



**SANDUSKY CITY COMMISSION
REGULAR SESSION AGENDA
APRIL 11, 2022 AT 5 P.M.
CITY HALL, 240 COLUMBUS AVENUE**

INVOCATION	Blake Harris
PLEDGE OF ALLEGIANCE	
CALL TO ORDER	
ROLL CALL	W. Poole, D. Murray, D. Brady, S. Poggiali, D. Waddington, B. Harris, M. Meinzer
APPROVAL OF MINUTES	March 28, 2022
AUDIENCE PARTICIPATION	
KEY TO CITY	Victory Kitchen, President Brady
PUBLIC HEARING	Amending Zoning Map 629 E. Adams Street, Arin Blair, Chief Planner
PRESENTATION	Presentation on Federal Rescue Plan Funds, Eric Wobser, City Manager
COMMUNICATIONS	Motion to accept all communications submitted below
CURRENT BUSINESS	

CONSENT AGENDA ITEMS

ITEM A – Submitted by Cathy Myers, Commission Clerk

TRANSFER OWNERSHIP LIQUOR LICENSE TO CHILL PLACE LLC

Budgetary Information: There is no budgetary impact for this item.

Notice to Legislative Authority for Transfer of Ownership for D5 (on and off sales permit all liquor sales – beer, wine & spirits – for consumption on-site and “to go” in the original container) **and D6** (allows sale between the hours of 10 a.m. and midnight on Sundays) **liquor permit for Chill Palace LLC, (formerly Evenbreaks LLC) 1st Floor Rear, 1319 Tiffin Avenue.**

ITEM B – Submitted by Aaron Klein, Public Works Director

US 6 RAISE GRANT CONSENT TO ODOT

Budgetary Information: The total construction budget is \$29,930,745.10 for this application. The grant request is \$18,974,167.35 (70%) with a local match of \$8,131,786.01 (30%) for a total of \$27,105,953.36. The remaining \$2,824,791.74 is dedicated to design and acquisition fees. The City’s share is currently budgeted to be paid with Capital Funds, proceeds from various Tax Incremental Financings (TIFs), and/or Issue 8 Funds.

RESOLUTION NO. _____: It is requested a resolution be passed authorizing the filing of a grant application with the U.S. Department of Transportation for discretionary grant funding through the FY 2022 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program for the Sandusky Bay Pathway; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM C – Submitted by Michelle Reeder, Finance Director

BUDGET AMENDMENT #1

Budgetary Information: Appropriation amendments are required to update the 2022 budget. Examples include, but are not limited to Street Funds, Water Funds, Sewer Funds, and Capital Funds.

ORDINANCE NO. _____: It is requested an ordinance be passed adopting Amendment No. 1 to Ordinance No. 22-004 passed by this commission on January 10, 2022, making general appropriations for the FY 2022; 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 Arin Blair, Chief Planner

CHAPTER 735 PUBLIC VENDORS

Budgetary Information: There will be a positive budgetary impact from the increase in permit sales and new business. Vending from small locations such as food trucks, stands, and carts is a lower cost, lower risk option than opening a brick-and-mortar restaurant or retail location. These types of businesses often act as incubator spaces for new concepts and new entrepreneurs who, with continued success, later decide to lease a more permanent location within a city. The proposed ordinance change is expected to help grow the number and variety of vendors operating in the City of Sandusky and improve the quality of life for our residents and visitors.

ORDINANCE NO. _____: It is requested an ordinance be passed amending Part Seven (Business Regulation Code), Chapter 735 (Public Vendors) of the Codified Ordinances of the City of Sandusky, in the manner and way specifically set forth hereinbelow.

ITEM 2 – Submitted by Arin Blair, Chief Planner

REZONE 629 E. ADAMS STREET IN TRANSIENT OCCUPANCY OVERLAY DISTRICT

Budgetary Information: The proposed redevelopment is expected to result in increased property and income revenue for the city.

ORDINANCE NO. _____: It is requested an ordinance be passed amending the Official Zone Map of the City of Sandusky to expand the Transient Occupancy Overlay District to include Parcel No. 56-00584.000, located at 629 East Adams Street; and declaring that this ordinance shall take effect under suspension of the rules as contained in and in accordance with Section 13 of the City Charter.

ITEM 3 – Submitted by Aaron Klein, Public Works Director

JUSTICE CENTER ROOFTOP AIR HANDLING UNIT PROJECT BID

Budgetary Information: The estimated cost of the project construction costs is \$70,000.00 and paid with Capital Funds.

RESOLUTION NO. _____: It is requested a resolution be passed declaring the necessity for the City to proceed with the proposed Justice Center rooftop air handling unit 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 4 – Submitted by Jason Werling, Recreation Superintendent

PAPER DISTRICT MARINA INCREASE SEASONAL DOCKAGE

Budgetary Information: The agreement will not result in any additional budgetary expenses. Any proceeds generated annually by said seasonal and transient rentals will be deposited in the Parks and Recreation Marina Fund.

RESOLUTION NO. _____: It is requested a resolution be passed amending Section 1 of Resolution No. 014-13R, passed on April 8, 2013, authorizing limited seasonal dockage at the Paper District Marina; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 5 – Submitted by Scott Kromer, Streets & Utilities Superintendent

PURCHASE BRUSH CHIPPER FOR FORESTRY

Budgetary Information: The total cost for one (1) Vermeer-BC1500XL Brush Chipper shall not exceed \$61,230.00 and will be paid from American Rescue Plan Act Stimulus Funds.

ORDINANCE NO. _____: It is requested an ordinance be passed declaring a 1992 Brush-Bandit 250-Chipper as unnecessary and unfit for City use pursuant to Section 25 of the City Charter; authorizing and directing the City Manager to purchase a Vermeer Brush Chipper from Vermeer All Roads of Findlay, Ohio, through the State of Ohio Department of Administrative Services Cooperative Purchasing Program for the Forestry Division; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 6 – Submitted by Scott Kromer, Streets & Utilities Superintendent

PURCHASE MINI EXCAVATOR FOR WATER DISTRIBUTION

Budgetary Information: The total cost for one (1) Kubota U Series, U55-5R3AP Mini Excavator shall not exceed \$64,236.70 and will be paid from American Rescue Plan Act Stimulus Funds.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to purchase a new Kubota U Series Mini Excavator from Streacker Tractor Sales, Inc., of Fremont, Ohio, through the Sourcewell Cooperative Purchasing Program for the Water Distribution Division; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 7 – Submitted by Jonathan Holody, Community Development Director

ENTERPRISE ZONE TAX ABATEMENT WITH PIPE CREEK WHARF

Budgetary Information: The project will have an ongoing positive impact on the general fund, as 25% of the increase in assessed value will be subject to real estate taxes during the abatement period. The project will also help sustain employment in the local economy and will create at least twelve (12) permanent full-time positions subject to City income tax.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into an Enterprise Zone Agreement with Pipe Creek Wharf, LLC, relating to property located at 2330 River Road, 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.CityofSandusky.com/Live – Click “Play” 

NOTICE TO LEGISLATIVE
AUTHORITY

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

TO

1440400		TRFO		CHILL PALACE LLC 1ST FL REAR 1319 TIFFIN AV SANDUSKY OH 44870
PERMIT NUMBER		TYPE		
02	01	2022		
ISSUE DATE				
03	24	2022		
FILING DATE				
D5		D6		
PERMIT CLASSES				
22	077	B	F27311	
TAX DISTRICT			RECEIPT NO.	

FROM 03/28/2022

2590761				EVENBREAKS LLC DBA EVENBREAKS BILLIARDS & FOOD 1ST FL REAR 1319 TIFFIN AV SANDUSKY OH 44870
PERMIT NUMBER		TYPE		
02	01	2022		
ISSUE DATE				
03	24	2022		
FILING DATE				
D5		D6		
PERMIT CLASSES				
22	077			
TAX DISTRICT			RECEIPT NO.	



MAILED 03/28/2022

RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/28/2022

IMPORTANT NOTICE

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

REFER TO THIS NUMBER IN ALL INQUIRIES

B TRFO 1440400

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING. ☐

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

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

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF SANDUSKY CITY COUNCIL
240 COLUMBUS AVE
SANDUSKY OHIO 44870



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: March 30, 2022

Subject: **Commission Agenda Item – RAISE Application for The Sandusky Bay Pathway**

ITEM FOR CONSIDERATION: Legislation to authorize submission of a grant application to the United States Department of Transportation (USDOT) for construction of the remaining portions of the Sandusky Bay Pathway (SBP) through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program and to accept funds, if awarded.

BACKGROUND INFORMATION: Staff would like to submit an application to the United States Department of Transportation (USDOT) for RAISE funding. Items requested within the application are currently under design by Environmental Design Group (EDG) as part of the Sandusky Bay Pathway project. Construction of remaining pathway sections would be included in the grant application, including First Street, Monroe, Edgewater, Pier Track, and the Pier Track Bridge connecting Battery Park to First Street, as well as all associated nodes, wayfinding, educational signage, and amenities.

BUDGETARY INFORMATION: The total construction budget is \$29,930,745.10 for this application. The grant request is \$18,974,167.35 (70%) with a local match of \$8,131,786.01 (30%) for a total of \$27,105,953.36. The remaining \$2,824,791.74 is dedicated to design and acquisition fees. The City's share is currently budgeted to be paid with Capital Funds, proceeds from various Tax Incremental Financings (TIFs), and/or Issue 8 Funds.

ACTION REQUESTED: It is recommended that proper legislation be prepared allowing the city manager to submit a grant application to USDOT and enter into an agreement to accept funds, if awarded, and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter since the submission deadline is April 14.

I concur with this recommendation:

Eric Wobser
City Manager

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

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE U.S. DEPARTMENT OF TRANSPORTATION FOR DISCRETIONARY GRANT FUNDING THROUGH THE FY 2022 REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) GRANT PROGRAM FOR THE SANDUSKY BAY PATHWAY; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the U.S. Department of Transportation (DOT) has allocated \$1.5 billion in Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant funds made possible by President Biden’s Bipartisan Infrastructure Law; and

WHEREAS, the RAISE Discretionary Grant program, provides a unique opportunity for the DOT to invest in road, rail, transit and port projects that promise to achieve national objectives; and

WHEREAS, previously known as the Better Utilizing Investments to Leverage Development (BUILD) and Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grants, Congress has dedicated nearly \$9.9 billion for thirteen rounds of National Infrastructure Investments to fund projects that have a significant local or regional impact; and

WHEREAS, if awarded, the FY 2022 RAISE funds will be used to construct the remaining portions of the Sandusky Bay Pathway including First Street, Monroe Street, Edgewater Avenue, the Pier Track, and the Pier Track bridge connecting Battery Park to First Street, as well as all associated nodes, wayfinding, educational signage, and amenities; and

WHEREAS, the total project cost is \$29,930,745.10, which includes \$2,824,791.74 designated for design and acquisition fees, which are not eligible for grant funding, and the total construction cost of the project is \$27,105,953.36 with the City applying for grant funds in the amount of \$18,974,167.35 (70%) and the City’s share \$8,131,786.01 (30%) is currently budgeted to be paid with Capital Funds, proceeds from various Tax Incremental Financings (TIFs), and/or Issue 8 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 submit the grant application for the FY 2022 RAISE Discretionary Grant program to the U.S. Department of Transportation prior to the submission deadline of April 14, 2022; and

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

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

Section 1. This City Commission hereby approves the submission of a grant application to the U.S. Department of Transportation for discretionary grant funding through the FY 2022 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant program for the Sandusky Bay Pathway, pursuant to the Consolidated Appropriations Act 2022 and authorizes and directs the City Manager to execute any contracts or agreements on behalf of the City and lawfully expend funds consistent with the application should they be awarded.

Section 2. This City Commission hereby approves the execution and filing with the City's application all understanding, certifications and assurances or any other documentation required by the U.S. Department of Transportation.

Section 3. The City Manager is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the City's application.

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: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 11, 2022



FINANCE DEPARTMENT

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

TO: Eric L. Wobser, City Manager
FROM: Michelle Reeder, Finance Director
DATE: March 30, 2021
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

Ohio Rev. Code Section 5705.40 states that any appropriation ordinance or measure may be amended or supplemented, provided that such amendment or supplement shall comply with all provisions of law governing the taxing authority in making an original appropriation and that no appropriation for any purpose shall be reduced below an amount sufficient to cover all unliquidated and outstanding contracts or obligations certified from or against the appropriation. I am submitting amendment #1 to the 2022 General Appropriations.

BUDGETARY INFORMATION:

Appropriation amendments are required to update the 2022 budget. Examples include, but are not limited to:

- Street Funds
- Water Funds
- Sewer Funds
- Capital Funds

ACTION REQUIRED:

It is requested that the City Commission enact the ordinance, and have it take immediate effect under Section 14 of the City Charter, so that the budget amendments can be entered into the financial system and purchases can be made to continue the flow of city operations.

I concur with this recommendation:

Eric Wobser
City Manager

Michelle Reeder
Finance Director

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AMENDMENT NO. 1 TO ORDINANCE NO. 22-004 PASSED BY THIS CITY COMMISSION ON JANUARY 10, 2022, MAKING GENERAL APPROPRIATIONS FOR THE FISCAL YEAR 2022; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this Ordinance has been prepared to cover deficiencies or needs which exist in the General, Coronavirus Relief, Street, Water, Sewer, and Capital Projects Funds; and

WHEREAS, amendments are required to adjust the budget for previous actions of the City; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to prevent delays in the use of the funds for an extended period of time and not restrict the operation of City departments; and

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

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:
Section 1. Ordinance No. 22-004 passed by this City Commission on the 10th day of January, 2022, be amended as hereinafter set forth:

DEPARTMENT	PERSONAL SERVICES	OTHER	TOTAL
STREET FUND		911,302	911,302
STATE GRANT FUNDS		39,500	39,500
CAPITAL PROJECTS		1,744,344	1,744,344
WATER FUNDS		937,463	937,463
SEWER FUNDS		4,002,294	4,002,294
SP ASSESSMENTS NON-CITY		8,238	8,238
TOTAL ALL FUNDS	-	7,643,141	7,643,141

Section 2. The Finance Director is authorized to draw warrants upon the

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

Section 3. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 11, 2022



DEPARTMENT of COMMUNITY DEVELOPMENT

Division of Planning
240 Columbus Ave
Sandusky, Ohio 44870
419.627.5973
www.cityofsandusky.com

To: Eric Wobser, City Manager

From: Arin Blair, Chief Planner & Brendan Heil, Law Director

Date: March 17, 2021

Subject: March 28, 2022 Agenda Item – Proposal to amend the Codified Ordinance of Sandusky, Ohio, Chapter 735, Public Vending.

