (Commercial Recreation District) is to create an opportunity for investment and development along the First Street Corridor and consistent with the goals established in the Bicentennial Vision Comprehensive Plan; and

WHEREAS, this request was heard by the Planning Commission at their December 21, 2020, meeting resulting in the Planning Commission’s recommendation to **approve** the requested Zone Map Amendment; and

WHEREAS, a public hearing on the request was held by this City Commission at their February 8, 2021, regularly scheduled meeting; and

WHEREAS, this Ordinance should be passed approving the Amendment to the Zone Map 96-01 as Codified in Section 1121.03 of the Codified Ordinances or parcels located on the south side of First Street and east of Farwell Street, identified as Parcel Nos. 57-00923.000, 57-00924.000, 57-00925.000, 57-00926.000, 57-01977.000, 57-02925.000, 57-03247.000, 57-03690.000, 57-03694.000, 57-03695.000, 57-03842.000, 57-03843.000, 57-03844.000, 57-03845.000, 57-03847.000, 57-03848.000, 57-03849.000, 57-03850.000, 57-03961.000, 57-03962.000, 57-04022.000, 57-04024.000, 57-05755.000, 57-05756.000 (Lots 408-424 and 596-604) and for parcels located on the north side of Second Street and east of Wildman Drive, identified as Parcel Nos. 57-00057.000, 57-02060.000, 57-02304.000, 57-02507.000, 57-02667.000, 57-03859.000, 57-03861.000, 57-03863.000, 57-60034.000 (Lots 431-439 and 584-

586), from “R1-40” (Single-Family Residential District) to “CR” (Commercial Recreation 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 parcels located on the south side of First Street and east of Farwell Street, identified as Parcel Nos. 57-00923.000, 57-00924.000, 57-00925.000, 57-00926.000, 57-01977.000, 57-02925.000, 57-03247.000, 57-03690.000, 57-03694.000, 57-03695.000, 57-03842.000, 57-03843.000, 57-03844.000, 57-03845.000, 57-03847.000, 57-03848.000, 57-03849.000, 57-03850.000, 57-03961.000, 57-03962.000, 57-04022.000, 57-04024.000, 57-05755.000, 57-05756.000 (Lots 408-424 and 596-604) and for parcels located on the north side of Second Street and east of Wildman Drive, identified as Parcel Nos. 57-00057.000, 57-02060.000, 57-02304.000, 57-02507.000, 57-02667.000, 57-03859.000, 57-03861.000, 57-03863.000, 57-60034.000 (Lots 431-439 and 584-586), from “R1-40” (Single-Family Residential District) to “CR” (Commercial Recreation District) as more fully described in Exhibits “A” and “B” which are 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 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:

Parcel Numbers	Legal Descriptions
57-00057.000	435 SECOND ST WOOCKWOOD SUB WH 40'X135' & 5' VAC ALLEY
57-00923.000	410 FIRST WH LOCKWOOD SUBDN 40'X135'
57-00924.000	413 FIRST ST WH 40'X135'
57-00925.000	408 FIRST ST WH LOCKWOOD SUB 40'X135'
57-00926.000	409 FIRST ST WH LOCKWOOD SUB
57-01977.000	599 FIRST STREET WH LOCKWOOD SUB
57-02060.000	585 SECOND ST LOCKWOOD SUB WH
57-02304.000	584 SECOND ST LOCKWOOD SUB WH 40'X135'
57-02507.000	432 SECOND STREET WH LOCKWOOD SUB 40'X135' & VAC ALLEY REAR OF LOT 40X5'
57-02667.000	586 SECOND ST LOCKWOOD SUB WH 40'X135'
57-02925.000	600 601 602 FIRST STREET WH
57-03247.000	596 FIRST STREET WH 40'X135'
57-03690.000	597 FIRST ST LOCKWD SUB 40'X135 598 FIRST ST LOCKWD SUB40'X135'
57-03694.000	414 FIRST ST WH LOCKWOOD SUB
57-03695.000	415 FIRST ST WH LOCKWOOD SUBDN 40'X135'
57-03842.000	416 FIRST ST W 30' OF N 89' PARCEL A
57-03843.000	416 FIRST ST E 10' & W 12' OF 417 OF N 89' PARCEL B
57-03844.000	417 FIRST ST E 28' OF N 89' PARCEL C
57-03845.000	418 FIRST ST N 89' PARCEL D
57-03847.000	419 FIRST ST INCL PTVAC ALLEY EXW4' OF S56.63' PARCEL G
57-03848.000	420 FIRST ST LOCKWD SUB W 40X135'& VAC ALLEY REAR OF L
57-03849.000	421 423 424 FIRST ST WH LOCKWOOD SUB & VAC ALLEY R OF LOT
57-03850.000	422 FIRST ST WH 40'X135' VAC ALLEY R OF LOT
57-03859.000	433 SECOND ST W 40'X 135' VACATED ALLEY & VAC ALLEY REAR
57-03861.000	434 SECOND ST LOCKWOOD SUB WH & VAC ALLEY REAR OF LOT
57-03863.000	436 437 438 439 SECOND ST WH LOCKWD SUB VAC ALLEY R
57-03961.000	603 FIRST ST WH
57-03962.000	604 FIRST ST WH
57-04022.000	412 FIRST ST WH
57-04024.000	411 FIRST ST WH 40'X135'
57-05755.000	416-417 FIRST ST INCL PTVAC ALLEY PCL E
57-05756.000	418-FIRST ST S 46.63 INC PT OF VACALLEY-419FIRST ST ETC PARCEL F
57-60034.000	431 SECOND ST LOCKWOOD SUB



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



DEPARTMENT OF PUBLIC WORKS

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

To: Eric Wobser, City Manager

From: Jane E. Cullen, P.E.

Date: January 27, 2021

Subject: **Commission Agenda Item – Permission to Bid the Camp Street Resurfacing and Reconstruction Project**

ITEM FOR CONSIDERATION: Requesting legislation authorizing the City to accept bids for the Camp Street Resurfacing and Reconstruction Project.

