



**SANDUSKY CITY COMMISSION
REGULAR SESSION AGENDA
JUNE 13, 2022 AT 5 P.M.
CITY HALL, 240 COLUMBUS AVENUE**

INVOCATION	Dave Waddington
PLEDGE OF ALLEGIANCE	
CALL TO ORDER	
ROLL CALL	D. Waddington, B. Harris, M. Meinzer, W. Poole, D. Murray, D. Brady, S. Poggiali
APPROVAL OF MINUTES	May 23, 2022
AUDIENCE PARTICIPATION	
PROCLAMATION	Linda Mitchell, Safe Harbour Domestic Violence Shelter
SWEARING IN	Captain Zimmerman & Firefighter, Mario D'Amico, Fire Chief
PUBLIC HEARING	Rezoning 709 Perry Street, Arin Blair, Chief Planner
PRESENTATION	Lead Hazard Control & Healthy Homes Grants, Bob England, ECHD
COMMUNICATIONS	Motion to accept all communications submitted below
CURRENT BUSINESS	

CONSENT AGENDA ITEMS

ITEM A – Submitted by Jonathan Holody, Community Development Director

ACCEPT FY2022 COMMUNITY-WIDE BROWNFIELD ASSESSMENT GRANT

Budgetary Information: The grant funds do not require a local match, so the legislation will have no impact on the City budget.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to accept grant funds in the amount of \$500,000.00 from the United States Environmental Protection Agency through the FY 2022 Brownfield Assessment Grant Program; authorizing the City Manager to execute and grant agreements and to expend the funds consistent with the grant agreement; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM B – Submitted by Debi Eversole, Housing Development Specialist

LAND BANK SALE OF 1806 & 1808 HARRISON STREET PROPERTIES

Budgetary Information: The expenses associated with this purchase & sale agreement is the total amount of the title search, closing costs, deed preparation, and any other customary fees that may be due and payable in the ordinary course of the sale and purchase transaction. The City will recoup the cost of the expenses from the sale. The taxing districts will begin collecting approximately two hundred twenty (\$220.00) dollars per year in real estate taxes, which will increase once the home is built.

ORDINANCE NO. _____: It is requested an ordinance be passed declaring that certain real property owned by the City as part of the Land Reutilization Program identified as Parcel Nos. 58-01170.000 and 58-01137.000, located at 1806 and 1808 Harrison Street are no longer needed for any municipal purpose and authorizing the execution of a purchase agreement with respect to that real property; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM C – Submitted by Jane Cullen, Assistant City Engineer

1502 HAYES AVENUE PROJECT TEMPORARY EASEMENT

Budgetary Information: There is no impact on the City's budget.

ORDINANCE NO. _____: It is requested an ordinance be passed approving a temporary construction easement granted to the City by the City for the Healthy Hayes Safety Improvements Project; 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 John Orzech, Assistant City Manager

AMENDING EMPLOYMENT PROVISIONS CHAPTER 145 OF CODIFIED ORDINANCES

Budgetary Information: There is no impact to the General Fund.

ORDINANCE NO. _____: It is requested an ordinance be passed amending Part One (Administrative Code), Title Five (Officers and Departments), Chapter 145 (Employment Provisions) of the Codified Ordinances of the City of Sandusky, in the manner and way specifically set forth hereinbelow; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 2 – Ordered In by City Commission

AMENDING FIREWORKS CHAPTER 1519 OF THE CODIFIED ORDINANCE

Budgetary Information: There is no impact to the General Fund.

ORDINANCE NO. _____: It is requested an ordinance be passed amending Chapter 1519 (Fireworks) of the Codified Ordinances of the City of Sandusky to allow the discharge, ignition and explosion of fireworks on

certain days and times and declaring this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 3 – Submitted by Nicole Grohe, CDBG Administrator

(FIRST READING) MOU ERIE COUNTY HEALTH DEPARTMENT OHIO HEALTHY HOME PRODUCTION GRANT

Budgetary Information: The City will receive \$350 per environmental review report from the Erie County Health Department not exceeding \$23,800. The funds will go into the General Fund.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a Memorandum of Understanding (MOU) with the Erie County Board of Health for Environmental Services to be provided by City employees and reimbursed utilizing Healthy Home Production Grant Funds.