Item for Consideration: Proposal for an amendment to the Public Vending ordinance, Chapter 735 of the Codified Ordinance of Sandusky to enable the issuance of 2022 Public Vending Licenses.

Purpose: The Public Vending ordinance sets forth rules and regulations for the sale of food, beverages, or merchandise from a stand or motor vehicle within the City of Sandusky. The proposed changes will enable the Division of Planning to issue 2022 Public Vending licenses and support economic vitality in the city of Sandusky.

Background Information: The existing Public Vending ordinance contains rules and regulations, such as operating hours and vending fees, that have previously necessitated an annual update of the codified ordinances to align with the vendor license each program year. The ordinance also contains outdated and conflicting information across multiple clauses.

Summary of Proposed Changes: The proposed change to the ordinance simplifies language, removes conflicting information, and enables the issuance of annual vendor permits without the need for an annual update to the codified ordinance. The updated ordinance will also allow terms to be enumerated within individual vendor licenses, thereby enabling both context descriptions and specificity needed for the various locations that vendors prefer to set up for sale within the city. Specific changes include:

- Refinement of special events definition
- Simplification of application requirements
- Allowance of fees to be specified annually by staff
- Addition of administrative penalties.

Budgetary Impact: There will be a positive budgetary impact from the increase in permit sales and new business. Vending from small locations such as food trucks, stands, and carts is a lower cost, lower risk option than opening a brick-and-mortar restaurant or retail location. These types of businesses often act as incubator spaces for new concepts and new entrepreneurs who, with continued success, later decide to lease a more permanent location within a city. The proposed ordinance change is expected to help grow the number and variety of vendors operating in the City of Sandusky and improve the quality of life for our residents and visitors.

Action Requested: It is requested that City Commission approve the proposed amendment to the Public Vending ordinance, Chapter 735 of the Codified Ordinance of Sandusky. It is further requested that these amendments be approved at first reading on April 11, 2022 and then passed as an emergency under suspension of the rules and in accordance with Section 14 of the City Charter on April 25, 2022 so staff may begin the issuance of 2022 Public Vending Licenses.

Arin Blair, AICP
Chief Planner

Brendan Heil
Law Director

I concur with this recommendation:

Eric Wobser
City Manager

Jonathan Holody
Community Development Director

cc: Cathy Myers, Clerk of City Commission
Michelle Reeder, Finance Director

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART SEVEN (BUSINESS REGULATION CODE), CHAPTER 735 (PUBLIC VENDORS) OF THE CODIFIED ORDINANCES OF THE CITY OF SANDUSKY, IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW.

WHEREAS, the proposed amendments to the rules and regulations for public vending in the City include the refinement of the special events definition, simplification of application requirements, allowance of fees to be established annual by Staff, and the addition of administrative penalties; 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:

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

Section 1. Part Seven (Business Regulation Code), Chapter 735 (Public Vendors), of the Codified Ordinances of the City is hereby amended as follows:

CHAPTER 735
Public Vendors

- 735.01 Definitions.
- 735.02 License required.
- 735.03 Application.
- 735.04 Fees.
- 735.05 Insurance.
- 735.06 Issuance of license.
- 735.07 Licenses and identification badges.
- 735.08 Vending permitted in certain locations.
- 735.09 Prohibited conduct.
- 735.10 Hours of operation.
- 735.11 Suspension or revocation of license.
- 735.99 Penalty.

CROSS REFERENCES

- Power to inspect food products - see Ohio R.C. 715.46
- Power to regulate - see Ohio R.C. 715.61 et seq.
- Littering - see GEN. OFF. 521.08
- Licensing administration - see BUS. REG. Ch. 701
- Solicitors and sales from vehicles - see BUS. REG. Ch. 741
- Transient merchants - see BUS. REG. Ch. 753

735.01 DEFINITIONS.

For purposes of this Chapter, the following definitions shall apply:

(a) "City Limits" means the existing municipal boundaries of the City of Sandusky, Ohio.

(b) "Public property" means any property in the public right-of-way or parcel owned by the City.

(c) "Motor vehicle" means any vehicle used for the displaying, storing or transporting of articles offered for sale by a vendor which is required to be licensed and registered by the Department of Motor Vehicles.

(d) "Stand" means any table, showcase, bench, rack, pushcart, wagon, or any other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Department of Motor Vehicles, used for the displaying, storing or transporting of articles offered for sale by a vendor.

(e) "Vendor" means any person, firm, partnership, corporation or other business engaged in the selling or offering for sale, of food, beverages or merchandise from a stand or motor vehicle.

(f) "Public streets or sidewalk" includes all public streets, sidewalks, roadways, highways, parkways, alleys, public parks, public parking lots or any other public way.

(g) "Lunch hours" means vending between the hours of 10:00 AM and 2:00 PM.

(h) "Regular hours" means vending between the hours of 8:00 AM and 10:00 PM.

(i) "Late night hours" means vending between the hours of 8:00 PM until 12:00 AM on Friday and Saturdays.

(j) "Vending" means the act of selling or offering for sale food, beverages, or merchandise from a stand or motor vehicle.

(k) ~~"Special Event(s)" includes, but is not limited to the following: Ohio Bike Week, Sandusky Pride Festival, Fourth of July Stars and Stripes Celebration, Sandusky Community Annual Back to School Rally, National Night Out (Touch-A-Truck), Big Splash Raffle, Sandusky Art Walk, Cruisin, By the Bay Car Show, Dragons and Bacon Fest, North Coast Oktoberfest, Firelands 1-Mile Walk/ 5k Run for MS, and Party at the Plaza.~~ means a preplanned event or series of events of less than a week's duration, including block parties or any small neighborhood-based community events, sponsored by a public or private person or entity, which is: (1) located wholly or partially on property which is owned or maintained by the City of Sandusky; or (2) located on any other property and requires for its successful execution, the provision and coordination of municipal services to a degree significantly over and above that which the City of Sandusky routinely provides under ordinary everyday circumstances.

(l) "Trailer" means every vehicle designed or used for carrying persons or property wholly on its own structure that is drawn by a Motor Vehicle and/or is not self-propelled.

~~(Ord. 19-096. Passed 5-28-19.)~~

735.02 LICENSE REQUIRED.

No vendor shall sell, display or offer for sale any food, beverage, goods or merchandise from a stand, **trailer** or motor vehicle without first obtaining a license from the City. Vendors shall only be authorized to operate in the areas indicated in Section 735.08.

EXCEPTIONS - NO LICENSE REQUIRED: An existing business may sell or offer for sale food, beverages, or merchandise from a stand or other temporary display outside the areas indicated in Section 735.08, excluding a residentially zoned districts, for special promotions that are not in excess of three (3) days cumulative during a three (3) month period. Such special promotion request must be made in writing to the **Division of Planning Department Office** at least fourteen (14) days prior to the date for the ~~Special Promotion~~.

Vendors may sell, display, or offer for sale food, beverages, or merchandise from a motor vehicle, trailer, stand, or other temporary display if they are part of a Special Event.

(~~Ord. 19-06. Passed 5-28-19.~~)

735.03 APPLICATION.

Any person, firm, partnership, corporation or other business desiring to obtain a vendor's license to operate in Sandusky, shall submit an application to the **Division of Planning Department**, on an application form to be provided by the City, together with the appropriate fees as required by Section 735.04. The **Division of Planning Department** shall act within fourteen (14) days of the filing of such application to either issue the requested license or to deny the license.

The application for a vendor's license shall contain all information relevant and necessary to determine whether a particular license may be issued, including, but not limited to the following:

(a) The name, date of birth, and address of each employee of the applicant, the business name, business address and employer identification number of the applicant, and proof of identity.

(b) A brief description of the nature, character and quality of the food, beverages, goods or merchandise to be sold, or for which orders are to be taken.

(c) If employed by another, the name and business address of the person, firm, association, organization, company or corporation, whether it is chartered or licensed to do business in Ohio; the name and address it is chartered or licensed to do business in Ohio; the name and addresses of the statutory agent for service of process, and the address of its principal office or place of doing business in Ohio if different from the address called for above.

(d) A list of all political subdivisions within which the applicant has engaged in business within the six-month period immediately preceding the date of the application.

(e) If a motor vehicle is to be used in the vending business, a description of the vehicle together with the motor vehicle registration number and the license number, size of vehicle, photo of vehicle, and the name and address of the registered owner of such vehicle.

(f) A description and site plan of the proposed location of the vending business, size of vehicle or stand to be used and length of time during which it is proposed the business shall be conducted (if different from the hours of operation contained in Section 735.10), and the written consent of the owner of the property from which it will be conducted **(if on private property)**.

(g) ~~The applicant shall submit P~~proof that each person who operates the vehicle(s) used in vending has a valid Ohio operator's license as required by law.

~~(h) The name and address of two (2) reliable persons who may be contacted as to the good character and reputation of the applicant.~~

~~(hi) Each applicant that will be vending food products shall provide~~
Evidence of a valid food handler's permit or food service permit for the motor vehicle, **trailer** or stand **from which** the applicant will ~~be vending from~~.

~~(ij) License does not include the ability to vend during Sspecial Eevents. which last three (3) or fewer days when the vending activity is within the special event boundary and time. If the special event lasts longer than three (3) days the vendor shall have priority in their location subject to paying up to 50% of the special event's vendor's fee for the vendor's location.~~

(jk) Vendors are exempt from obtaining a license if they are vending within the special event boundary and obtain authorization through the ~~S~~special ~~E~~event sponsor. Daily or weekly outdoor vending in excess of seven (7) days cumulative will require compliance with this Chapter.

~~(Ord. 19-096. Passed 5-28-19.)~~

735.04 FEES.

An applicant for a license under this ~~C~~chapter shall pay an annual nonrefundable license fee per calendar year, ~~for the period from January to December of each year, or part thereof, as follows:~~ **specified by the annual Vendor Program provided by the Division of Planning.**

~~(a) For a vendor's license to operate within the City Limits as defined in Section 735.01-----\$250.00.~~

~~(b) For a vendor's license to operate at a single location on Public Property or Public Streets or Sidewalks as defined in Section 735.01-----\$350.00~~

~~(Ord. 19-096. Passed 5-28-19.)~~

735.05 INSURANCE.

No license shall be issued to an applicant who desires to sell any food, beverages, goods, and/or merchandise unless the applicant furnishes proof of an insurance policy, issued by an insurance company licensed to do business in the State, protecting the licensee and the City from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the license, in an amount of not less than one million dollars (\$ 1,000,000). Such insurance shall name as additional insured the City and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days advance written notice to the City.

~~(Ord. 19-096. Passed 5-28-19.)~~

735.06 ISSUANCE OF LICENSE.

After a proper application has been submitted, the **Division of Planning** ~~Department~~ shall issue a license to the applicant to engage in the selling or offering to sell food, beverages, goods and merchandise, within the City, if ~~he finds the character and business responsibility of the applicant, and his principal employer, if any, to be satisfactory, and not a~~ **and proposed vending is found to pose no** threat to the public health, welfare and safety of the residents of the City.

Renewal of licenses will be considered on a first come, first served basis. Applications will not be accepted prior to January 15 of each year. The number of licenses available for Public Property and Public Streets or Sidewalk locations will be determined on a yearly basis. **For reservable locations,** ~~Current~~ license holders will have a right of first refusal to maintain previous year's **reserved** location.

If the **Division of Planning Department** denies the issuance of the license, the **Division of Planning Department** shall notify the applicant, in writing, of the reasons for determination to deny the application. Such notice shall be sent by certified mail to the applicant's address as set forth on his application, or be delivered to the applicant personally, and shall be considered served on the applicant on the date that the notice is mailed or served upon the applicant personally. The **Division of Planning Department's** denial decision may be appealed to the City Manager, who must reply with a written decision of the appeal within fifteen (15) business days.

The applicant may appeal the denial of the application for a permit by the City Manager by filing a Notice of Appeal with the Clerk of the Planning Commission within fourteen (14) days from receipt of the Manager's decision. The Planning Commission shall hear the appeal at its next regular meeting and shall issue a final decision on the appeal within thirty (30) days after the hearing. **The Planning Commission's decision shall be final.** ~~An applicant may appeal the denial of the application for a permit by the Planning Commission by filing a Notice of Appeal with the Clerk of the City Commission within fourteen (14) days from receipt of the Planning Commission's decision.~~

~~(Ord. 19-096. Passed 5-28-19.)~~

735.07 LICENSES AND IDENTIFICATION BADGES.

(a) The license issued to a vendor shall be carried with the vendor while he or she is engaged in the business of vending.

(b) License shall be used only by the person to whom it was issued and may not be transferred to any other vendor/or person.

~~(c) In addition to the license, each vendor shall wear an identification badge, which shall contain the vendor's name and business name. Vendors shall wear the badges in such a way that the badges may be easily read while doing business. If a badge becomes damaged or obscured, the vendor shall immediately replace the badge with a new badge.~~

~~(Ord. 19-096. Passed 5-28-19.)~~

735.08 VENDING PERMITTED IN CERTAIN LOCATIONS.

(a) Vending is prohibited from residentially zoned property, ~~and or~~ from property that is only utilized as residential.

(b) Vending of goods and services, **with a vendor license**, is permitted on privately owned property **if the location does not conflict with subsection (a);** ~~when in the appropriate zone.~~

~~(c) Vending is only allowed in Public Streets or Sidewalks at locations designated by the Planning Department and during lunch hours, unless location is specifically designated by the Planning Department for late night hours, or regular hours.~~

(cd) Vending on Public Property, **in Public Streets or Sidewalks** shall only occur in locations designated by the **Division of Planning Department** and during regular hours, unless location is specifically designated by the **Division of Planning Department** for lunch hours, or late night hours.

(de) Vending locations on Public property will be designated on a map on file in the **Division of Planning Department**.

(Ord. 19-096. Passed 5-28-19.)