BACKGROUND INFORMATION: City Commission granted permission at the August 12, 2019, meeting (Resolution 033.19R) to allow staff to submit a grant application to the Ohio Public Works Commission requesting grant funding from the State Capital Improvement and/or Local Transportation Improvement Program. The City received notification of award and began design in-house for the construction plans for Camp Street between Monroe Street and Washington Street.

Camp Street will be milled and resurfaced with 3" of asphalt. There will be some small sections of sidewalks, drive approaches and curbing replaced along with where needed replacement of curb ramps to meet ADA specifications. The city's street department completed some exploratory excavation in Camp Street near Madison Street and Adam Street to help determine the cause of the ripple effect in sections of the pavement. It was discovered that a section of brick in the center of Camp Street has caused pavement settling that will be replaced with a full depth pavement repair.

BUDGETARY INFORMATION: The estimated cost of the project including engineering, inspection, advertising, construction and miscellaneous costs, is \$416,463 paid with \$66,463 OPWC (0% loan), \$175,000 OPWC(grant), \$86,188 CDBG and \$88,812 Issue 8 (Street). CDBG funding is anticipated to approved in March 2020. The project will not be awarded until funding is approved.

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

I concur with this recommendation:

Eric Wobser
City Manager

Aaron Klein, P.E.
Director of Public Works

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

CERTIFICATE OF FUNDS

In the Matter of: Camp Street Project

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the City of Sandusky under the foregoing Contract have been lawfully appropriated for such purposes and are in the treasury of the City of Sandusky or are in the process of collection to an appropriate fund, free from any previous encumbrances. This certificate is given compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Account #241-4447-55990, 431-6200-55990

By: _____



Michelle Reeder

Finance Director

Dated: 2/4/2021

RESOLUTION NO. _____

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

WHEREAS, this City Commission authorized the submission of an application and to enter into a Project Agreement with the Ohio Public Works Commission (OPWC) to participate in the Ohio Public Works Commission's State Capital Improvement and/or Local Transportation Improvement Programs authorized by Chapter 164 (Aid to Local Government Improvements) of the Ohio Revised Code for the Camp Street Resurfacing and Reconstruction Project by Resolution No. 031-19R, passed on August 12, 2019; and

WHEREAS, the proposed Camp Street Resurfacing and Reconstruction Project involves the resurfacing and reconstruction of Camp Street between Monroe Street and Washington Street including the milling and resurfacing of pavement with three (3) inches of asphalt along with the replacement of small sections of sidewalks, drive approaches, and curbing where necessary and replacement of curb ramps to meet ADA specifications and also includes a full depth pavement repair of a brick section in the center of Camp Street near Madison Street and Adam Street that is causing a ripple effect in sections of pavement; and

WHEREAS, the total estimated cost for this project, including engineering, inspection, construction, and miscellaneous costs, is \$416,463.00 of which \$66,463.00 will be paid with a 0% OPWC loan, \$175,000.00 with OPWC grant funds, \$86,188.00 with Community Development Block Grant (CDBG) Funds, and \$88,812.00 with Issue 8 Street Funds; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to bid the project, receive competitive prices and complete the project during the 2021 construction season; and

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

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

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

Commission, for the proposed Camp Street Resurfacing and Reconstruction Project, be and the same hereby are approved by this City Commission.

Section 2. This City Commission hereby declares it necessary to proceed with the proposed Camp Street Resurfacing and Reconstruction Project at the earliest possible time.

Section 3. The City Manager is authorized and directed to advertise for and to receive bids in relation to the proposed Camp Street Resurfacing and Reconstruction Project as required by law.

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

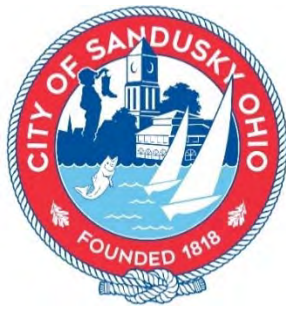
Section 5. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: February 8, 2021



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: January 26, 2021

Subject: **Commission Agenda Item – Updating sections of ordinance 1157**

ITEM FOR CONSIDERATION: Legislation approving updates to the Floodplain Damage Reduction section of the Codified Ordinance, Chapter 1157.

BACKGROUND INFORMATION:

Due to Sandusky's proximity to Lake Erie and Sandusky Bay and being home to multiple creeks feeding into these large bodies of water, the City of Sandusky has special flood hazard (SFH) areas, scientifically identified by the Federal Emergency Management Agency (FEMA). These areas are subject to likely periodic inundation (flooding) which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

The City of Sandusky has been a participant in the National Flood Insurance Program (NFIP) since 1977, which discounts property insurance rates, because staff regulates development within the affected Special Flood Hazard (SFH) Areas within the City. Furthermore, as a member of the NFIP, the flood insurance cost for a given property stays uniform from insurer to insurer, so flood insurance "shopping" is not necessary. The last update to this ordinance was in 2008.

Driving this update more specifically, is that our 2008 Ordinance primarily needs terminology and definitions updated to coincide with FEMA's current model Floodplain Ordinance. Due to updated mapping and survey technologies along with the feedback gained about our geographic area, an updated map is forthcoming with newly designated zones in areas of the City. One of the most impactful changes within this ordinance, is the removal of the "freeboard" requirement, which is a set elevation the previous Ordinance required, above and beyond the FEMA designated Flood Protection Elevation for a 1% annual chance (formerly called 100-year) flood event. Although seemingly conservative, this additional elevation was tough-to-impossible to meet reasonably in most parts of the Special Flood Hazard Area, and costly to conform to. Additionally, there was no additional discount to flood insurance rates, having or meeting this "higher" standard.

BUDGETARY INFORMATION: There are no fees associated with making these administrative changes.

ACTION REQUESTED: It is recommended that proper legislation be prepared and approved to allow the new building regulations, particularly the “Flood Protection Elevation” change, to take effect early in the 2021 calendar year, to minimize the amount of new development applicants that need to try for variances from our existing Flood Protection Elevation. Ultimately these changes will help expedite developments, otherwise meeting our codes in the Special Flood Hazard Area, and keep our Ordinance in line with FEMA regulations.