ITEM 4 – Submitted by Nicole Grohe, CDBG Administrator

MOU ERIE COUNTY HEALTH DEPARTMENT OHIO LEAD SAFE HOME FUND

Budgetary Information: The City will receive \$38,284 for the demolition from the Erie County Health Department. The funds will go into the CDBG program income account once received.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a Memorandum of Understanding (MOU) with the Erie County Board of Health for utilizing Ohio Lead Safe Home Funds for the demolition of six (6) condemned residential structures in the City of Sandusky; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 5 – Submitted by Josh Snyder, City Engineer

PERMISSION TO RE-BID THE 2022 CDBG EAST WATER STREET PUBLIC PARKING LOT IMPROVEMENT PROJECT

Budgetary Information: The revised estimated cost of the project including engineering, inspection, advertising, construction, material and miscellaneous costs, is \$105,939.43 (up almost \$9,000 from what was previously estimated) paid solely with federal Community Development Block Grant Funds. The concrete portion to be bid out is estimated at \$46,789.56 (formerly \$37,154.00). The remaining amount covers the pavement milling, asphalt materials and landscaping, which will be requested at the same time as the contractual award for this concrete.

RESOLUTION NO. _____: It is requested a resolution be passed REPEALING Resolution 031-22R and declaring the necessity for the City of Sandusky, Ohio, to proceed with the proposed 2022 Community Development Block Grant (CDBG) E. Water Street Public Parking Lot Improvement Project; approving the revised 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 6 – Submitted by Josh Snyder, City Engineer

AWARD SHORELINE PARK EROSION CONTROL & PAPER DISTRICT MARINA WALKWAY REHABILITATION PROJECT TO SMITH PAVING AND EXCAVATING

Budgetary Information: The estimated cost of the project based on the lowest and best bid, including Alternate #2 (an ADA ramp from the playground pergola to the wheelchair swing), and Alternate #7 (a parallel parking space near the kayak launch ramp) , legal advertisement, and recording fee is \$115,037.00, all coming from the Capital Parks & Recreation Fund.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with Smith Paving & Excavating, Inc., of Norwalk, Ohio, for the Shoreline Park Erosion Control and Paper District Marina Walkway Rehabilitation Project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 7 – Submitted by Arin Blair, Chief Planner

AMENDMENT TO ZONING MAP FOR 709 PERRY STREET

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 rezone Parcel No. 57-04215.000 located at 709 Perry Street from “RF2” Two-family Residential District to “RRB” Residential Business District; and declaring that this ordinance shall take effect under suspension of the rules as contained in and in accordance with Section 13 of the City Charter.

ITEM 8 – Submitted by Arin Blair, Chief Planner

MOU WITH BIRD RIDES, INC. SCOOTER RENTAL SERVICE

Budgetary Information: If approved there would be no cost to the City. Bird Rides, Inc. will compensate the city with \$0.05 per each ride completed in the city, paid on a monthly basis.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing the City Manager to enter into a Memorandum of Understanding with Bird Rides, Inc., of West Hollywood, California, for the use of public space for a scooter rental business; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 9 – Submitted by Mario D’Amico, Fire Chief

FIRE GRANT FOR 2022 ARPA FIRST RESPONDER WELLNESS WITH ODPS

Budgetary Information: There is no budgetary impact, as no matching funds are required for this grant.

RESOLUTION NO. _____: It is requested a resolution be passed authorizing and directing the City Manager to file an application with the Ohio Department of Public Safety for funding through the American Rescue Plan Act

(ARPA) First Responder Wellness, Recruitment, Retention & Resiliency Grant Program for the Sandusky Fire Department; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 10 – Submitted by Mario D’Amico, Fire Chief

FIRE PURCHASE U.S. CARGO EXPLORE RANGER TRAILER ULAFTX

Budgetary Information: The total cost for the purchase of the trailer shall not exceed \$12,360.00, which will be paid out of the EMS Fund. Funds received from the sale of the 2007 International Diamond Spec 7400SBA 4x2 Cabin Chassis Tractor will offset the cost of the trailer purchase.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to purchase a U.S. Cargo Explore Ranger Trailer from Gingerich Trailer Sales, LTD of Millersburg, Ohio, for the Sandusky Fire Department; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 11 – Submitted by Cathy Myers, Commission Clerk

2022 REPLACEMENT PAGES FOR CODIFIED ORDINANCES

Budgetary Information: The cost of the revisions for the Codification supplements and updating the Code on the internet for the 2022 replacement pages will be taken from the contractual services line item in the Commission and Clerk’s budget (50%), sewer funds (25%), and water funds (25%). This item is appropriated each year.