735.09 PROHIBITED CONDUCT.

No vendor shall:

(a) Vend within 100 feet of the grounds of an elementary or secondary school between one-half hour prior to the start of the school day and one-half hour after dismissal at the end of the day.

(b) Vend within 100 feet of any hospital.

(c) Vend within 200 feet of any church while church is in session.

(d) Sell food or beverages for immediate consumption unless the vendor has available for public use the vendor's own or a public litter receptacle which is available for any patron's use.

(e) Leave any location without first picking up, removing, and disposing of all trash or refuse remaining from sales made by the vendor.

(f) Solicit or conduct business with a person who is in a motor vehicle (e.g. a drive thru).

(g) Sell anything other than that which the vendor is licensed to vend.

(h) Set up, maintain, or permit the use of any table, crate, carton, rack or any other device to increase the selling or display capacity of the vendor's stand or motor vehicle where such items have not been described in the vendor's application.

(i) Vend without the insurance coverage specified in Section 735.05.

(j) ~~No vendor shall vend on residentially zoned property.~~

(k) Operate using more than (1) self-contained vehicle or stand if operating on Public Property or on Public Streets or Sidewalk. No vendor shall use accessory trailers or stands within Public Property or on Public Streets or Sidewalk **without permission as documented by the vendor license.** ~~Current vendor license holders will be given a two (2) year grandfather period from the date of the adoption of this Ordinance to comply with this subsection.~~

(l) Leave any personal property, including but not limited to stand, furniture, or vehicle, at vending location past allowed hours.

(m) Connect to City utilities if vending on Public Property or on Public Streets or Sidewalk **without permission as documented by the vendor license.**

~~(Ord. 19-096. Passed 5-28-19.)~~

735.10 HOURS OF OPERATION.

Vendors shall be allowed to engage in the business of vending daily between the hours of ~~89:00 a.m and 110:00 p.m., unless vending in locations noted in Section 735.08~~ **unless location is specifically designated by the Division of Planning for lunch hours, or late night hours.**

~~(Ord. 19-096. Passed 5-28-19.)~~

735.11 SUSPENSION OR REVOCATION OF LICENSE.

Any license issued under this Chapter may be suspended or revoked by the **Division of Planning Department** for any of the following reasons:

- (a) Fraud or misrepresentation in the application for license.
- (b) Fraud or misrepresentation in the course of conducting the business of vending.
- (c) Conducting the business of vending contrary to the conditions of the license.
- (d) Conviction of the licensee of any crime or violation of municipal ordinance or state law involving moral turpitude.
- (e) Conducting the business of vending in such a manner as to create a public nuisance, a breach of the peace or to constitute a danger to the public health, safety or welfare of the public.

On the next business day following the suspension or revocation of a license, a notice of hearing on such suspension or revocation shall be made in writing, shall set forth specifically the grounds for suspension or revocation, and the date, time and place of the hearing. Such notice shall be mailed, certified mail, postage prepaid, to the licensee at the address stated on the application for the license at least five (5) days before the date set for the hearing. The written decision of the City Manager made at or after such hearing, with a statement of the grounds therefor, shall be mailed, postage prepaid, to the licensee at the address stated on the application for the license within thirty (30) days after the date of the hearing.

~~(Ord. 19-096. Passed 5-28-19.)~~

735.99 PENALTY.

(a) **Administrative Penalties.** In addition to any criminal penalties that may be imposed pursuant to subsection (c) hereof, any Vendor or person who violates or fails to comply with any of the provisions of this Chapter shall be subject to an administrative fine of one hundred dollars (\$100.00) per day for each violation.

(b) The Vendor or person in violation may pay the total cost as charged in subsection (a) to the City of Sandusky's Finance Director within thirty (30) days after such penalties are incurred. If the total costs are not paid within thirty (30) days then the City may institute a civil action to recover the costs. In the event the City is required to take legal action to enforce this ordinance, the Vendor or person in violation of the ordinance shall be responsible for all necessary costs relative thereto, including attorney's fees.

(c) **Criminal Penalties.** Whoever violates any provision of this Chapter is guilty of a misdemeanor of the first degree and shall be fined not less than two hundred and fifty dollars (\$250.00).

Each day of operation in violation of this Chapter shall be considered a separate offense.

~~(Ord. 19-096. Passed 5-28-19.)~~

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.

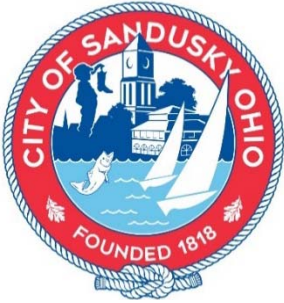
Section 4. That for the reasons set forth in the preamble hereto, this Ordinance shall take effect at the earliest time allowed by Law.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST:

CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed:



DEPARTMENT of COMMUNITY DEVELOPMENT

Division of Planning
240 Columbus Ave
Sandusky, Ohio 44870
419.627.5973
www.cityofsandusky.com

To: Eric Wobser, City Manager

From: Arin Blair, Chief Planner

Date: March 30, 2022

Subject: April 11, 2022 Agenda Item –Application for an amendment to the zoning map for parcel 56-00584.000 (629 E. Adams Street).

Item for Consideration: Application for an amendment to the zoning map to extend the Transient Occupancy Overlay District to include Parcel No. 56-00584.000.

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: Sharece Clinton, with Tavaré' Jemel LLC, has applied for a rezoning of the property to extend the adjacent Transient Occupancy Overlay District (TRO), which includes properties within the Cove District and along Meigs Street and First Street over Parcel No. 56-00584.000. The subject property is zoned "R2F" Two-Family Residential, and adjacent to "R2F" Two-Family Residential to the north, west, east and south. The applicant is proposing the rezoning of this land as they look to use the unit for transient rental. Two Family Residential zoning does not allow transient rental without a TRO district in place.

At their regularly scheduled meeting, held on February 23, 2022, Planning Commission recommended approval of the rezoning.

Correlation to the Comprehensive Plan: According to the City's Bicentennial Vision Comprehensive Plan, this neighborhood had several strong recommendations that could be addressed by this rezoning. The Bicentennial Comprehensive Plan outlines a number of priorities for the neighborhood. Some of the priorities related to this site are:

- 1) Support the development and rehabilitation of a variety of housing types that meet the needs of current and future residents including: rehabilitated homes, townhomes, new in-fill single family housing, upper floor condos and lofts, affordable housing, senior housing, permanent supportive housing, assisted living, and short-term transient rental.

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.

Budgetary Impact: The proposed redevelopment is expected to result in increased property and income revenue for the city.

Action Requested: It is requested that City Commission approve the proposed amendment to the zoning map, extending the adjacent Transient Occupancy Overlay District to include Parcel No. 56-00584.000. It is requested that this ordinance take effect under Section 13 of the City Charter.

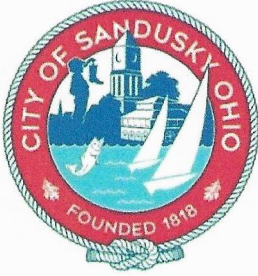
Arin Blair
Chief Planner

I concur with this recommendation:

Eric Wobser
City Manager

Jonathan Holody
Community Development Director

cc: Cathy Myers, Clerk of City Commission
Michelle Reeder, Finance Director
Brendan Heil, Law Director



PLANNING COMMISSION

Application for Zoning Map Amendment

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

APPLICANT/AGENT INFORMATION:

Property Owner Name: Tavare' Jemel LLC

Property Owner Address: 404 Reese St

Property Owner Telephone: 614 517 4600

Email: SLClinton77@icloud.com

Authorized Agent Name: Sharece Clinton

Authorized Agent Address: 404 Reese St

Authorized Agent Telephone: 614 517 4600

Email: SLClinton⁷⁷@icloud.com

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 629 E Adams St

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

Parcel Number: _____ Zoning District: _____

DETAILED SITE INFORMATION:

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

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

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

Building #2: _____

Building #3: _____

Additional: _____

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

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

1200

Proposed Building Height (for any new construction): 4

Number of Dwelling Units (if applicable): 1

Number of Off-Street Parking Spaces Provided: 2

Parking Area Coverage (including driveways): 4 (in sq. ft.)

Landscaped Area: _____ (in sq. ft.)

Requested Zoning District Classification: overlay District expansion

APPLICATION AUTHORIZATION:

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

Sharee Clinton

Signature of Owner or Agent

1.21.22

Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

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

Signature of Property Owner

Date

REQUIRED SUBMITTALS:

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

STAFF USE ONLY:

Date Application Accepted: _____ Permit Number: _____

Date of Planning Commission Meeting: _____

Planning Commission File Number: _____

CITY OF SANDUSKY, OHIO
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

PLANNING COMMISSION REPORT

APPLICATION FOR AN AMENDMENT TO THE
ZONING MAP FOR 629 E. ADAMS ST. (PARCEL 56-
00584.000)

Reference Number: PRZ22-0002

Date of Report: February 15, 2022

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio

Planning Commission Report

BACKGROUND INFORMATION

Sharece Clinton, with Tavaré' Jemel, LLC, has applied for a Cove District Transient Overlay expansion. The following information is relevant to this application:

Applicant / Owner: Tavaré' Jemel, LLC
404 Reese St.
Sandusky, Ohio 44870

Authorized Agent: Sharece Clinton
404 Reese St.
Sandusky, Ohio 44870

Site Location: 629 E. Adams St.

Current Zoning: "R2F" Two-Family Residential

Surrounding Zoning: North- "R2F" Two-Family Residential
East- "R2F" Two-Family Residential
South- "R2F" Two-Family Residential
West- "R2F" Two-Family Residential

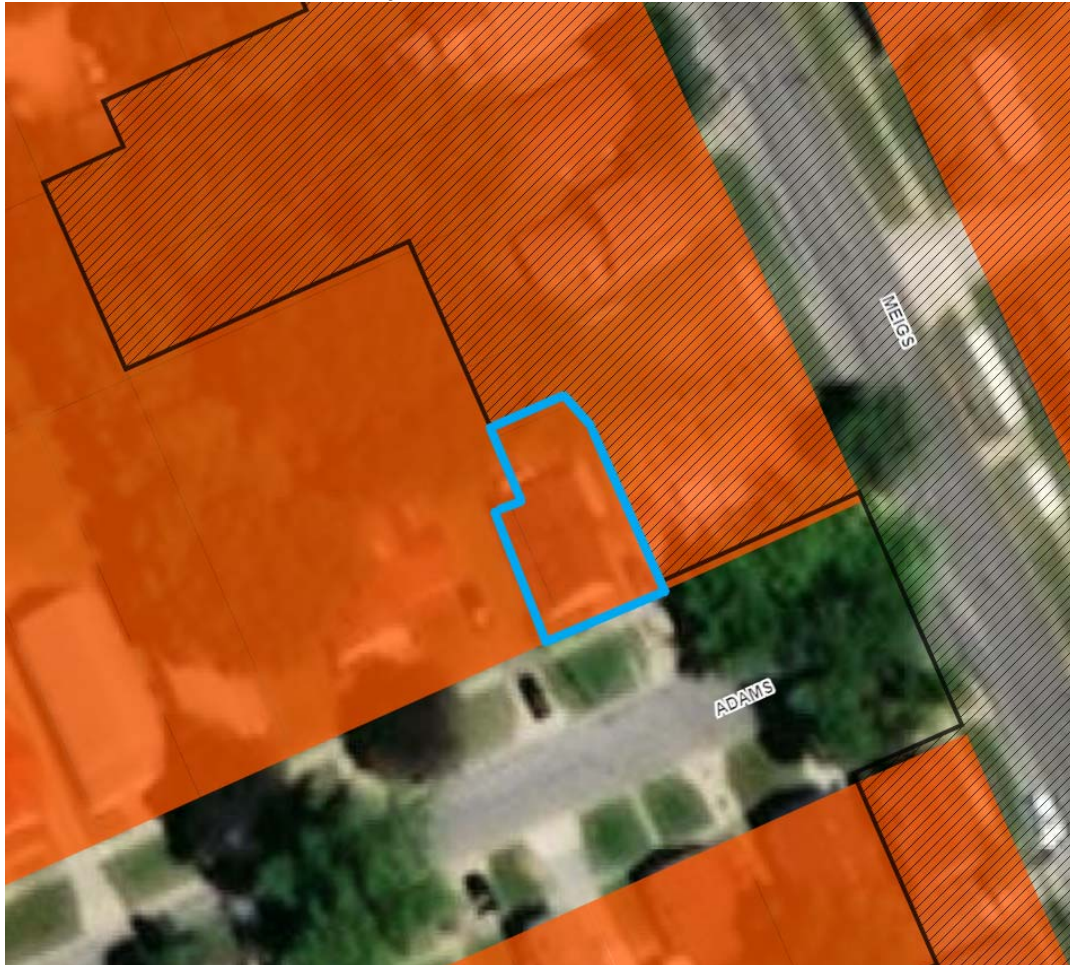
Existing Use: Residential

Proposed Zoning: Transient Overlay District

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

SITE DESCRIPTION

Subject Parcels Outlined in Blue:



Zone Map Setbacks



PUD - Planned Unit Development



Parcels



TRO - Transient Rental Overlay



Zoning

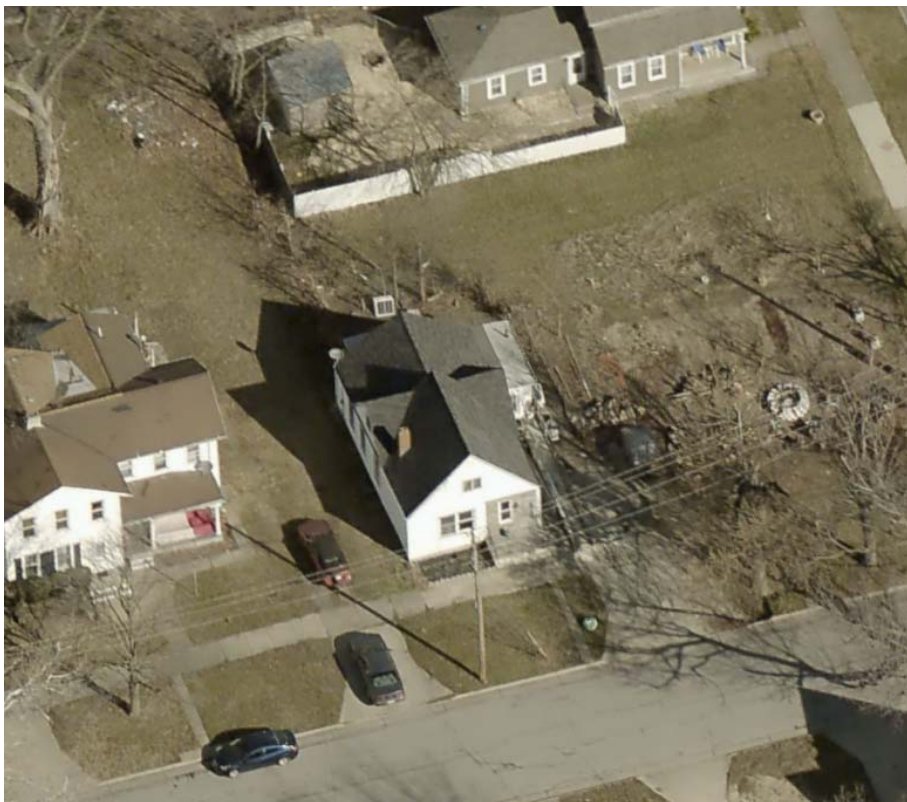
- AG - Agriculture
- CA - Commercial Amusement
- CR - Commercial Recreation
- CS - Commercial Service
- DBD - Downtown Business
- GB - General Business
- GM - General MAnufacturing
- LB - Local Business
- LM - Local Manufacturing
- P - Auto Parking

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

County Auditor Property Map (subject property outlined in red)



Birds Eye Photo of Site



PROJECT DESCRIPTION

The site at 629 E. Adams St. currently has a single-family structure on it. The house is roughly 1,200 sq. ft. and has several off street parking spaces.