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 ELEVEN (PLANNING AND ZONING CODE), TITLE FIVE (ADDITIONAL ZONING REQUIREMENTS), CHAPTER 1157 (FLOOD DAMAGE REDUCTION) OF THE CODIFIED ORDINANCES OF THE CITY OF SANDUSKY IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW.

WHEREAS, the City Commission adopted Chapter 1157 (Flood Damage Reduction) by Ordinance No. 08-064, passed on July 28, 2008, which reflected the model ordinance provided by the Ohio Department of Natural Resources in order to meet all the requirements for the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP); and

WHEREAS, the proposed amendments are primarily to update terminology and definitions to coincide with FEMA's current model Floodplain Ordinance; and

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

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

Section 1. Part Eleven (Planning and Zoning Code), Title Five (Additional Zoning Requirements), Chapter 1157 (Flood Damage Reduction) of the Codified Ordinances of the City of Sandusky is hereby amended as follows:

**NEW LANGUAGE APPEARS IN BOLD PRINT
LANGUAGE TO BE STRICKEN APPEARS WITH A STRIKE THROUGH IT
LANGUAGE TO REMAIN UNCHANGED APPEARS IN REGULAR PRINT**

**CHAPTER 1157
FLOOD DAMAGE REDUCTION**

- 1157.01 General Provisions.
- 1157.02 Definitions.
- 1157.03 Administration.
- 1157.04 Use And Development Standards For Flood Hazard Reduction.
- 1157.05 Appeals and Variances.
- 1157.06 Enforcement.

CROSS REFERENCES

Flood control bonds; public capital improvement - see Ohio Const., Art. VIII, Sec. 21
National Insurance Program Compliance - see Ohio R.C. 307.37
County Commission flood control aid to governmental units - see Ohio R.C. 307.77
Levees - see Ohio R.C. 717.01
Participation in National Flood Insurance Program - see Ohio R.C. 1506.04
Construction permits and prohibitions for dams, dikes and levees - see Ohio R.C. 1521.06

Reduction of assessed valuation for establishing reservoirs - see Ohio R.C. 1521.09

Floodplain management - see Ohio R.C. 1521.13

Review of flood plain management ordinances - see Ohio R.C. 1521.18

Manufactured home parks - see Ohio R.C. 4781.26

Notification of flood - see Ohio R.C. 4781.33

Compliance with Flood Plain Management Rules - see Ohio R.C. 4781.29

Recreation vehicle parks - see Ohio R.C. 3729.04

Health, Safety and Sanitation - see GEN. OFF. Ch. 521

1157.01 GENERAL PROVISIONS.

(a) Statutory Authorization. ARTICLE XVIII, Section 7, Home Rule and ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Commission of Sandusky, State of Ohio, does ordain as follows:

(b) Findings of Fact. The City of Sandusky has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(c) Statement of Purpose. It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (8) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (10) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and

- (12) Meet community participation requirements of the National Flood Insurance Program.

(d) Methods of Reducing Flood Loss. In order to accomplish its purposes, these regulations include methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

(e) Lands to Which These Regulations Apply. These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Sandusky as identified in Section 1157.01(f), including any additional areas of special flood hazard annexed by City of Sandusky.

(f) Basis for Establishing the Areas of Special Flood Hazard. For the purposes of these regulations, the following studies and / or maps are adopted:

- (1) *Flood Insurance Study Erie County, Ohio and Incorporated Areas and Flood Insurance Rate Map (FIRM) Erie County, Ohio and Incorporated Areas* both effective August 28, 2008.
- (2) Other studies and / or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- (3) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio, which has been approved by the City of Sandusky as required by Section 1157.04(c) Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the office of the Director of Engineering Services, ~~222 Meigs Street~~ **240 Columbus Avenue**, Sandusky, Ohio 44870.

(g) Abrogation and Greater Restrictions. These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and

any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.

(h) Interpretation. In the interpretation and application of these regulations, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

(i) Warning and Disclaimer of Liability. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Sandusky, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

(j) Severability. Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

~~(Ord. 08-064. Passed 7-28-08.)~~

1157.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

(a) Accessory Structure: A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

(b) Appeal: A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

(c) Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

(d) Base (100-Year) Flood Elevation (BFE): The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

(e) **Basement**: Any area of the building having its floor subgrade (below ground level) on all sides.

(f) **Breakaway Wall**: means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

(g) **Coastal High Hazard Area**: means an area of special flood hazard, as identified by the federal emergency management agency, along the open coast at Lake Erie and any other area subject to high velocity wave action from storms or seismic sources along Lake Erie and its bays.

(h) **Development**: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(i) **Enclosure Below the Lowest Floor**: See "Lowest Floor."

(j) **Executive Order 11988 (Floodplain Management)**: Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

(k) **Federal Emergency Management Agency (FEMA)**: The agency with the overall responsibility for administering the National Flood Insurance Program.

(l) **Fill**: A deposit of earth material placed by artificial means.

(m) **Flood or Flooding**: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters, and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

(n) **Flood Hazard Boundary Map (FHBM)**: Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

(o) **Flood Insurance Rate Map (FIRM)**: An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

(p) **Flood Insurance Risk Zones**: Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

- (1) **Zone A**: Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

- (2) Zones A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
- (3) Zone AO: Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
- (4) Zone AH: Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
- (5) Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
- (6) Zone B and Zone X (shaded): Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.
- (7) Zone C and Zone X (unshaded): Areas determined to be outside the 500-year floodplain.
- (8) **Zone V: Coastal special flood hazard area subject to a 100-year flood from velocity hazard (wave action); base flood elevations are not determined.**
- (9) **Zone VE: and V1-30: Coastal special flood hazard area subject to a 100-year from velocity hazard (wave action); base flood elevations are determined.**

(q) Flood Insurance Study (FIS): The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

(r) **Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.**

(s) Flood Protection Elevation: The Flood Protection Elevation, or FPE, is the base flood elevation ~~plus two (2) feet of freeboard~~. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

(t) Floodway: A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for

debris and projectile impacts, and moderate to high erosion forces.