ORDINANCE NO. _____: It is requested an ordinance be passed to approve current replacement pages to the Sandusky Codified Ordinances; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 12 – Submitted by Cody Browning, IT Manager

MANAGED THREAT RESPONSE IMPLEMENTATION WITH SELECTUS CONSULTING

Budgetary Information: The total cost of the license subscription with the Managed Threat Response solution is \$36,707.05 for 12 months, with \$18,353.76 being paid by the General Fund, \$9,176.87 by the Water Fund and \$9,176.87, by the Sewer Fund.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to expend funds for an upgraded subscription license for Sophos Fullguard Plus for Firewall Security and Intercept-X with EDR for Endpoint Protection with a Managed Threat Response (MTR) Solution from Selectus Consulting, LLC, of Marysville, Ohio, through the State of Ohio Department of Administrative Services Cooperative Purchasing Program; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

CITY MANAGER’S REPORT

OLD BUSINESS

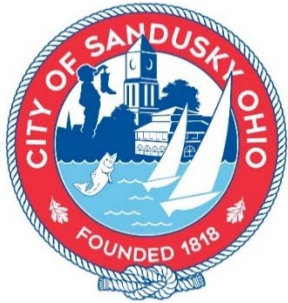
NEW BUSINESS

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

EXECUTIVE SESSION(S)

ADJOURNMENT

Online: www.CityofSandusky.com/Live – Click “Play” 



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: June 2, 2022

Subject: **Commission Agenda Item – FY2022 Brownfield Assessment Grant**

Items for Consideration: Legislation authorizing the City Manager to accept and expend a FY2022 Community-Wide Brownfield Assessment Grant in the amount of \$500,000 from the United States Environmental Protection Agency (US EPA).

Background Information: In the Fall of 2021, the City applied to the US EPA for a FY2022 Brownfield Assessment Grant for assessments of hazardous and petroleum contaminated properties and sites. On May 12, 2022, the US EPA announced that the City of Sandusky was selected to receive the grant in the amount of \$500,000.

The FY2022 Brownfield Assessment Grant funds will be used to conduct Quality Assurance Plans, Phase I Environmental Site Assessments, Phase II Environmental Site Assessments, Remedial Action Plans, Asbestos Surveys training, inventory, and city-wide eligibility assessments.

The City will target brownfield sites in the downtown waterfront area, however, the grant funds can be used to assess public and private sites throughout the City. Prior approval by the Bureau of Underground Storage Tank Regulations (BUSTR) or US EPA, depending on the project, is required for all expenditures of grant funds.

Budgetary Information: The grant funds do not require a local match, so the legislation will have no impact on the City budget.

Action Requested: It is requested that the proper legislation be prepared to authorize the City Manager to accept and expend a Community-Wide Brownfield Assessment Grant in the amount of \$500,000 from the United States Environmental Protection Agency. It is further requested that this legislation be passed in accordance with Section 14 of the City Charter in order to immediately execute the grant agreement documents in accordance with the US EPA deadline of July 1, 2022.

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 ACCEPT GRANT FUNDS IN THE AMOUNT OF \$500,000.00 FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY THROUGH THE FY 2022 BROWNFIELD ASSESSMENT GRANT PROGRAM; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY GRANT AGREEMENTS AND TO EXPEND THE FUNDS CONSISTENT WITH THE GRANT AGREEMENT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the EPA's Brownfields Program provides direct funding for brownfields assessment, cleanup, revolving loans, and environmental job training technical assistance, training, and research and collaborates with other EPA programs, other federal partners, and state agencies to identify and make available resources that can be used for brownfields activities and the Assessment grants provides funding for brownfield inventories, planning, environmental assessments, and community outreach; and

WHEREAS, in the fall of 2021, the City applied for FY 2022 Brownfield Assessment Grant funding for hazardous and petroleum assessment projects under the Community-Wide Assessment Grant program and was notified by the U.S. Environmental Protection Agency on May 12, 2022, that the City was awarded grant funding in the about of \$500,000.00; and

WHEREAS, the City will utilize the Community-Wide Assessment Grant funds to conduct Quality Assurance Plans, Phase I and Phase II Environmental Site Assessments, Remedial Action Plans, Asbestos Survey training, inventory, and city-wide eligibility assessments;

WHEREAS, the City will target brownfield sites in the Downtown waterfront area, however, the grants funds can be used to assess public and private sites throughout 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 in order to execute the grant agreement documents prior to the USEPA deadline of July 1, 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 Community Development, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. This City Commission authorizes and directs the City Manager and/or Finance Director to accept grant funds from the United States Environmental Protection Agency through the FY 2022 Brownfields Assessment

Grant Program for environmental assessments of public and private brownfield properties, in the amount of Five Hundred Thousand and 00/100 Dollars (\$500,000.00).

Section 2. This City Commission authorizes and directs the City Manager to execute any grant agreement between the City of Sandusky and the United States Environmental Protection Agency in relation to the acceptance of the grant funds and to lawfully expend the funds consistent with the grant agreement.