The applicant wishes to expand the existing Cove District Transient Overlay to 629 E. Adams St. The applicant has stated that she wants the option for transient rental at her property.

This parcel currently abuts the Cove District Transient Overlay.

APPLICABLE CODE SECTIONS

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.

(4) Parking Requirements:

1149.05 SCHEDULE OF REQUIRED OFF-STREET PARKING.

<u>Building or Use</u>		<u>Required Minimum Parking Space</u>
(1)	One-family dwelling	2 spaces/dwelling unit x 1
(4)	Row dwelling or apartment	1-1/2 spaces per dwelling unit x 3

Required spaces: 2

Existing Spaces: 3

DEPARTMENT OF PLANNING COMMENTS

According to the City's Bicentennial Vision Comprehensive Plan, this neighborhood had several strong recommendations that could be addressed by this rezoning. The Bicentennial Comprehensive Plan outlines a number of priorities for the neighborhood. Some of the priorities related to this site are:

1) Livable City:

Support the development and rehabilitation of a variety of housing types that meet the needs of current and future residents including: rehabilitated homes, townhomes, new in-fill single family housing, upper floor condos and lofts, affordable housing, senior housing, permanent supportive housing, assisted living, and short-term transient rental

2) Destination City:

Zoning changes to encourage hospitality: determine appropriate zoning for transient rental and hotels, and other hospitality development in the city.

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.

Due to the fact that the property is adjacent to the existing Transient Overlay District, Staff would support the zoning amendment.

Lastly, if the applicant desires these properties to be utilized for transient rental, they each would need their own transient rental application and be thoroughly reviewed by the Code Enforcement Department and the Planning Department.

OTHER DEPARTMENT COMMENTS

Engineering Staff:

No concerns have been received as of the writing of this report

Building Staff:

No concerns have been received as of the writing of this report

Police Department:

No concerns have been received as of the writing of this report

Fire Department:

No concerns have been received as of the writing of this report

CONCLUSION/RECOMMENDATION

In conclusion, staff recommends the approval of the proposed amendment to the Zoning Map for 629 E. Adams St. (Parcel 56-00584.000) with the following conditions:

1. All applicable permits are obtained through the Building Department, Engineering Department, and any other applicable agency.

**Planning Commission
February 23, 2022
Meeting Minutes**

Meeting called to order:

Chairman Pete McGory called the meeting to order at 5:00pm. The following members were present: David Miller, Mike Zuilhof, Conor Whelan, Jade Castile, and Steve Poggiali. Mr. McGory asked for Mr. Jackson to be excused from the meeting. Alec Ochs and Arin Blair represented the Community Development Department, Brendan Heil represented the Law Department, and clerk Kristen Barone was also present.

Approval of minutes from the January 26, 2022 meeting:

Mr. Miller moved to approve the minutes as submitted and Mr. Poggiali seconded. Mr. McGory stated that it was mentioned in the minutes during the discussion of the RV park, that it was possible that some owner RVs would be used for transient rental but he does not remembering it being discussed. He said that he had asked Mr. Ochs later on in the meeting if boats could be used as transient rentals because he had heard about some people wanting to do that and Mr. Ochs stated that they would not be allowed to do that on boats. He wondered if transient rentals would not be permitted on boats, would they not be allowed in RV's as well. Mr. Zuilhof made a motion to have the clerk review the recording from the meeting to double check this. Mr. McGory seconded the motion. All voting members were in favor of the motion. Mr. Ochs stated that there is a transient rental application that people need to turn in and get approved by staff, so that would normally be addressed at that time, but as far as what was approved at the last meeting is okay.

Appointment of CRA Housing Council member:

Mr. Zuilhof stated that he was the Planning Commission's appointment previously and he does not mind continuing to serve in that role, but if somebody else wants the opportunity he would be happy to let someone else take that on. With no other volunteers speaking up, Mr. McGory made a motion to appoint Mr. Zuilhof as the CRA Housing Council member and Mr. Poggiali seconded. All voting members were in favor of the motion.

Public Hearing:

629 East Adams Street rezoning

Mr. McGory stated that Tavare' Jemel, LLC submitted an application for an amendment to the zoning map at 629 East Adams Street (parcel 56-00584.000). The application is to amend the zoning map to expand the Transient Rental Overlay District to include this address. Mr. Ochs explained that surrounding properties on all sides are zoned Two-Family Residential. This property has several off street parking spaces. According to the City's Bicentennial Comprehensive Plan, this neighborhood had several strong recommendations that could be addressed by this rezoning. The Bicentennial Comprehensive Plan outlines a number of priorities including supporting rehabilitation of housing and zoning changes to encourage hospitality. The property is also adjacent to the existing Transient Overlay District. Staff recommends approval of the proposed amendment to the zoning map with the condition that all applicable permits are obtained through the Building Department, Engineering Department, and any other applicable agency. Mr. Zuilhof moved to approve the application subject to staff's conditions and Mr. Poggiali seconded. Mr. Poggiali asked if the home was currently a single family home. Mr. Ochs stated that it is. Mr. Miller asked staff who owns the corner lot at Meigs and Adams and who owns the vacant lot next to the corner lot. Mr. Ochs stated that he is not sure. Mr. McGory swore in Sharece Clinton of 629 E. Adams Street. She stated that she currently lives at 629 East Adams Street and if this application gets approved, she is planning on living in her RV and traveling. She said Mr. McCarty owns the corner lot on Meigs and Adams and it has been used as a community garden in the past. He is unable to fix up that lot, but she believes the City used to be a partner in that, so if anyone is able to help with that, she would appreciate it. She said the vacant lot on the other side of the community garden is owned by the city. Mr. Poggiali asked if Mr. Ochs could speak with Code Compliance about the community garden. Mr. Ochs said he would do that. All voting members were in favor of the motion.

Adjudication Hearing:**1420 Sycamore Line**

Mr. McGory stated that George Sortino submitted an application for a conditional use permit at 1420 Sycamore Line (parcel 57-04190.001). The applicant would like to remove the existing non-digital message board and replace it with a digital message board. Mr. Ochs explained that the zoning code currently permits digital signs with a conditional use permit. The address is zoned General Business and surrounding properties on all sides are also zoned General Business. The sizing and placement does meet current zoning standards. In the staff report it states that staff recommends approval of the application with the condition that all applicable permits are obtained through the Building Department, Engineering Department, Planning Department and any other applicable agency. Staff does have some more conditions to add and that includes: 1) The sign criteria follows ODOT requirements recommended in past digital sign applications (minimum display time of 10 seconds), 2) Brightness shall not impose hazard to pedestrian or vehicular traffic, nor a nuisance to surrounding property owners, 3) No animations, videos, or illumination with flashing. Ms. Castile made a motion to approve the application subject to staff's conditions and Mr. Miller seconded. Mr. Zuilhof stated that this has been something that has been on the to do list to add into the ordinance since these signs are routinely passed and hopefully one day staff will get a chance to get that done. All voting members were in favor of the motion.

New Business:**1110 Edgewater Avenue**

Mr. McGory stated that American Colors, Inc. has submitted a site plan application for an addition to an existing building at 1110 Edgewater Avenue. Mr. Ochs explained that this property is zoned as General Manufacturing and they manufacture paint. The proposed addition totals 12,500 sq. ft. and will be used for office space, manufacturing, and storage. The proposal contains 78 parking spaces including four ADA spaces. The existing parking area coverage is 14,307 square feet and the proposed parking lot is 32,650 square feet. The total amount of required spaces needed according to the code is 96, but the applicant feels that the proposed 78 spaces will be sufficient for their needs since they have multiple shift changes daily. Planning staff suggests that the additional required spaces be waived by the Planning Commission. Staff is curious how many employees are expected to be on site at one time with the new addition. The applicant has proposed more than enough landscaping. There is an additional building expansion called out on the drawing totaling 11,000 square feet. The applicant has said that this is to not be considered for this meeting, but a meeting in the future when plans are finalized. Engineering has addressed slight concerns over the capacity of the existing detention pond and if it is sized accordingly for additional runoff/water storage. Building staff had no objections, but stated that additional submittals showing compliance with Ohio Building Code & ADA codes will be required for permits. Staff recommends the approval of the proposed site plan with the condition that all applicable permits are obtained through the Building Department, Engineering Department, and any other applicable agency. Mr. McGory asked if Engineering staff's concerns are something that will be addressed at a later time through their processes. Mr. Ochs said that is correct. Randy Schaefer of 2773 St. Rt. 99 in Monroeville, stated that he is with Janotta and Herner and able to answer questions relating to the project. He stated that he would let the owners answer the question regarding how many employees they are expecting to have in the new space, but they do feel they will have enough parking for all employees with the proposed site plan. Regarding Engineering staff's concerns with the detention pond, they are working on that design right now and that will be submitted to city staff for approval. Mr. Zuilhof stated that Planning Commission has generally waived parking requirements that the applicant feels they do not need in order to reduce storm runoff. Mr. Miller asked if the retention pond has a surround of stone and if the upper right hand corner is where the outfall of that is. Mr. Schaefer said that is correct. Mr. Miller then asked if there is some conveyance to go under the railroad track with that outfall. Mr. Schaefer said that is correct. Mr. Zuilhof stated that even though Engineering regulates the detention pond, typically the design is done by the time the site plan comes to Planning Commission, so that they know what the site looks like. He asked if they are anticipating additional detention or retention. Mr. Schaefer stated that they are using what is existing and that is adequate for what is needed. Mr. Zuilhof stated that he believes there is a case to be made for when detention or retention is designed to avoid dry detention. Mr. Miller stated that he believes that there is a process through the county that that city has signed onto, that regulates detention ponds. Mr. Poggiali stated that he is also curious how many extra jobs the expansion would create. One of the owners from

American Colors stated that they plan to add 3-5 people. Mr. Poggiali moved to approve the application subject to staff's conditions and Mr. Miller seconded. All voting members were in favor of the motion.

2330 River Avenue

Mr. McGory stated that the last application on the agenda is a site plan application for new construction at 2330 River Avenue and was submitted by Pat Murray. Mr. Ochs stated that this address is zoned Commercial Recreation. Properties to the north, east, and west are also zoned Commercial Recreation. However, the properties to the east and west are currently residential uses. This property is currently vacant. There used to be a house on site, but it has been torn down. The proposed use is a restaurant and bar. The applicant plans on having some dock space for small boats and jet skis and an unenclosed patio. The applicant also is anticipating adding a rooftop deck in the future. The code calls for 22 spaces and the proposal contains 26 parking space. Engineering staff's concerns include: water, sewer, and storm plans, which will be addressed at a later process. They are concerned about water runoff onto neighboring properties. They would also like to see a signage plan and a storm water pollution prevention plan. Building staff had no objections but stated that additional submittals showing compliance with Ohio Building Code and ADA codes will be required at a later time. Police Chief Jared Oliver advised that on-street parking in this area gets congested on weekends and additional public parking could be needed in the area if the proposed project catalyzes any other commercial investment along this street. Mr. Ochs stated in the proposal the parking requirements are met, setbacks are met, the height is met, but the landscaping is missing one tree that staff would like to see. Staff recommends approval of the proposed phase 1 of the site plan with the following conditions: 1) All applicable permits are obtained through the Building Department, Engineering Department, Planning Departments, and any other applicable agency, 2) The fence on the western property line is fixed to ensure proper buffer to neighboring residential property and does not exceed six feet in height. The landscaping buffer on the east and west side of the property is constructed as presented on the plans, 3) The civil plans effectively address the City Engineer's flooding concerns, and 4) A parking share agreement letter between the adjacent business is in place before additional phases are constructed, and 5) An additional tree is to be added to the landscape island in front of the restaurant. Mr. Zuilhof stated that he is skeptical of making conditions on future actions such as condition number four. For example if 10 years from now this condition is not met, Planning Commission cannot rescind this approval, so that is something to think about. He said that because of the development that is happening, he thinks it is time to start thinking about improvements on that street, encroachments on the street, parking in the area. Mr. McGory asked Mr. Ochs if additional phases were to take place would the applicant need to come to Planning Commission for approval again. Mr. Ochs responded that yes the applicant would need to come to Planning Commission to get approval for additional phases, so the parking share agreement could be addressed at that time if the Planning Commission would rather do it that way. Mr. Zuilhof stated that this is a challenging area because of the property being zoned Commercial Recreation and there being residential uses next door, but the owner has a right to use the property this way and he thinks there will be a good outcome. Mr. Miller stated that two properties to the east, there is a public access area, and he was not sure if the city owns that or ODNR. Mr. Zuilhof asked if he was talking about the Big Island canoe launch parking area and Mr. Miller said that was correct. Mr. Miller said that area seems like it would only have a demand for parking during the day and since the Chief of Police is concerned about parking during the evening, that maybe that area could help with that. He said that he also thinks that there may be more room to add more parking in that area, if that were to ever be an area that they plan on improving in the future. However, with the flooding that takes place in that area, sometimes that parking area is not reachable. He asked that in future plans, what does city staff do to address the fact that the water comes in there from the bay. Mr. Ochs stated that would be more so a question for the Engineering staff. Applicant Pat Murray of 9610 Darrow Road in Vermilion, and Gary Fischer with Fischer and Associates Architects of 554 West 9th Street in Lorain approached to answer questions of the Planning Commission. Mr. Fischer stated that they have the same concerns that staff do and by code, they have to keep all drainage on site, so that will be a challenge, but it is in the works and they plan on incorporating that in with the landscaping so that it looks nice. He also said that they are fine with all of staff's conditions. Mr. Murray stated that he has been talking with Barnes Nursery about landscaping and putting in river rock to help control the water level on the property line. Mr. Murray stated that he has been in talks with the property owner of Louie's and he was happy to offer their parking lot for overflow parking and they are going to do the same for them since they will be operating at different hours. Randy Hensinger of 312 Kinney Street Bellevue Ohio, stated that he came to talk on behalf of his friend Robert Herbst, who