(u) Freeboard: A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

(v) Historic Structure: Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- (3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
- (4) Individually listed on the inventory of historic places maintained by City of Sandusky's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

(w) Hydrologic and Hydraulic Engineering Analysis: An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

(x) Letter of Map Change (LOMC): A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

- (1) Letter of Map Amendment (LOMA): A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
- (2) Letter of Map Revision (LOMR): A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
- (3) Conditional Letter of Map Revision (CLOMR): A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain

management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

(y) Lowest Floor: The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

(z) Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter ~~3733~~ **4781** of the Ohio Revised Code.

(aa) Manufactured Home Park: As specified in the Ohio Administrative Code ~~3701-27-01~~ **4781-12-01(K)**, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. **Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.**

(bb) National Flood Insurance Program (NFIP): The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

(cc) New Construction: Structures for which the "start of construction" commenced on or after the initial effective date of the City of Sandusky Flood Insurance Rate Map, July 5, 1977, and includes any subsequent improvements to such structures. **For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM July 5, 1977, and includes any subsequent improvements to such structures.**

(dd) Person: Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 **(A)(2)** as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. “Agency” does not include the general assembly, the controlling board, the adjutant general’s department, or any court.

(ee) Recreational Vehicle: A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(ff) Registered Professional Architect: A person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.

(gg) Registered Professional Engineer: A person registered as a professional engineer under Chapter 4733 of the Revised Code.

(hh) Registered Professional Surveyor: A person registered as a professional surveyor under Chapter 4733 of the Revised Code.

(ii) Special Flood Hazard Area: Also known as “Areas of Special Flood Hazard”, it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, ~~and~~ A99, **or V, VE**. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

(jj) Start of Construction: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building,

whether or not that alteration affects the external dimensions of a building.

(kk) Structure: A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

(ll) Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(mm) Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

- ~~(1) Any improvement to a structure that is considered "new construction,"~~
- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

(nn) Variance: A grant of relief from the standards of these regulations ~~consistent with the variance conditions herein.~~

(oo) Violation: The failure of a structure or other development to be fully compliant with these regulations.
~~(Ord. 08-064. Passed 7-28-08.)~~

1157.03 ADMINISTRATION.

(a) Designation of the Floodplain Administrator. The Director of Engineering Services is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

(b) Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (1) Evaluate applications for permits to develop in special flood hazard areas.
- (2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (3) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.

- (4) Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- (5) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, **VE zone construction certifications**, variances, and records of enforcement actions taken for violations of these regulations.
- (6) Enforce the provisions of these regulations.
- (7) Provide information, testimony, or other evidence as needed during variance hearings.
- (8) Coordinate map maintenance activities and FEMA follow-up.
- (9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

(c) Floodplain Development Permits. It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1157.01(f), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

(d) Application Required. An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- (1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- (2) Elevation of the existing, natural ground where structures are proposed.
- (3) Elevation of the lowest floor, including basement, of all proposed structures.
- (4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and

provide enforcement of these regulations.

- (5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:

- A. Floodproofing certification for non-residential floodproofed structure as required in Section 1157.04(e).
- B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1157.04(d)(5) are designed to automatically equalize hydrostatic flood forces.
- C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1157.04(i)(3).
- D. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1157.04(i)(2).
- E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1157.04(i)(1).
- F. Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 1157.04(c).
- G. Certification of structural design and methods of construction for VE zone construction as required by Section 1157.04 (i)(4).**
- H. Certification of breakaway wall design, when applicable, as provided in Section 1157.04 (i)(4).**

- (6) A floodplain development permit application fee set by the schedule of fees adopted the City of Sandusky.

(e) Review and Approval of a Floodplain Development Permit Application.

- (1) Review.

- A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1157.03(d) has been received by the Floodplain Administrator.
- B. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as

required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

(2) Approval.

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

(f) Inspections. The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

(g) Post-Construction Certifications Required. The following as-built certifications are required after a floodplain development permit has been issued:

- (1) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
- (2) For all development activities subject to the standards of Section 1157.03(kj)(1), a Letter of Map Revision.

(h) Revoking a Floodplain Development Permit. A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 1157.05 of these regulations.

(i) Exemption from Filing a Development Permit. An application for a floodplain development permit shall not be required for:

- (1) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than **\$2,500** ~~\$5,000~~.
- ~~(2) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.~~
- (2) **The City of Sandusky is exempt from permitting itself in the instance of maintenance projects of the publicly owned shoreline.**

Specific projects may include revetment replacement, outfall repair/replacement, sheet piling repair/replacement, tree and vegetation removal or the installation of plantings. Emergency and catastrophic events MAY be exempted from this requirement at the discretion of the Floodplain Administrator.

- ~~(3) Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.~~
- ~~(4) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.~~
- ~~(5) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.~~

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

(j) Local, State and Federal Development.

- (1) Development that is funded, financed, undertaken, or preempted by state agencies shall comply with minimum NFIP criteria.**
- (2) Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a 100-year floodplain, a state agency shall require the applicant to demonstrate to the satisfaction of the agency that the development will comply with minimum NFIP criteria and any applicable local floodplain management resolution or ordinance as required by Ohio Revised Code Section 1521.13. This includes, but is not limited to:**
 - A. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Commerce and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 4781-12.**
 - B. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.**
 - C. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.**
- (3) Development activities undertaken by a federal agency and which are subject to Federal Executive Order (EO) 11988 – Floodplain Management.**
 - A. Each federal agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget request reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of EO 11988.**

(k) Map Maintenance Activities. To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that Sandusky's flood maps, studies and other data identified in Section 1157.01(f) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(1) Requirement to Submit New Technical Data.

- A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - 1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - 2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - 3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - 4. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 1157.04(c).
- B. It is the responsibility of the applicant to have technical data, required in accordance with Section 1157.03(j)(1), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - 1. Proposed floodway encroachments that increase the base flood elevation; and
 - 2. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
- D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1157.03(j)(1)(A).

(2) Right to Submit New Technical Data.

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact

floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the City Manager of Sandusky, and may be submitted at any time.

(3) Annexation / Detachment.