lives at 2328 River Avenue, right next door to where the applicant is proposing the restaurant. Mr. Herbst wants to know where the water runoff is going to drain to. He said the street already has a water holding problem and there is no drainage whatsoever. Mr. Herbst said that the parking is also already a problem and asked where the overflow parking is going to go. Another concern of Mr. Herbst is the privacy of the neighbors. According to him, if they are following the code, the restaurant will need to be built four feet above the neighboring properties not allowing for any privacy for them. A privacy fence was mentioned, but what will the height of the fence be and who will be maintaining that fence? Mr. Herbst also wanted to mention the heavy equipment being brought into the area, such as the dozer, vibratory rollers, and compaction for the filling material. That equipment will affect the homes and foundations of the homes in that area for up to 26 linear feet from where the work is being done, and could possibly crack the foundations. He knows because he owns Herbst Excavating Company. Mr. Fischer stated that they do have to follow the code for drainage and so property owners on either side will be affected. He said that they cannot control the flooding in the area, but they are required to bring the building up and out of the floodplain. He said that the building will be placed farther out compared to the houses on both sides and there will be no windows looking at the houses at that level. He said that the restaurant is 12 feet off of the property line to the east and probably 30 feet from the house. On the west side, the restaurant is probably 80 feet from that house or building. Mr. Hensinger stated that even though the building pad will be about 80 feet from Mr. Herbst' property, they will still be putting a parking area in somewhere, and when you put ground on top of ground, there is going to be some compaction. Nick Famulare of 2340 River Avenue stated that even if the restaurant will be placed farther out compared to the houses, they will still probably have the parking lot up by the houses and people driving by frequently and shining their headlights in their windows. Mr. Famulare then said that as far as Mr. Murray using Louie's parking lot and vice versa, he said he heard that Louie's insurance company said that they will not be able to do that. Kathleen Arthur of 2338 River Avenue said that she has to block the end of her driveway off so that people do not park there. Mr. Zuilhof stated that it is not within the Planning Commission's power to stop a use from taking place in an area where it is zoned for that use, as long as they are meeting all of the other requirements. If the Planning Commission did not approve it the applicant could sue them and they would lose. So the Planning Commission is not determining today whether or not the applicant is able to use the property for what they are proposing, but determining whether or not they are meeting the other requirements staff was talking about during the staff report. Brandon Bess stated he owns 2312 River Avenue. He owns a commercial marina closest to the proposed restaurant, Pike Creek Marina. He said they had to spend over \$12,000 to put a fence up along their property to keep cars off of their property. He said that he has called the police department and he was told that they cannot do anything unless a car has been left there for three days. As far as the drainage goes, he said that there is nothing anyone can do to solve that problem. Putting in some river rock is not going to solve the issue. He said that there has been several feet of standing water on their road at a time, on their property and intruding into their home. They have spent thousands of dollars on commercial pumps. A four inch drain line along the property line is not going to solve anything either. When there are heavy downpours, water sits on that property now and if they build up on that property, more water is just going to go down to the neighboring properties. Mr. Bess said that along with the parking issues, they have recently had some break-ins of vehicles and there was recently a break-in of a building in that area also. Mr. McGory stated that he is familiar with that area and he lives over at Cedar Point, so he is aware of the lake levels and the issues that the torrential downpours can cause, but he is not sure how to solve the issue. Mr. Bess said that he is not against what the applicant wants to do there but he thinks there are things that need to be done before that happens. Mr. Bess stated that the owner of Louie's has reached out to the police department who did a couple of drive bys and then said that they didn't want to send out just one unit out because that would put that one unit in danger to be there by themselves and that they would have to pay a private security company in order to have an officer on scene to keep the issues to a minimum. One neighbor has reached out to the state highway patrol and they will come out every now and then. Mr. Zuilhof stated that he would encourage people to get familiar with the noise ordinance and if people are not following the noise ordinance they can call and make a complaint. Mr. Poggiali asked Mr. Bess if he knows where the runoff from the other marina goes that recently had a big addition put on. Mr. Bess said that he cannot speak for that owner, but he believes that the grade level is significantly higher at that point, and they also have a legitimate steel sea wall which brings their water height up, and their drain to bay is near the higher portion of the sea wall, so it allows for their runoff to escape. Mr. Poggiali then asked Mr. Ochs if someone would have to get a floodplain permit and build to a certain floodplain standard to allow for the runoff. Mr. Ochs said that is correct, but he does not know the specifics on that since that is

through the Engineering Department. Mr. Fischer stated that when the area is flooding, the lake and Pipe Creek seek their own level. When the restaurant is up, that will not cause any more water to go on the neighboring properties, but it would stop water that would be anywhere near being on that property. When there is a storm they will need to maintain that drainage and that will drain to Pipe Creek. Mr. Murray stated that they want to be good neighbors and if anything, having their parking lot available for people to use outside of their business hours, will hopefully solve any parking issues the neighborhood is having. He stated that hopefully his business will also get the city to move in fixing up that area sooner rather than later. Mark Smith, attorney at Flynn Py & Kruse, stated that he was contacted by Mr. Herbst today regarding this matter and so he has some questions for staff. Law Director Brendan Smith stated that this is not a public hearing and is a time for the Planning Commission to ask questions if they would like, but would recommend that the public questioning staff regarding their testimony is out of order. Mr. Smith stated that he is not questioning testimony but he has on questions the plan as proposed and how it fits in with the current standards. Mr. McGory asked Mr. Smith what his questions are. Mr. Smith asked Mr. McGory if it is the board's position that a best use standard be imposed in accordance to 1109.01 or would it be any permitted use will applicable as far as this board's decision on moving forward. Mr. McGory stated that it is his understanding that any permitted use under the current zoning. Mr. Smith asked that as far as hours of operations, is that all year round. Mr. Zuilhof stated that again there is a noise ordinance that the neighbors can read and they can call and make a complaint if they want to. Mr. Miller stated that in the past there has been at least one situation where a developer proposed a development that was resisted by a bunch of neighbors. In that case, the Planning Commission wanted to collect more information that was relevant to the discussion. In this case, with the discussion around the city possibly coming in and doing some work in that area with paving and water issues, that may be something to consider. Mr. McGory stated that he is inclined to agree with the architect that what the applicant is proposing is not going to have much effect on the issues that are already taking place in that area. Mr. McGory made a motion to approve the application subject to staff's conditions and Ms. Castile seconded. Ms. Blair reminded the Planning Commission about Mr. Zuilhof's comments regarding condition number four and stated that the Planning Commission may want to omit that condition. Mr. McGory stated that yes, he would like to clarify that condition number four that was mentioned earlier during staff's comments is not to be included in the motion. Ms. Castile said she is fine with that. Mr. Whelan asked the architect what exactly is going up to four feet since there has been a lot of concern about that. Mr. Fischer said the building would be, but the parking lot would stay almost where it is, as they do not want to bring that much fill in if they do not need to. All voting members were in favor of the motion.

Other Business:

Mr. Whelan stated that he would like to make a statement in order to try to create a path forward for the two residents that have asked for the Planning Commission to consider creating a transient rental overlay district in two different neighborhoods. He said that these two residents have been trying to get an answer for about a year now, so he would be committed to making a motion on behalf of individuals or groups wanting a public hearing to create a transient rental overlay districts in an area if they meet two criteria of which he would like some feedback from the other members on: 1) They would need to work with Planning staff to create boundaries for the proposed transient rental overlay district. He said he was thinking that at first that would be 40 contiguous parcels, but maybe that is too much and maybe 30 would be enough, 2) A petition is signed by at least 25% of the neighboring property owners who are in favor of the proposal. Mr. Zuilhof stated that any Planning Commissioner can propose legislation to create a new district, whether they think it is a good idea or a resident approached them. Mr. Whelan said that he is not comfortable with doing so just because a resident asked them to and that is why he would like to put in place some parameters. If there are no parameters then the commissioners could be getting approached from people all of the time. Mr. McGory asked if there was an entire square block in favor, would that be enough? He said that he definitely thinks the person with the proposal should have some support from the neighboring property owners, but maybe 25% is not necessary just to have a hearing, because at the hearing there would be more discussion that everyone in that area could come and give input on. Mr. Miller stated that he would like to make a motion to authorize Mr. Whelan to work with staff to bring forward a proposal for what would be required from residents who want to have a public hearing on creating a transient rental overlay district. Mr. Zuilhof seconded the motion. Mr. McGory stated that he would also almost hate to require a minimum amount of support, but thinks that there should be some. Mr. Whelan said that it might be a little

cumbersome if they invite everyone to share their proposals without any requirements. If that is the case, there would be a different proposal every month. That is why he thought there should be a minimum amount of support from neighboring properties. Mr. Poggiali stated that after Mr. Whelan talks with staff to come up with a proposal he can bring a proposal to the commission and then there can be more discussion at that time. Mr. Whelan stated that he thinks he needs to clarify that there has already been two proposals from residents that were brought to staff and the Planning Commission. He said that he does not want to be approached from residents asking him to bring a proposal to the Planning Commission because some people could argue that he is playing favorites, and that is one of the reasons why he thinks there should be requirements on how a resident brings forward a proposal. Mr. Zuilhof made a motion to suspend debate and vote on the motion. With no second on the motion, Mr. Miller stated that he does not necessarily know if 40 contiguous parcels is needed, but figured that could be something Mr. Whelan and staff could discuss further and then bring back to the Planning Commission to vote on. Mr. McGory stated that it sounds like a motion is not needed then, if any Planning Commissioner can already bring forward a proposal to the Planning Commission at any time. Ms. Castile said that what she thinks Mr. Whelan is getting at is that if there are no requirements set on what is needed from the residents and each Planning Commissioner has a different opinion on what they think is enough, then people will just wait to hear who requires the least amount of work, and then residents will go to that Planning Commissioner for support and ask that Planning Commissioner to bring the proposal to the rest of the commission. Ms. Blair stated that the ordinance says that whenever it is deemed appropriate and in the interests of the general welfare of the city, a Planning Commissioner can initiate a public hearing to consider a transient occupancy overlay district. From what she is understanding, Mr. Whelan is saying that the two criteria he mentioned is what he believes what is appropriate and in the interests of the general welfare of the city. So if he is approached with someone that meets those two criteria, then he would be willing to make a motion to hold a public hearing for a proposal to be heard at, and that is allowed per the current ordinance. Mr. McGory asked the law director for clarification on if they even need a motion to move forward. Mr. Heil responded that from his understanding, it is Mr. Whelan's intent to publicly state that he would like to create a potential process for bringing forward a request for a transient rental overlay district because currently the only people that can initiate that discussion is the City Commission and the Planning Commission. Residents cannot currently do that, but with what Mr. Whelan proposed, that would allow residents the ability to do that, so long as they follow those requirements. Mr. Miller stated that with his motion, it was his intent to have staff discuss the requirements further with Mr. Whelan as staff might have a better idea on how many parcels would be needed to create a district, as well as how many neighboring properties in agreement are needed. He said he would also be willing to sit with staff and Mr. Whelan to give his input as well. Mr. Poggiali made a motion to amend the motion to have Mr. Miller and Mr. Whelan both work with staff to come up with the criteria needed for residents who want to have a public hearing to bring a transient rental overlay district proposal to the Planning Commission. Mr. Whelan seconded the motion. All voting members were in favor of the first motion. All voting members were in favor of the amended motion.

Meeting Adjourned:

Mr. Zuilhof moved to adjourn the meeting and Mr. Poggiali seconded. The meeting ended at 7:23pm

Next Meeting:

March 23, 2022

Approved:

Kristen Barone, Clerk

Pete McGory, Chairman



DEPARTMENT of COMMUNITY DEVELOPMENT

Division of Planning
240 Columbus Ave
Sandusky, Ohio 44870
419.627.5891

February 24, 2022

At the February 23, 2022 Planning Commission meeting, the Planning Commission recommended approval to the City Commission for the proposed amendment to the zoning map for 629 East Adams Street (parcel 56-00584.000). The application is to amend the zoning map to expand the Transient Rental Overlay District to include this address.

Pete McGory
Planning Commission Chairman

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONE MAP OF THE CITY OF SANDUSKY TO EXPAND THE TRANSIENT OCCUPANCY OVERLAY DISTRICT TO INCLUDE PARCEL NO. 56-00584.000, LOCATED AT 629 E. ADAMS STREET; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT UNDER SUSPENSION OF THE RULES AS CONTAINED IN AND IN ACCORDANCE WITH SECTION 13 OF THE CITY CHARTER.