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Sandusky have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Sandusky Flood Insurance Rate Map accurately represent the City of Sandusky boundaries, include within such notification a copy of a map of the City of Sandusky suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Sandusky has assumed or relinquished floodplain management regulatory authority.

(l) Data Use and Flood Map Interpretation. The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- (1) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- (2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.

~~(3) When Preliminary Flood Insurance Rate Maps and / or Flood Insurance Study have been provided by FEMA:~~

~~A. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.~~

~~B. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA.~~

- (3) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of

special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1157.05, Appeals and Variances.

- (4) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.

~~(5) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.~~

(m) Use of Preliminary Flood Insurance Rate Map and/or Flood Insurance Study Data.

(1) Zone A:

- A. Within Zone A areas designated on an effective FIRM, data from the preliminary FIRM and/or FIS shall reasonably utilized as best available data.
- B. When all appeals have been resolved and a notice of final food elevation determination has been provided in a Letter of Final Determination (LFD), BFE and floodway data from the preliminary FIRM and/or FIS shall be used for regulating development.

(2) Zones AE, A1-30, AH, AO, VE, and V1-30:

- A. BFE and floodway data from a preliminary FIS or FIRM restudy are not required to be used in lieu of BFE and floodway data contained in an existing effective FIS and FIRM. However,
1. Where BFEs increase in a restudied area, communities have the responsibility to ensure that new or substantially improved structures are protected. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data in instances where BFEs increase and floodways are revised to ensure that the health, safety, and property of their citizens are protected.
 2. Where BFEs decrease, preliminary FIS or FIRM data should not be used to regulate floodplain development until the LFD has been issued or until all appeals have been resolved.

- B. If a preliminary FIRM or FIS has designated floodways where none had previously existed, communities should reasonably utilize this data in lieu of applying the encroachment performance standard of Section 1157.04(i)(2) since the data in the draft or preliminary FIS represents the best data available.

(3) Zones B, C, and X:

- A. Use of BFE and floodway data from a preliminary FIRM or FIS are not required for areas designated as Zone B, C, or X on the effective FIRM which are being revised to Zone AE, A1-30, AH, AO, VE, or V1-30. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data to ensure that the health, safety, and property of their citizens are protected.

(n) Substantial Damage Determinations. Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, *etc.* After such a damage event, the Floodplain Administrator shall:

- (1) Determine whether damaged structures are located in special flood hazard areas;
- (2) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- (3) Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

~~{Ord. 08-064. Passed 7-28-08.}~~

1157.04 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1157.01(f) or 1157.03(lk):

(a) Use Regulations.

- (1) Permitted Uses. All uses not otherwise prohibited in this section or

any other applicable land use regulation adopted by City of Sandusky are allowed provided they meet the provisions of these regulations.

~~(2) Prohibited Uses.~~

~~A. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.~~

~~B. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.~~

(b) Water and Wastewater Systems. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- (2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- (3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

(c) Subdivisions and Large Developments.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- (4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
- (5) The applicant shall meet the requirement to submit technical data to FEMA in Section 1157.03(kj)(1)(A)(4) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1157.04(c)(4)(A).

(d) Residential Structures. **The requirements of this Section apply to new construction of residential structures and to substantial improvements of residential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1157.03 (l).**

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure

resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (4.4(A)) and construction materials resistant to flood damage (4.4(B)) are satisfied.

- (2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- (3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. **In zone AO areas, where no flood protection elevation data exists, the structure shall have the lowest floor, including basement, elevated at least two (2) feet above the highest adjacent natural grade.**
- (5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - A. Be used only for the parking of vehicles, building access, or storage; and
 - B. be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - C. have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of

Section 1157.04(d).

- (8) In AO or AH Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

(e) Nonresidential Structures. **The requirements of this Section apply to new construction and to substantial improvements of nonresidential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1157.03 (l).**

- (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1157.04(d)(1-3 and 5-8).
- (2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - A. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - C. Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Agency Floodproofing Certificate*, that the design and methods of construction are in accordance with Section 1157.04(e)(2)(A) and (B).
- (3) **In zone AO areas, where no flood protection elevation data exists, the structure shall have the lowest floor, including basement, elevated at least two (2) feet above the highest adjacent natural grade.**

(f) Accessory Structures. **Structures that are 600 square feet or less which are used for parking and storage only are exempt from elevation or dry floodproofing standards within zones A, A1-30, AE, AO, and AH designated on the community's FIRM. Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet.** Such structures must meet the following standards:

- (1) They shall not be used for human habitation;
- (2) They shall be constructed of flood resistant materials;
- (3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- (4) They shall be firmly anchored to prevent flotation;
- (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- (6) They shall meet the opening requirements of Section 1157.04(d);

(g) Recreational Vehicles. ~~Recreational vehicles must meet at least one of the following standards:~~ **Recreational vehicles on sites within zones A, A1-A30, AE, AO, or AH must meet at least one of the following standards:**

- (1) They shall not be located on sites in special flood hazard areas for more than 180 days, or
- (2) They must be fully licensed and ready for highway use, or
- (3) They must meet all standards of Section 1157.04(d)~~(5)(C)~~.

(h) Gas or Liquid Storage Tanks.

- (1) Within zone A, A1-A30, AE, AO, or AH, new or substantially improved above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.
- (2) In zones V or VE, new or substantially improved above ground gas or liquid storage tanks shall be elevated with the bottom of the lowest horizontal supporting member above BFE on the landward side of buildings.
- (3) In zones V or VE, new or substantially improved underground gas or liquid storage tanks must be installed below the lowest eroded ground elevation.

~~_____ (h) Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.~~

(i) Assurance of Flood Carrying Capacity. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

(1) Development in Floodways,

- A. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
- B. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 1. Meet the requirements to submit technical data in Section 1157.03(kj)(1);
 2. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;

3. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
5. Concurrence of the City Manager of Sandusky and the Chief Executive Officer of any other communities impacted by the proposed actions.

(2) Development in Riverine Areas with Base Flood Elevations but No Floodways.

- A. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
- B. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 1. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 2. Section 1157.04(i)(1)(B)(1 and 3,4,5).