WHEREAS, the City Commission adopted new Section 1341.32 (Transient Rental Property Regulation) and amended several other sections of the codified ordinances of the City of Sandusky including Chapter 1129 (Residential Districts), Section 1129.06 (Accessory Uses) by Ordinance No. 17-088, passed on May 8, 2017, for the purposes and intent to regulate the health, safety and wellness of the public, including the owners, occupants, and neighboring property owners of properties being utilized for transient occupancy within the City; and

WHEREAS, the City Commission approved the establishment of a Transient Occupancy Overlay District to permit transient rental within portions of the Cove District and properties fronting Meigs Street and First Street by Ordinance No. 18-126, passed on June 25, 2018; and

WHEREAS, a request is being made on behalf of Tavare' Jemel LLC, for an amendment to the Zone Map No. 96-01 as codified in Section 1121.03 of the Codified Ordinances of the City to expand the Transient Occupancy Overlay District to include Parcel No. 56-00584.000, located at 629 E. Adams Street, and as more fully described in Exhibit "A" which is attached to this Ordinance and specifically incorporated as if fully rewritten herein; and

WHEREAS, Sharece Clinton, on behalf of Tavare' Jemel, LLC, has applied for a zoning amendment to use this parcel for transient rentals; and

WHEREAS, this request was heard by the Planning Commission at their February 23, 2022, meeting resulting in the Planning Commission's recommendation to **approve** the requested Zone Map Amendment to expand the Transient Occupancy Overlay District to include Parcel No. 56-00584.000, located at 629 E. Adams Street; and

WHEREAS, a public hearing on the applicant's request was held by this City Commission at their April 11, 2022, regularly scheduled meeting; and

WHEREAS, this Ordinance should be passed under suspension of the rules in accordance with Section 13 of the City Charter **approving** the Amendment to the Zone Map 96-01 as Codified in Section 1121.03 of the Codified Ordinances to expand the Transient Occupancy Overlay District to include Parcel No. 56-00584.000, located at 629 E. Adams Street; 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 amendment 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 expansion of the Transient Occupancy Overlay District to include Parcel No. 56-00584.000, located at 629 E. Adams Street, 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 under suspension of the rules as contained in and in accordance with Section 13 of the City Charter after its adoption and due authentication by the President and the Clerk of The City Commission.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 11, 2022 (effective after 30 days)

Transferred	
In Part Sections 319-202 and 322-02 of the Ohio Revised Code.	
FEE \$	
Exempt:	<input checked="" type="checkbox"/>
R.E. TRANSFER:	
\$	
Richard H. Jeffrey Erie County Auditor	
Trans. Fees: \$	50
Date:	1-15-2020

Per O.R.C. 319.203
Erie County Auditor
1-15-2020
Date

SHERIFF'S DEED
Revised Code Sec. 2329.36

I, Paul A. Sigsworth, Sheriff of Erie County, and pursuant to the Order of Sale entered on August 30, 2019, and the Confirmation of Sale entered on November 25, 2019, and in consideration of the sum of \$12,000.00 dollars, the receipt whereof is hereby acknowledged, does hereby **GRANT, SELL AND CONVEY** unto **Tavare Jewel, LLC**, all rights, title and interest of the parties in Court of Common Pleas, Erie County, Ohio, Case No. 2018-CV-0519, Pamela Ferrell vs. Unknown Heirs of Lucy B. Irby, et al, and all pleadings therein incorporated herein by reference in and to the following lands and tenements situated in the County of Erie, City of Sandusky, and State of Ohio, whose Prior Owner was Lucy B. Irby, and whose Prior Deed Reference was RN201109188, and, is known and further described as:

Situated in the City of Sandusky, County of Erie and State of Ohio: Being that part of Lot Number Ten (10) on Meigs Street in the City of Sandusky, Erie County Ohio bounded and described as follows: Beginning in the southerly line of said Lot Number 10, the same being the northerly line of Adams Street at an iron monument which is 69.7 feet westerly measured along the northerly line of Adams Street from the southeast corner of said Lot Number 10; thence westerly along the northerly line of Adams Street, a distance of 34.95 feet to an iron monument which is 4.00 feet westerly from the southwest corner of the easterly 1/2 of said Lot Number 10; thence northerly parallel with the westerly line of Meigs Street, a distance of 44.26 feet more or less to an iron monument; thence easterly parallel with the northerly line of Adams Street, a distance of 4.00 feet to an iron monument; thence northerly parallel with the westerly line of Meigs Street, a distance of 20.26 feet more or less to an iron monument; thence easterly parallel with the northerly line of Adams Street, a distance of 25.95 feet to an iron monument; thence southeasterly a distance of 13.00 feet to an iron monument at the

northwest corner of the easterly 69.7 feet to the southerly 52.52 feet of said Lot Number 10 on Meigs Street conveyed to Frederick M. Wolff and Marjorie R. Wolff by deed dated October 17, 1945 and recorded in Volume 184 of Deeds, Page 163, Erie County Ohio Records; thence southerly parallel with the westerly line of Meigs Street and along the westerly line of the property conveyed to Frederick M. Wolff and Marjorie R. Wolff as aforesaid, a distance of 5.252 feet to the place of beginning and being the same premises as conveyed to Louis B. Wagner and Evalyn Wagner from Betty W. Crum, Trustee by deed recorded in Volume 391 of Deeds, Page 90, Erie County Deed Records.

Property Address: 629 E. Adams, Sandusky, OH 44870

Tax ID No.: 56-00584.000

Tax Mailing Address: 404 Reese St., Sandusky, Ohio 44870

This deed does not reflect any restrictions, conditions or easements of record.

Executed this 8TH day of JANUARY, 2020.



Paul A. Sigsworth
Paul A. Sigsworth, Sheriff of Erie County, Ohio

The foregoing was acknowledged before me this 8th day of January, 2020
by Paul A. Sigsworth, Sheriff of Erie County, Ohio.

Chad D. Henderson
Notary Public
State of Ohio
My Commission Expires: _____

CHAD HENDERSON
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires
January 16, 2023

This instrument was prepared by:
Vicki R. Palmer, #0021346
Assistant Prosecutor, Erie County
247 Columbus Ave. Suite 319
Sandusky, Ohio 44870

County Auditor Property Map (subject property outlined in yellow)





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., Director
Date: March 30, 2022

Subject: Commission Agenda Item – Permission to Bid Justice Center Rooftop Air Handling Unit

ITEM FOR CONSIDERATION: Requesting legislation authorizing the City to accept bids for the Justice Center Rooftop Air Handling Unit at the former City Hall, now known as the Justice Center.

BACKGROUND INFORMATION: An existing Carrier rooftop air handling unit at the future Justice Center was no longer cooling the IT room, which was experiencing critically high temperatures. Upon inspection by, Gundlach Sheet Metal Works Inc., it was recommended that the entire unit be replaced as soon as possible because rebuilding it would not be cost effective. This unit controls heat and air conditioning in a portion of both the court and police, including the judge's office and the detectives.

Staff immediately began working with Bowen, the architect for the new Justice Center, to determine if a replacement rooftop unit (RTU) could be incorporated into the design of the new facility. It has a natural gas heat exchanger and would be compatible with the new upgraded system as well as the existing iVue controls that have been specified for the Justice Center. Since the specified Carrier RTU has a footprint that matches that of the existing unit, additional curb adapters and other items may not be needed to retrofit the roof and ductwork. In addition, because the existing system uses Carrier, it can be installed and be operationally compatible with both the current and future system. The unit would be cleaned and filters replaced after completion of construction activities.

BUDGETARY INFORMATION: The estimated cost of the project construction costs is \$70,000.00 and paid with Capital Funds.

ACTION REQUESTED: It is recommended that proper legislation be prepared to accept bids for the Justice Center Rooftop Air Handling Unit and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter to allow for bidding to take place immediately as delivery times are pushed out as far as twenty weeks and the units will need to be installed as quickly as possible.

I concur with this recommendation:

Eric Wobser
City Manager

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

CERTIFICATE OF FUNDS

In the Matter of: Rooftop Air Handling Unit

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 #431-6503-54090

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 4/5/2022

RESOLUTION NO. _____

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

WHEREAS, the existing Carrier rooftop air handling unit at the former City Hall and future Justice Center, located at 222 Meigs Street, is not working properly causing the Information Technology (IT) area to experience critically high temperatures and as well as the IT part of the building, this unit controls the heat and air conditioning in portions of the Court and Police Department, including the Judge's office and Detective Bureau; and

WHEREAS, upon inspection by Gundlach Sheet Metal Works, Inc., it was recommended to replace the entire unit as it would not be cost effective to rebuild; and

WHEREAS, the proposed Justice Center Rooftop Air Handling Unit Project involves replacing the current Carrier air handling unit at the future Justice Center with a unit that will be operationally compatible with both the current and future systems and as part of the project, the unit will be cleaned and filters replaced upon completion of construction activities; and

WHEREAS, the estimated cost of construction for this project is \$70,000.00 and will be paid with Capital 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 quickly, receive competitive prices and award a contract so the units can be immediately ordered and installed as soon as possible as delivery may take as long as twenty (20) weeks; and

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

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

Section 1. The specifications and estimates of cost as prepared by the Director of Public Works and submitted to this City Commission, and which are now on file in the offices of the Director of Public Works and the Clerk of the City Commission, for the proposed Justice Center Rooftop Air Handling Unit 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 Justice Center Rooftop Air Handling Unit 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 Justice Center Rooftop Air Handling Unit 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: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 11, 2022



RECREATION

222 Meigs Street
Sandusky, Ohio 44870
419.627.5886

TO: Eric Wobser, City Manager
FROM: Jason Werling, Recreation Superintendent
DATE: March 28, 2022
RE: Commission Agenda Item:
Paper District Marina Facility Agreement 2022

ITEM FOR CONSIDERATION: Requesting legislation to approve and authorize the addition of seasonal dockage at the Paper District Marina from twenty-seven (27) slips to thirty-five (35) slips for the 2022 season.

BACKGROUND INFORMATION: Towboat Marine LLC d.b.a. Lake Erie Towing, has requested to extend the seasonal docks at the Paper District Marina from the current twenty-four (24) slips to add an additional eight (8) slips, totaling thirty-five (35) seasonal slips. In 2012, the PDM introduced seasonal dockage and since then it has been a major factor in the stream of revenues and the offset of expenses. The Marina will continue to offer short-term transient dock slips with a total of twenty-four (24) transient slips available throughout the season. Lake Erie Towing utilizes three (3) slips for their vessels per their agreement.

The seasonal dock additions requested by Lake Erie Towing, LLC, will fulfill a waiting list for seasonal dockage from adjacent residences to the marina, help increase the Paper District Marina revenues and will allow the Marina to continue to be the short-term transient hub in Sandusky.

BUDGETARY INFORMATION: The agreement will not result in any additional budgetary expenses. Any proceeds generated annually by said seasonal and transient rentals will be deposited in the Parks and Recreation Marina Fund.

ACTION REQUESTED: It is requested that the proper legislation be prepared to authorize the addition of eight (8) seasonal docks at the Paper District Marina. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter in order to allow the operator to promote dockage for the 2022 season and there is currently a waiting list for seasonal dockage and the City desires to secure these potential lessees prior to the boating season.

Approved:

I concur with this recommendation:

Jason Werling, Recreation Superintendent

Eric Wobser, City Manager

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

40'

40'

A**B**

36'

30'

15

16

14

17

13

18

12

19

11

20

10

21

9

22

8

23

7

24

6

25

5

26

4

27

3

28

2

29

PUMP OUT

A Dock / 50 Amp - 24 Transient, 7 Seasonal, 1 Towboat
B Dock / 30 Amp 0 Transient, 28 Seasonal, 2 Towboats

Total Dock: 62 24 Transient Slips, 35 Seasonal, 3 Towboat

16

17

15

18

14

19

13

20

12

21

11

22

9

24

8

25

7

26

6

27

5

28

4

29

3

30

2

1

TOW BOAT

TOW BOAT

**5-JET SKI
DOCKS (10)****Seasonal Dockage****70' Slip (30'+40') Transient Dockage****32 (Transient Jet Ski Area)**

RESOLUTION NO. _____

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 014-13R, PASSED ON APRIL 8, 2013, AUTHORIZING LIMITED SEASONAL DOCKAGE AT THE PAPER DISTRICT MARINA; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City Commission authorized limited seasonal dockage at the Paper District Marina for twenty-two (22) slips by Resolution No. 014-13R, passed on April 8, 2013; and

WHEREAS, the City Commission approved the modification of seasonal dockage limits at the Paper District Marina from twenty-two (22) to twenty-seven (27) dockage slips by Resolution No. 002-17R, passed on January 9, 2017; and

WHEREAS, this amendment to Resolution No. 014-13R, modifies seasonal dockage at the Paper District Marina to a limit of thirty-five (35) dockage slips; and

WHEREAS, upon approval, the designation of the docks at the Paper District Marina will be twenty-four (24) transient dockage slips, thirty-five (35) seasonal dockage slips, and three (3) dockage slips provided to the Paper District Marina's Manager pursuant to the agreement with Towboat Marine, LLC d.b.a. Lake Erie Towing, for a total of sixty-two (62) docks; 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 as there is currently a waiting list for seasonal dockage and the City desires to secure these potential lessees prior to the boating 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 Recreation Department, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, does find that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter; and NOW, THEREFORE

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

Section 1. This City Commission hereby amends Section 1 of Resolution No. 014-13R, passed on April 8, 2013, to limit seasonal dockage at the Paper District Marina to thirty-five (35) dockage slips, more specifically described in Exhibit "A", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 11, 2022



DEPARTMENT OF PUBLIC WORKS

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

To: Eric Wobser, City Manager

From: Scott Kromer, Streets & Utilities Superintendent

Date: March 31, 2022

Subject: **Commission Agenda Item – Purchase of a Vermeer-BC1500XL Brush Chipper for the Forestry Division**

ITEM FOR CONSIDERATION: Legislation authorizing the purchase of one (1) Vermeer-BC1500XL Brush Chipper from Vermeer All Roads of Findlay, Ohio through the State of Ohio Cooperative Purchasing program for the Forestry Division.

BACKGROUND INFORMATION: The Forestry Division currently operates with a 1992 Brush-Bandit Chipper for chipping of tree limbs after routine tree maintenance of trimming tree branches and after a storm events. Due to the age of the equipment and reliability during daily operations, they are in need of purchasing a new piece of equipment. Working with the Fleet Maintenance Chief Foreman we were able to find a Vermeer-BC1500XL Brush Chipper from Vermeer All Roads of Findlay, Ohio through the State of Ohio Cooperative Purchasing program, Contract #800802, Index STS515, at a cost of \$61,230.00.

The Fleet Foreman is recommending that the current 1992 Brush-bandit, 250-Chipper 36127, Serial No. SN1B6659 be declared obsolete, unnecessary and unfit for City use and be auctioned on the internet with the proceeds from the sale being deposited in the Issue 8 Capital Fund – Vehicles, Facilities & Equipment Fund.

BUDGETARY INFORMATION: The total cost for one (1) Vermeer-BC1500XL Brush Chipper shall not exceed \$61,230.00 and will be paid from American Rescue Plan Act Stimulus Funds.

ACTION REQUESTED: It is recommended that proper legislation be prepared and approval be granted to purchase one (1) Vermeer-BC1500XL Brush Chipper from Vermeer All Roads of Findlay, Ohio, in an amount not to exceed \$61,230.0. It is further requested that the legislation be passed under suspension of the rules in full accordance with Section 14 of the City Charter in order place the order within the thirty day quote period, which expires on April 28, 2022.

I concur with this recommendation:

Eric Wobser
City Manager

Aaron Klein
Director

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



EQUIPPED TO
DO MORE.

Quote

3/28/2022

Address 110 Stanford Parkway
Findlay, OH 45840
USA

Reference Number R-00010013
Expiration Date 4/28/2022

Prepared By Derick Becker
Email derick.becker@vermeerallroads.com

Contact Name Troy Vaccaro
Phone 419-627-5882
Email tvaccaro@ci.sandusky.oh.us

Bill To Name CITY OF SANDUSKY
Bill To 1024 Cement Ave
Sandusky, OH 44870-1707

Ship To 1024 Cement Ave
Sandusky, OH 44870-1707

Product Name	Product Details	Quantity	Sales Price	Total Price
VERMEER BC1500010	Vermeer - BC1500XL Brush Chipper 15" capacity drum style brush chipper includes: 165HP PSI 5.7L gasoline engine, high coolant temperature and low oil pressure automatic shutdown; isolated engine and cutter housing; spring loaded clutch; live hydraulics; lockable control panel cover, variable speed dual vertical feed rollers; selectable SmartFeed; Ecoidle; telescoping tongue; pintle hitch; lockable toolbox; lockable engine shield; infeed curtain; dual-edged knives and infeed table with lower feed stop bar	1.00	\$61,230.00	\$61,230.00

OHIO STS NUMBER 800802

Subtotal \$61,230.00
Total Price \$61,230.00
Grand Total \$61,230.00

Signature: _____

CERTIFICATE OF FUNDS

In the Matter of: Wood Chipper

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 #240-0000-54090

By: 

Michelle Reeder

Finance Director

Dated: 4/5/2022

ORDINANCE NO. _____

AN ORDINANCE DECLARING A 1992 BRUSH-BANDIT 250-CHIPPER AS UNNECESSARY AND UNFIT FOR CITY USE PURSUANT TO SECTION 25 OF THE CITY CHARTER; AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE A VERMEER BRUSH CHIPPER FROM VERMEER ALL ROADS OF FINDLAY, OHIO, THROUGH THE STATE OF OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES COOPERATIVE PURCHASING PROGRAM FOR THE FORESTRY DIVISION; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, it has been determined by the Fleet Maintenance Chief Foreman that the 1992 Brush-bandit, 250-Chipper 36127, Serial No. SN1B6659, used for chipping tree limbs during routine tree maintenance and after storm events, has exceeded its useful life expectancy and is no longer of any use to the City due to its age and reliability during daily operations and is recommending this chipper be declared obsolete, unnecessary and unfit for City use and be auctioned on the internet with the proceeds from the sale being deposited in the Issue 8 Capital Fund for Vehicles, Facilities & Equipment; and

WHEREAS, it is recommended to replace the Brush-bandit 250-chipper with a Vermeer-BC1500XL Brush Chipper; and

WHEREAS, the Vermeer-BC1500XL Brush Chipper is available from Vermeer All Roads of Findlay, Ohio, through the State of Ohio Department of Administrative Services Cooperative Purchasing Program thereby, allowing local political subdivisions to purchase items that have been competitively bid from the successful state vendor giving the City the benefit of the State's negotiated price and eliminating the necessity of formal bidding; and

WHEREAS, the total purchase price for the Vermeer-BC1500XL Brush Chipper is \$61,230.00 and will be paid with American Rescue Plan Act Stimulus Funds; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to allow the order to be placed within the thirty (30) day quote period, which expires on April 28, 2022; 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 1992 Brush-bandit, 250-Chipper 36127, Serial No. SN1B6659, 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 this personal property no longer needed for City purposes through public auction, sale process, or internet auction with the proceeds from sale to be deposited into the Issue 8 Capital Fund for Vehicles, Facilities & Equipment.

Section 2. The City Manager is authorized and directed to purchase a Vermeer-BC1500XL Brush Chipper from Vermeer All Roads of Findlay, Ohio, through the State of Ohio Department of Administrative Services Cooperative Purchasing Program, Contract #800802, at an amount **not to exceed** Sixty One Thousand Two Hundred Thirty and 00/100 Dollars (\$61,230.00).

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.

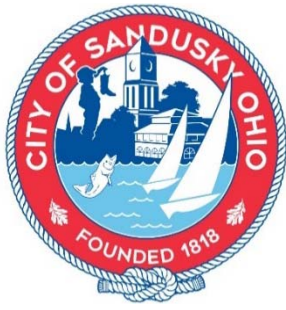
Section 4. This Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 11, 2022



DEPARTMENT OF PUBLIC WORKS

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

To: Eric Wobser, City Manager

From: Scott Kromer, Streets & Utilities Superintendent

Date: March 31, 2022

Subject: Commission Agenda Item – Purchase of Kubota Mini-Excavator for Water Distribution

ITEM FOR CONSIDERATION: Legislation authorizing the purchase of one (1) Kubota U Series, U55-5R3AP Mini Excavator from Streacker Tractor Sales, Inc. of Fremont, Ohio through the Sourcwell cooperative purchasing program (formerly known as NJPA) Contract 040319-KBA for the Water Distribution Division.

BACKGROUND INFORMATION: Currently the Water Distribution Division has been using the mini-excavator from the Cemetery when working in small trenches and tight spaces during water line replacements or on main breaks, as it is easier to operate an excavator in tight spaces. We have identified the need to purchase a new mini-excavator as we have seen scheduling conflicts of the machine when both Divisions need it at the same time. It has proven to be a valuable piece of equipment for use in the roadway, and lessen the obstruction to traffic and interruption to the public. In addition, having quicker access to the machinery when stored at the Water Distribution facility during an emergency situation will help with the response time in an emergency situation.

Working with the Fleet Maintenance Chief Foreman we were able to find a (1) Kubota U Series, U55-5R3AP Mini Excavator from Streacker Tractor Sales, Inc. of Fremont, Ohio through the Sourcwell cooperative purchasing program (formerly known as NJPA) Contract 040319-KBA.

BUDGETARY INFORMATION: The total cost for one (1) Kubota U Series, U55-5R3AP Mini Excavator shall not exceed \$64,236.70 and will be paid from American Rescue Plan Act Stimulus Funds.

ACTION REQUESTED: It is recommended that proper legislation be prepared and approval be granted to purchase one (1) Kubota U Series, U55-5R3AP Mini Excavator from Streacker Tractor Sales, Inc. of Fremont, Ohio, in an amount not to exceed \$64,236.70. It is further requested that the legislation be passed under suspension of the rules in full accordance with Section 14 of the City Charter in order place the order within the sixty day quote period, which expires on May 11, 2022.

I concur with this recommendation:

Eric Wobser
City Manager

Aaron Klein
Director

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

-- Standard Features --

-- Custom Options --



Kubota

U Series

U55-5R3AP

*** EQUIPMENT IN STANDARD MACHINE ***

FEATURES

Tight Tail Swing
Eco Plus System
Auto Idler
Rubber Track Model
ROPS/OPG (Top Guard Level I)
A/C Cab
Suspension Seat
Kubota 3 Hydraulic Pump Load Sensing System
1 Gear, 2 Variable Displacement Pumps
All Controls Hydraulic Pilot Controls
Two Operating Pattern Selection System
Accumulator
Digital Control Panel
Attachment Flow Presets, Service Alerts
Standard Front Dozer Blade w/ Float
360 Degree Full Rotation
70 Degree Left, 55 Degree Right Boom Swing
19.8 gpm Adjustable
Aux. Hydraulics Port 1
9.8 gpm Adjustable
Aux. Hydraulics Port 2
Thumb Bracket & Relief Valves
Five Second Quick Preheat System
Key Switch Stop System
Half Pitch Rubber Tracks
Self Bleed Fuel System
Auto-Downshift Two Speed Travel System
Swivel Negative Brake
Travel Negative Brake
Third Line

ENGINE

V2607 Kubota DI CRS Tier 4
Diesel Engine
4 Cylinder, 4 Cycle
47.6 Gross HP @ 2200 rpm (SAE J1995)
45.2 Net HP @ 2200 rpm (SAE J1349)

OPERATIONAL

DIMENSIONS

Max Digging Depth 11' 10.3"
Max Digging Radius @ Ground Level 19' 6.1"
Max Vertical Digging Depth 4' 11.6"
Max Dumping Height 13' 2.3"

DOZER BLADE

DIMENSIONS

Width 77.2"
Height 16.1"
Lift Above Ground 17.3"
Drop Below Ground 16.1"

PERFORMANCE

Digging Force @ Bucket (K7919) 11,177 lbs.
Digging Force @ Dipper Arm 6,261 lbs.
Travel Speed (Low) 1.8 mph
Travel Speed (High) 3.1 mph
Climbing Ability 36% / 20°
Lift Capacity 3,700 lbs.
Over Front
Blade Grounded
4.0 Ft. Load Point Height
12.0 Ft. Load Radius

DIMENSIONS AND

OPERATING WEIGHT

U55-5R3AP, Rubber Tracks, ROPS/OPG (Top Guard Level I)
A/C Cab,
Angle Dozer Blade, Dipper Arm, Counterweight, SP2
Overall Length 18' 1.3"
Overall Width 6' 5.2"
Overall Height 8' 4"
Operating Weight 12,535 lbs.*
Ground Clearance 12' 0.2"
* Includes operator's weight, 165 lbs.

U55-5R3AP Base Price: \$81,990.00

(1) TRAVEL ALARM KIT \$180.00
K7278-TRAVEL ALARM KIT

Configured Price: \$82,170.00

Sourcewell Discount: (\$19,720.80)

SUBTOTAL: \$62,449.20

1Yr U55-5R3AP Extended Warranty (3000 hrs.) \$950.00

Dealer Assembly: \$42.50

Freight Cost: \$545.00

PDI: \$250.00

Total Unit Price: \$64,236.70

Quantity Ordered: 1

Final Sales Price: \$64,236.70

**Purchase Order Must Reflect
the Final Sales Price**

To order, place your Purchase Order directly with the quoting dealer

*All equipment specifications are as complete as possible as of the date on the quote. Additional attachments, options, or accessories may be added (or deleted) at the discounted price. All specifications and prices are subject to change. Taxes are not included. The PDI fees and freight for attachments and accessories quoted may have additional charges added by the delivering dealer. These charges will be billed separately. Prices for product quoted are good for 60 days from the date shown on the quote. All equipment as quoted is subject to availability.

CERTIFICATE OF FUNDS

In the Matter of: Mini Excavator - Water Distribution

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 #612-5250-54090

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 4/11/2022

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE A NEW KUBOTA U SERIES MINI EXCAVATOR FROM STREACKER TRACTOR SALES, INC. OF FREMONT, OHIO, THROUGH THE SOURCEWELL COOPERATIVE PURCHASING PROGRAM FOR THE WATER DISTRIBUTION DIVISION; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Water Distribution Division has been using the Cemetery's mini excavator when working in small trenches and tight spaces during water line replacements and main breaks as it is easier to operate an excavator in tight spaces and recently there has been scheduling conflicts when the equipment is needed by both the Cemetery and Water Distribution at the same time; and

WHEREAS, it is desired to purchase a mini excavator for the Water Distribution Division as it has proven to be a valuable piece of equipment for use in the roadway and lessens the obstruction to traffic and interruption to the public and additionally, having their own equipment would provide the Water Distribution Division immediate access to the mini excavator and allow quicker response times in emergency situations; and

WHEREAS, Sourcewell's (formerly National Joint Powers Alliance [NJPA]) cooperative contract purchasing leverages the national purchasing power of more than 50,000 member agencies while also streamlining the required purchasing process and as a municipal national contracting agency, Sourcewell establishes and provides nationally leveraged and competitively solicited purchasing contracts under the guidance of the Uniform Municipal Contracting Law; and

WHEREAS, the City, as a member of the Sourcewell Cooperative Purchasing Program (Member ID 68351), desires to purchase a Kubota U Series, U55-5R3AP Mini Excavator that has been competitively bid and made available through the membership from from Streaker Tractor Sales, Inc. of Fremont, Ohio; and

WHEREAS, the total cost for the new Kubota U Series, U55-5R3AP Mini Excavator is \$64,236.70 and will be paid with American Rescue Plan Act Stimulus Funds; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to allow the order to be placed within the sixty (60) day quote period, which expires on May 11, 2022; and

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

immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. The City Manager is authorized and directed to expend funds for the purchase a new Kubota U Series, U55-5R3AP Mini Excavator from Streaker Tractor Sales, Inc. of Fremont, Ohio, through the Sourcewell Cooperative Purchasing Program (Contract 040319-KBA) from Streaker Tractor Sales, Inc. of Fremont, Ohio, for the Water Distribution Division at an amount **not to exceed** Sixty Four Thousand Two Hundred Thirty Six and 70/100 Dollars (\$64,236.70).

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.

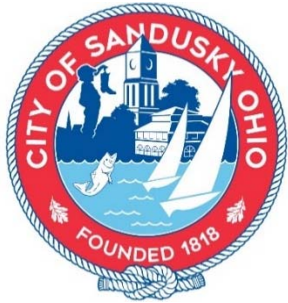
Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST:

CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 11, 2022



DEPARTMENT OF COMMUNITY DEVELOPMENT

240 Columbus Ave
Sandusky, Ohio 44870
419.627.5707
www.ci.sandusky.oh.us

To: Eric L. Wobser, City Manager

From: Jonathan Holody, Community Development Director

Date: March 16, 2022

Subject: Commission Agenda Item – Enterprise Zone (EZ) Tax Abatement Agreement – Pipe Creek Wharf, LLC

Items for Consideration: Legislation approving an Enterprise Zone Tax Abatement Agreement with Pipe Creek Wharf, LLC for improvements to the property at 2330 River Road, Sandusky, Ohio.