(3) Alterations of a Watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

- A. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered

professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.

- B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
- C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with City of Sandusky specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
- D. The applicant shall meet the requirements to submit technical data in Section 1157.03(k)(1)(A)(3) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

(4) Development Standards for Coastal High Hazard Areas [and MoWA Areas]. The requirements of Section 1157.03 (k) apply to development in coastal high hazard areas designated zone V or VE on the community's effective FIRM [and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1157.03(k)]. *[OPTIONAL: The requirements of Section 1157.03 (k) also apply to development in Moderate Wave Action areas, within zone AE between a Limit of Moderate Wave Action and the landward limit of zone V or VE designated on the community's effective FIRM, or between a Limit of Moderate Wave Action and the offshore limit of the community's jurisdiction where zone V or VE is not designated on the community's effective FIRM.]*

- A. All new construction and substantial improvements shall be elevated on pilings or columns that may be armored as necessary to withstand Lake Erie ice forces so that:
 - 1. The bottom of the lowest horizontal structural member supporting the lowest floor (excluding the pilings or columns) is elevated to or above the flood protection elevation, and
 - 2. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
 - a. Water loading values shall be those associated with the base flood.
 - b. Wind loading values shall be those defined according to American Society of Civil Engineers

7-13 *Minimum design loads and associated criteria for buildings and other structures*, or current version adopted by Ohio Board of Building Standards.

- c. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Section 1157.03 (k)(1) (A).
- B. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.
 - 1. For the purpose of Section 1157.03 (k)(1)(A), a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot.
 - 2. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or where so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet all of the following conditions:
 - a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values shall be those associated with the base flood. Wind loading values shall be those defined according to American Society of Civil Engineers 7-16 *Minimum design loads and associated criteria for buildings and other structures*, or equivalent standard.
 - 3. All space enclosed by breakaway walls, open wood lattice-work, or insect screening below the lowest floor shall be used solely for parking of vehicles, building access, or storage.
- C. The use of fill or redistributed existing fill, placed after the initial identification of Zones V, VE or V1-30 on the

community's FIRM, for structural support of buildings is prohibited.

- D. Alteration of sand dunes that will increase potential flood damage is prohibited.
- E. Placement or substantial improvement of manufactured homes must comply with Section 1157.04 (d).
- F. Recreational vehicles must either:
 - 1. Be on site for fewer than 180 consecutive days;
 - 2. Be fully licensed and ready for highway use; or
 - 3. Comply with Section 1157.04 (d).

~~(Ord. 08-064. Passed 7-28-08.)~~

1157.05 APPEALS AND VARIANCES.

(a) Appeals Board Established.

- (1) The City of Sandusky Board of Zoning Appeals established under Chapter 1111 of the Codified Ordinances of the City of Sandusky is hereby appointed to serve as the Appeals Board for these regulations.
- (2) Records of the Appeals Board shall be maintained by the Clerk of the Board of Zoning Appeals. A copy of the records of any appeal regarding this Chapter 1157 shall also be maintained in the Office of the Floodplain Administrator.

(b) Powers and Duties.

- (1) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- (2) Authorize variances in accordance with Section 1157.05(d) of these regulations.

(c) Appeal From Any Notice and Order, or Other Official Action of the Floodplain Administrator.

- (1) Any person adversely affected by any notice, order or other official action of the Floodplain Administrator may request a hearing on the matter before the Appeals Board provided that such person shall file, within 21 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit a report including any and all necessary pertinent information on which the Floodplain Administrator's decision was made to the Clerk of the Appeals Board.
- (2) Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal hearing, give notice in writing to parties in interest, and decide the appeal within a reasonable time

after the hearing.

(d) Variances. Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(1) Application for a Variance.

- A. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the application for a variance shall transmit it to the Clerk of the Appeals Board.
- B. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
- C. All applications for variance shall be accompanied by a variance application fee set in the schedule of fees adopted by the City of Sandusky.

(2) Public Hearing for a Variance. At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

- A. The danger that materials may be swept onto other lands to the injury of others.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- D. The importance of the services provided by the proposed facility to the community.
- E. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
- F. The necessity to the facility of a waterfront location, where applicable.
- G. The compatibility of the proposed use with existing and anticipated development.
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles.

- J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Variances shall only be issued upon:

- L. A showing of good and sufficient cause.
- M. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
- N. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
- O. A determination that the structure or other development is protected by methods to minimize flood damages.
- P. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

(3) Other Conditions for Variances.

- A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section ~~5.4(B)(1) to (11)~~ **1157.05(d)(2)(A) to (K)** have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- C. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(e) Appeal to the Court. Those aggrieved by the decision of the Appeals Board may appeal such decision to the Erie County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

~~(Ord. 08-064. Passed 7-28-08.)~~

1157.06 ENFORCEMENT.

(a) Compliance Required.

- (1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1157.03(i).
- (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1157.06(c).
- (3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1157.06(c).

(b) Notice of Violation.

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he or she shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- (1) Be put in writing on an appropriate form;
- (2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
- (3) Specify a reasonable time for performance;
- (4) Advise the owner, operator, or occupant of the right to appeal;
- (5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

(c) Violations and Penalties.

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a first degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Sandusky. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Sandusky from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Sandusky shall prosecute any violation of

these regulations in accordance with the penalties stated herein.
(~~Ord. 08-064. Passed 7-28-08.~~)

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed:



DEPARTMENT OF PUBLIC WORKS

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

To: Eric Wobser, City Manager

From: Joshua R. Snyder, P.E.

Date: January 28, 2021

Subject: Commission Agenda Item – Award a Contract to Mark Haynes Construction for Shoreline Restoration Work at Shoreline Park and the Paper District Marina

ITEM FOR CONSIDERATION: Requesting legislation authorizing emergency shoreline repair work along the west side of the Amphitheater at the Paper District Marina and along the center “finger” at Shoreline Park, by Mark Haynes Construction of Norwalk, Ohio.

BACKGROUND INFORMATION: The west side of the Amphitheater at the City’s Paper District Marina and the center “finger” of Shoreline Park is in dire need of shoreline protection due to continued erosion and loss of land due largely in recent years to high water levels and wave-action from the bay in this area. Years of exposure to wave action and “shelf ice” damage at the point where the water meets the land has caused erosion and a dropoff in many areas where the land has given way into the water. This damage has been most noticeable and exposed with the water level receding as recent as late fall of 2020. Protecting this shoreline to prevent further erosion is crucial along the edge of these parks to safeguard the large investments recently put into these areas. Property values in this area hinge on the existence of these public parks and the amenities they provide.

Specifically, the proposed emergency work will consist of shaping the embankment and tying large stone into the subgrade, in combination with fabric material and smaller stone to “lock in” the larger stone. The work will extend about 170 linear feet along the West side of the City’s transient boat dock facility and about 360 linear feet along the tip of the center “finger” at Shoreline Park. Based off these dimensions, estimated quantities were generated to summarize the amount of material required to accomplish the desired improvements. To minimize collateral damage of this work to the park properties, this work ideally would take place in the winter, when the ground is frozen. Because the erosion is continually happening and the ideal timing of construction does not afford us the time to execute a traditional bidding format.

Pursuant to the Ohio Revised Code, the emergency nature of this work obviates the necessity to comply with formal competitive bidding and advertising. Therefore, we quickly made contact with five local construction companies who perform shore restoration work. Of those firms, we only received two quotes as detailed below and it was determined that Mark Haynes Construction of Norwalk, Ohio was the best and lowest quote.

Mark Haynes Construction

Shoreline Park Work.....	\$30,740.00
City Transient Boat Dock.....	\$18,420.00

Great Lakes Demolition Company

Shoreline Park Work.....	\$33,020.00
City Transient Boat Dock.....	\$19,090.00

The City has applied with the Ohio Department of Natural Resources (ODNR) for a Temporary Shoreline Structure (TSS) Permit to allow this work on a provisional, emergency basis.

BUDGETARY INFORMATION: The cost of the shoreline restoration work is \$49,160.00 and shall be paid for with funds from the Parks and Recreation Capital Projects Fund.

ACTION REQUESTED: It is recommended that the proper legislation be approved authorizing emergency shoreline repair work along the West side of the Paper District Marina and along the center “finger” at Shoreline Park and awarding a contract to Mark Haynes Construction of Norwalk, Ohio under suspension of the rules and in accordance with Section 14 of the City Charter in order to immediately proceed with the restoration work to prevent the shoreline from any further deterioration and furthermore, to complete during the winter when the ground is frozen to minimize any collateral damage.

I concur with this recommendation:

Eric Wobser
City Manager

Aaron Klein, P.E.
Director

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

PAPER DISTRICT MARINA 12-16-2020:





SHORELINE PARK (CENTER FINGER) 12-16-2020:



CERTIFICATE OF FUNDS

In the Matter of: Lexipol Subscription- Police

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the City of Sandusky under the foregoing Contract have been lawfully appropriated for such purposes and are in the treasury of the City of Sandusky or are in the process of collection to an appropriate fund, free from any previous encumbrances. This certificate is given compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Account #110-1010-53000

By: _____



Michelle Reeder

Finance Director

Dated: 2/4/2021

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE EMERGENCY SHORELINE RESTORATION WORK TO BE PERFORMED AT SHORELINE PARK BY MARK HAYNES CONSTRUCTION OF NORWALK, OHIO, IN THE AMOUNT OF \$30,740.00; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the center “finger” of Shoreline Park is in dire need of shoreline protection due to continued erosion and loss of land due largely to high water levels in recent years and wave-action from the bay; and

WHEREAS, years of exposure to wave action and “shelf ice” damage at the point where the water meets the land has caused erosion and a drop-off in many areas where the land has given way into the water; and

WHEREAS, it is crucial that the shoreline restoration work be performed as soon as possible to protect the shoreline and prevent further erosion and to safeguard the City’s recent investments in this area; and

WHEREAS, the emergency work consists of shaping the embankment and tying large stone into the subgrade in combination with fabric material and smaller stone to “lock in” the larger stone and will extend about 360 linear feet along the tip of the center “finger” at Shoreline Park; and

WHEREAS, pursuant to the Ohio Revised Code, the emergency nature of the shoreline restoration work at Shoreline Park obviates the necessity to comply with formal competitive bidding and advertising and as a result, quotes were requested from five (5) local construction companies who perform shore restoration work of which two (2) quotations were submitted and the quote from Mark Haynes Construction of Norwalk, Ohio, was determined to be the lowest and best quote; and

WHEREAS, the total cost for the emergency shoreline restoration work at Shoreline Park to be performed by Mark Haynes Construction is \$30,740.00 and will be paid with funds from the Parks and Recreation Capital Projects Fund; and

WHEREAS, approval is being requested in companion legislation for the emergency shoreline restoration work at the Paper District Marina; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to immediately proceed with the restoration work to prevent further deterioration of the shoreline and furthermore, to complete during the winter when the ground is frozen to minimize any collateral damage; 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 confirms the finding of a real and present emergency regarding the shoreline restoration work at Shoreline Park and authorizes and directs the City Manager and/or Finance Director to make payment to Mark Haynes Construction of Norwalk, Ohio, in an amount **not to exceed** Thirty Thousand Seven Hundred Forty and 00/100 Dollars (\$30,740.00), consistent with the quote submitted by Mark Haynes Construction of Norwalk, Ohio.