Background Information: Pipe Creek Wharf, LLC seeks to develop a new destination waterfront bar and restaurant at 2330 River Avenue. The company purchased the .74 acre property in September 2021, cleared the site, and obtained site plan approval from the Planning Commission in February 2022 for the construction of a 3,300 square foot building. The new building will be constructed by RDS Construction, LLC of Avon, Ohio.

The new restaurant and bar is expected to employ at least twelve (12) full time equivalent employees. The total project cost is estimated to be at least \$1.3M.

Staff recommends the approval of a 10-year, 75% real estate tax abatement on the increase to the assessed valuation of the property. Pursuant to Ohio Revised Code Section 5709.83, the Sandusky City Schools were provided the required notification on March 3, 2022.

Budgetary Information: The project will have an ongoing positive impact on the general fund, as 25% of the increase in assessed value will be subject to real estate taxes during the abatement period. The project will also help sustain employment in the local economy and will create at least twelve (12) permanent full-time positions subject to City income tax.

Action Requested: It is requested that the proper legislation be prepared to allow the City to enter into an Enterprise Zone Tax Abatement Agreement with the Pipe Creek Wharf, LLC. It is further requested that this legislation be passed in accordance with Section 14 of the City Charter in order to immediately approve the Enterprise Zone Tax Abatement Agreement to ensure the full benefit of the abatement is realized.

I concur with this recommendation:

Eric L. Wobser
City Manager

Jonathan Holody
Community Development Director

cc: Brendan Heil, Law Director
Michelle Reeder, Finance Director
Cathy Myers, Clerk of the City Commission

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH PIPE CREEK WHARF, LLC, RELATING TO PROPERTY LOCATED AT 2330 RIVER ROAD, AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

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

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

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

WHEREAS, Pipe Creek Wharf, LLC, has purchased property at 2330 River Avenue and plans to develop a new destination waterfront bar and restaurant with the construction of a 3,300 square foot building and a total estimated project cost to be at least \$1.3 million; and

WHEREAS, the City received a request for Enterprise Zone tax abatement from Pipe Creek Wharf, LLC, for their development project; and

WHEREAS, it is recommended to approve a 10-year, 75% real estate tax abatement on the increase to the assessed valuation of the property, based on the investment and the importance of the project to positively impact the City economically; and

WHEREAS, pursuant to Ohio Revised Code §5709.83, the Board of Education of the Sandusky City Schools was notified in writing of the request for tax exemption by letter dated March 3, 2022; and

WHEREAS, this project will have an ongoing positive impact the City's General Fund as 25% of the increase in assessed value will be subject to real estate taxes during the abatement period and the project will help sustain employment in the local economy and create twelve (12) permanent full-time positions subject to City income tax; and

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

immediately execute the agreement and to ensure the full benefit of the abatement is realized; and

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

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

Section 1. This Commission hereby approves the Enterprise Zone Agreement with Pipe Creek Wharf, LLC, pursuant to the terms and conditions contained therein, a copy of which is marked Exhibit "1" attached to this Ordinance and is specifically incorporated as if fully rewritten herein.

Section 2. The City Manager is hereby authorized and directed to execute the Enterprise Zone Pipe Creek Wharf, LLC, on behalf of the City in accordance with the terms and conditions as contained in the form of the agreement marked Exhibit "1" attached to this Ordinance and specifically incorporated as if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the terms of this Ordinance.

Section 3. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

PAGE 3 - ORDINANCE NO. _____

Section 5. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 11, 2022

ENTERPRISE ZONE AGREEMENT

This ENTERPRISE ZONE AGREEMENT (the "Agreement") is made and entered into by and between the City of Sandusky, Ohio, an Ohio municipal corporation with a Commission-Manager form of government with its main offices located at 240 Columbus Avenue, Sandusky, Ohio 44870 (the "City"), and Pipe Creek Wharf, LLC, an Ohio limited liability company, with mailing address of 2330 River Avenue, Sandusky, Ohio 44870 (the "Company").

WITNESSETH:

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

WHEREAS, the Company has purchased the property located at 2330 River Avenue, Sandusky, Ohio 44870 and further identified as Permanent Parcel #57-01320.000, which may be amended, consolidated or subdivided, as the case may be. The Company now seeks to develop a new destination waterfront bar and restaurant measuring 3,300 square feet at the site. The Company will invest at least \$1,300,000.00 into this project (the "Project"), which Project will preserve or create employment opportunities within the boundaries of the aforementioned Enterprise Zone, provided that the appropriate development incentives are available to support the economic viability of said Project; and

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

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

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

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

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

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

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

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

agreement with respect to matters hereinafter contained;

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

1. The Company shall develop a new destination waterfront bar and restaurant measuring 3,300 square feet at the site. The Company estimates an anticipated investment for the Project of \$1,300,000.00. The Project represents a significant new investment on the site. The construction is expected to be completed by December 31, 2022.

2. The Company shall create or cause to be created the equivalent of twelve (12) new full-time job opportunities by December 31, 2023.

The Company, and its affiliated entities, currently has no full-time permanent employees, no part-time permanent employees, no temporary employees, and no part-time temporary employees at the Project site. In total, the Company, and its affiliated entities will have 12 full-time permanent employees, no part-time permanent employees, no full-time temporary employees, and no part-time temporary employees in the State of Ohio.

This total increase in the number of employees over the entire job creation period will result in approximately \$500,000.00 (dollars) of additional annual payroll for the Company or made possible by the Company. The following is an itemization by the type of new jobs created: permanent full-time \$500,000.00, permanent part-time \$0, temporary full-time \$0, and temporary part-time \$0.

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

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

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

Year of Tax Exemption

Tax Exemption Amount

YR 1

75%

YR 2	75%
YR 3	75%
YR 4	75%
YR 5	75%
YR 6	75%
YR 7	75%
YR 8	75%
YR 9	75%
YR 10	75%

The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after 2023 nor extend beyond 2033.

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

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

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

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

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

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

obligations under this agreement and the City terminates or modifies the exemptions from taxation granted under this agreement.

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

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

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

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

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

15. The City has developed a policy to ensure recipients of Enterprise Zone tax benefits practice non-discriminating hiring in its operations. By executing this agreement, the Company is committing to following non-discriminating hiring practices acknowledging that no individual

may be denied employment solely on the basis of race, religion, sex, sexual orientation, gender identity or expression, disability, color, national origin, or ancestry.

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

17. The Company affirmatively covenants that it has made no false statements to the State or local political subdivision in the process of obtaining approval for the Enterprise Zone incentives. If any representative of the Company has knowingly made a false statement to the State or local political subdivision to obtain the Enterprise Zone incentives, the Company shall be required to immediately return all benefits received under the Enterprise Zone Agreement pursuant to ORC Section 9.66(C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to ORC Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to ORC 2921.13(D)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

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

[Signature page follows.]

IN WITNESS WHEREOF, the City of Sandusky, Ohio, by Eric Wobser, its City Manager, and pursuant to Ordinance No. _____, has caused this instrument to be executed this ____ day of _____, 2022 and Pipe Creek Wharf, LLC, by Patrick Murray, its Owner, has caused this instrument to be executed on this ____ day of _____, 2022.

CITY OF SANDUSKY, OHIO

By: _____
Eric Wobser, City Manager

PIPE CREEK WHARF, LLC
An Ohio limited liability company

By: _____
Patrick Murray, Owner

EXHIBIT "1"

Approved as to form:

By: _____
Director of Law

Date: _____, 2022

EXHIBIT A

[Attach Application]

EXHIBIT "1"

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

PROPOSED AGREEMENT for Enterprise Zone Tax Incentives between the Stark County (local legislative authorities) located in the County of Franklin and

(enterprise)
Pipe Creek Wharf

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

Pipe Creek Wharf
enterprise name

419-656-4280
telephone number

Patrick R. Murray
contact person

2330 River Ave
address
Stark County OH 44870

- 1b. Project site:

Patrick R. Murray
contact person

N/A
telephone number

Same as above
address

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

Restaurant/Bar

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

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

N/A

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

LLC

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

Patrick R. Murray

4. Is business seasonal in nature? Yes ☒ No ☐

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

12-16 employees

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

Yes ☐ No ☒

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

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

12-16 employees

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

N/A

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

N/A

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

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

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

7. Does the Enterprise owe :

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

Yes ___ No X

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

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

Yes ___ No X

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

N/A
EXHIBIT "1"

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

See blueprints

9. Project will begin Sept 15th, 2021 and be completed Summer, 2022 provided a tax exemption is provided.

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

12-16 employees full

10b. State the time frame of this projected hiring 6 months

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

Both

employees):

11a. Estimate the amount of annual payroll such new employees will add \$ 500,000⁰⁰ (new annual payroll must be itemized by full and part-time and permanent and temporary new employees).

11b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ 500,000⁰⁰

12. Market value of the existing facility as determined for local property taxation.
\$ 1.5M - 1.75M

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

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

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

	<u>Minimum</u>	<u>Maximum</u>
A.Acquisition of Buildings:	\$	\$
B.Additions/New Construction:	\$	\$
C.Improvements to existing buildings:	\$	\$
D.Machinery & Equipment:	\$	\$
E.Furniture & Fixtures:	\$	\$
F.Inventory:	\$	\$
Total New Project Investment:	\$	\$

15. a. Business requests the following tax exemption incentives: 100 % for 10 years covering real estate and/or personal property including inventory _____ as described above. Be specific as to type of assets, rate, and term. yes

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

Centrifugation / improvement of Area in general.

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

Applicant agrees to supply additional information upon request.

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

Pipe Creek Wharf

Name of Enterprise

1.15.22

Date

[Signature]

Signature

Owner

Typed Name and Title

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

** Attach to Final Enterprise Zone Agreement as Exhibit A

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

Franchise & Association		2023
ISSUE		DATE
PRIORITARY	11-9-21	
PROCESS - COMPLETION	17/20/21	
PROGRESS - COMPLETION RESULT	01/11/21	
Client Name/Project Name/Address		

NEW RESTAURANT

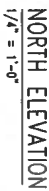
2330 RIVER AVENUE SANDUSKY, OHIO 44870

Drawing Name
ELEVATIONS

Fraser Project Number	21127
Sheet #	

A-103

PRELIMINARY
NOT FOR
CONSTRUCTION





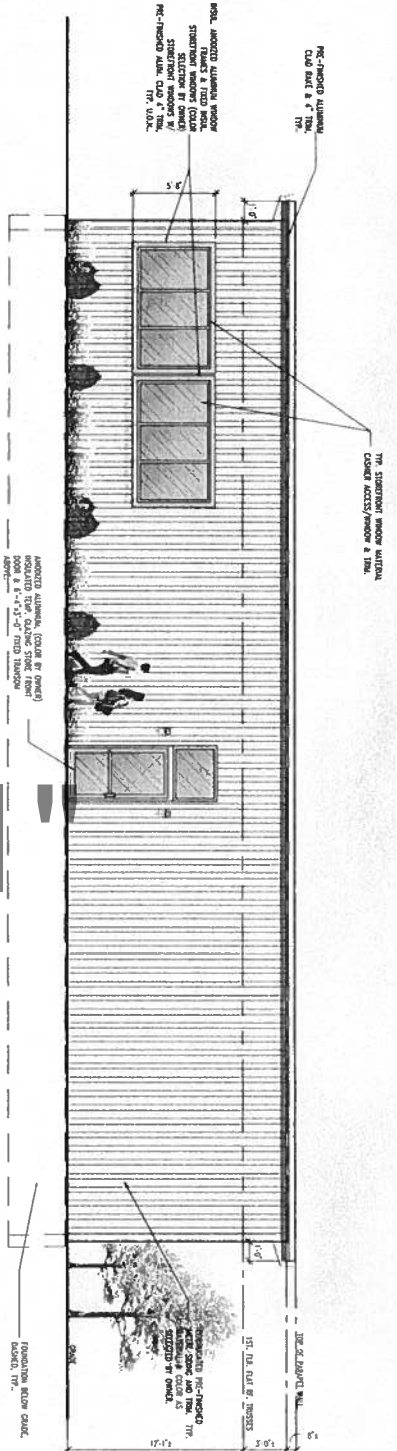
PIPE CREEK WHARF

NEW RESTAURANT

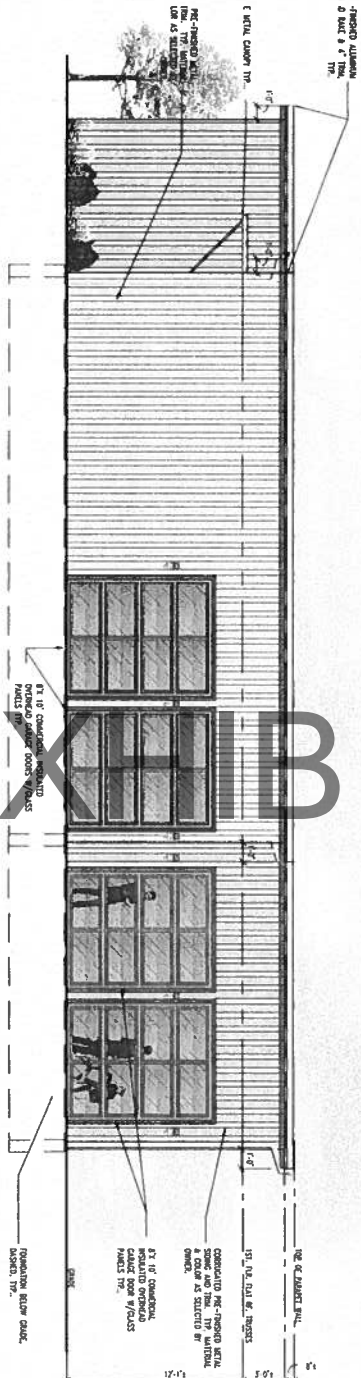
2330 RIVER AVENUE SANDUSKY, OHIO 44870

A-104

PRELIMINARY
NOT FOR
CONSTRUCTION



EAST ELEVATION
1/4" = 1'-0"



WEST ELEVATION
1/4" = 1'-0"

EXHIBIT "1"