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: February 8, 2021

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE EMERGENCY SHORELINE RESTORATION WORK TO BE PERFORMED AT THE PAPER DISTRICT MARINA BY MARK HAYNES CONSTRUCTION OF NORWALK, OHIO, IN THE AMOUNT OF \$18,420.00; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the west side of the Amphitheater at the Paper District Marina is in dire need of shoreline protection due to continued erosion and loss of land due largely to high water levels in recent years and wave-action from the bay; and

WHEREAS, years of exposure to wave action and “shelf ice” damage at the point where the water meets the land has caused erosion and a drop-off in many areas where the land has given way into the water; and

WHEREAS, it is crucial that the shoreline restoration work be performed as soon as possible to protect the shoreline and prevent further erosion and to safeguard the City’s investments in this area; and

WHEREAS, the emergency work consists of shaping the embankment and tying large stone into the subgrade in combination with fabric material and smaller stone to “lock in” the larger stone and will extend about 170 linear feet along the west side of the Amphitheater at the Paper District Marina; and

WHEREAS, pursuant to the Ohio Revised Code, the emergency nature of the shoreline restoration work at Shoreline Park obviates the necessity to comply with formal competitive bidding and advertising and as a result, quotes were requested from five (5) local construction companies who perform shore restoration work of which two (2) quotations were submitted and the quote from Mark Haynes Construction of Norwalk, Ohio, was determined to be the lowest and best quote; and

WHEREAS, the total cost for the emergency shoreline restoration work at the Paper District Marina on the west side of the Amphitheater to be performed by Mark Haynes Construction is \$18,420.00 and will be paid with funds from the Parks and Recreation Capital Projects Fund; and

WHEREAS, approval is being requested in companion legislation for the emergency shoreline restoration work at Shoreline Park; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to immediately proceed with the restoration work to prevent further deterioration of the shoreline and furthermore, to complete during the winter when the ground is frozen to minimize any collateral damage; 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 confirms the finding of a real and present emergency regarding the shoreline restoration work at the Paper District Marina and authorizes and directs the City Manager and/or Finance Director to make payment to Mark Haynes Construction of Norwalk, Ohio, in an amount **not to exceed** Eighteen Thousand Four Hundred Twenty and 00/100 Dollars (\$18,420.00), consistent with the quote submitted by Mark Haynes Construction of Norwalk, Ohio.

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: February 8, 2021



CITY MANAGER

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5846
www.cityofsandusky.com

To: Eric Wobser, City Manager

From: John Orzech, Assistant City Manager

Date: January 28, 2021

Re: Commission Agenda Item

ITEM FOR CONSIDERATION: Legislation to purchase one (1) used truck from an internet auction site such as Gov Deals or Government Services Administration (GSA), for the Code Compliance Division, in an amount not to exceed of \$15,000.00.

BACKGROUND INFORMATION: The Code Compliance Division has been using a citywide truck to provide services such as removal of tall grass and weed abatement, mowing vacant lots, and picking up trash from boulevards when being abated. The citywide truck is no longer available to use, due to other departments needing to use it for their services.

It has been determined that there is a necessity to purchase a used truck, in order for the Code Compliance Division to continue to maintain services. The Fleet Maintenance Chief Foreman, Troy Vaccaro, regularly uses the internet sites of Gov Deals and Government Services Administration (GSA) to sell used vehicles that the City Commission has approved for disposal.

In order to bid on the site to purchase a used vehicle, the Fleet Maintenance Chief Foreman needs the authorization to purchase the vehicle, should the city become the winning bidder. Pursuant to the Ohio Revised Code, used equipment can be purchased at public auction obviating the need for formal competitive bidding and advertising.

BUDGETARY INFORMATION: The cost per vehicle will not exceed \$15,000 and will be paid from the Code Compliance Division 2021 budget.

ACTION REQUESTED: It is requested that the proper legislation be prepared to authorize the Fleet Maintenance Chief Foreman to purchase one (1) used truck from an internet auction site such as Gov Deals or Government Services Administration (GSA), for the Code Compliance Division, in the amount not to exceed of \$15,000.00. It is further requested that this legislation be passed in accordance with Section 14 of the City Charter to allow the Fleet Maintenance Chief Foreman reasonable time to locate the truck and place in service at the earliest opportunity so there isn't an interruption in services from the Code Compliance Division.

Approved:

I concur with this recommendation:

John Orzech, Assistant City Manager

Eric Wobser, City Manager

CC: Michelle Reeder, Finance Director
Brendan Heil, Law Director

CERTIFICATE OF FUNDS

In the Matter of: Used Truck- Code Compliance

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the City of Sandusky under the foregoing Contract have been lawfully appropriated for such purposes and are in the treasury of the City of Sandusky or are in the process of collection to an appropriate fund, free from any previous encumbrances. This certificate is given compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Account #110-4070-54090

By: _____

Michelle Reeder

Michelle Reeder

Finance Director

Dated: 2/4/2021

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE PURCHASE OF A USED VEHICLE FOR THE CODE COMPLIANCE DIVISION AT PUBLIC AUCTION AT AN AMOUNT NOT TO EXCEED \$15,000.00; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Code Compliance Division has been using a citywide truck for services such as removal of tall grass and weed abatement, mowing vacant lots, and picking up trash from boulevards during abatements and this Citywide truck is no longer available to the Code Compliance Division due to other departments needing to use it for other services; and

WHEREAS, the Code Compliance Division has requested to purchase a vehicle in order to continue to maintain services and it is desired to purchase a used truck from an internet public auction; and

WHEREAS, pursuant to Section 735.02 of the Ohio Revised Code, used equipment can be purchased at public auction obviating the need for formal competitive bidding and advertising; and

WHEREAS, this City Commission authorizes the City Manager and/or Fleet Maintenance Chief Foreman to place a bid for the purchase of a used vehicle or truck at an amount not to exceed \$15,000.00 for the Code Compliance Division; and

WHEREAS, the purchase price for the vehicle, if awarded, will be paid with funds from the Code Compliance Division's 2021 operating budget; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to allow the Fleet Maintenance Chief Foreman reasonable time to locate and purchase a truck by internet auction and place in service at the earliest opportunity to continue services without interruption from the Code Compliance Division; 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 Division of Code Compliance, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. This City Commission authorizes and directs the City Manager, or his designee, to purchase used equipment at public auction and enter into a

contract for the purchase of a used vehicle for the Code Compliance Division, should the City become the winning bidder, and authorizes and directs the Finance Manager to expend funds for the purchase of the used vehicle at an amount **not to exceed** Fifteen Thousand and/00100 dollars (\$15,000.00).

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST:

MCKENZIE E. SPRIGGS
CLERK OF THE CITY COMMISSION

Passed: February 8, 2021