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 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: June 13, 2022



COMMUNITY DEVELOPMENT

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

TO: Eric Wobser, City Manager

FROM: Debi Eversole, Housing Development Specialist

DATE: May 27, 2022

RE: City Commission Agenda Item

ITEM FOR CONSIDERATION: The purpose of this communication is to request approval of legislation allowing the City Manager to execute a 'Purchase & Sale Agreement' for two (2) parcels of land currently in the City of Sandusky's Land Reutilization Program, that are no longer needed for any municipal purpose located at 1806 and 1808 Harrison Street and further identified by the Auditor as Erie County Parcel Nos. 58-01170.000 & 58-01137.000.

BACKGROUND INFORMATION: Pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code. The City Commission approved acquisition of the parcels on 7/9/2012, pursuant to Resolution 016-12R and 3/11/2013, pursuant to Resolution 010-13R. The City received a Sheriff's Deeds for the parcels on 6/21/2013 and 6/3/2015, through foreclosure for delinquent real estate taxes. Firelands Habitat for Humanity has requested this vacant nonproductive land and the Land Bank Committee approved their purchase offer at their scheduled meeting on May 16, 2022.

Lot dimensions for each parcel are 33' x 129', which when combined at the buyer's expense will create a 66' x 129' building lot. Firelands Habitat for Humanity will construct a five (5) bedroom, two (2) bathroom single family residential structure on the parcel that will be owner occupied. The qualified family is a single parent family of six (6).

Firelands Habitat for Humanity has previously purchased six (6) parcels of vacant nonproductive land from the Land Reutilization Program and have successfully built single-family, owner occupied structures on the lots located at 1722 Pierce Street, 1312 McKinley Street, 2242 Wilbert Street (built on two combined parcels), 1915 Clay Street, 506 Meigs Street and 823 Third Street.

The property is located in the South Side Neighborhood District, which is a targeted neighborhood for the Sandusky Neighborhood Initiative. This is also very close to the South Side Neighborhood Redevelopment strategy that is ongoing. New residential development is needed in this area.

The purchase and sale of this property is subject to City Commission approval. Firelands Habitat for Humanity has offered seven thousand dollars (\$7,000) for the two (2) parcels. The Land Bank Committee approved this offer as the buyer will have immediate expenses as the lots will have to be professionally surveyed and combined in order to begin construction.

The sale of the parcel to Firelands Habitat for Humanity will provide new residential in-fill housing that will protect and enhance surrounding property values. Not only will this vacant non-productive parcel be put back into tax producing status, but also the City will be relieved of the obligation to maintain the lot. Additionally, the new residential construction will provide increased revenue for the taxing districts.

BUDGET IMPACT: The expenses associated with this purchase & sale agreement is the total amount of the title search, closing costs, deed preparation, and any other customary fees that may be due and payable in the ordinary course of the sale and purchase transaction. The City will recoup the cost of the expenses from the sale. The taxing districts will begin collecting approximately two hundred twenty (\$220.00) dollars per year in real estate taxes, which will increase once the home is built.

ACTION REQUESTED: It is requested legislation be adopted allowing the City Manager to enter into a purchase & sale agreement with Firelands Habitat for Humanity to sell the property no longer needed for any municipal purpose located at 1806 and 1808 Harrison Street, and further identified by the Auditor as Erie County Parcel Nos. 58-01170.000 & 58-01137.000 for the purchase price of seven thousand dollars (\$7,000.00). Firelands Habitat for Humanity would like to break ground in August, therefore it is further requested that the legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter in order to promptly execute the closing within (30) days as usual and customary in the sale of real estate.

Debi Eversole,
Housing Development Specialist

I concur with this recommendation:

Jonathan Holody,
Community Development Director

Eric L. Wobser,
City Manager

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

ORDINANCE NO. _____

AN ORDINANCE DECLARING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY AS PART OF THE LAND REUTILIZATION PROGRAM IDENTIFIED AS PARCEL NOS. 58-01170.000 AND 58-01137.000, LOCATED AT 1806 AND 1808 HARRISON STREET ARE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT WITH RESPECT TO THAT REAL PROPERTY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

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

WHEREAS, the City Commission previously authorized the acquisition of the property located at 1806 Harrison Street, Parcel No. 58-01170.000, by Resolution No. 016-12R passed on July 9, 2012, and the property located at 1808 Harrison Street, Parcel No. 58-01137.000, by Resolution No. 010-13R, passed on March, 11, 2013, under said Land Reutilization Program, which property is more specifically described in Exhibit "A" (the "Property") attached to a certain Purchase Agreement, a copy of which is marked Exhibit "1" with respect thereto (the "Purchase Agreement"), which property is no longer needed for any municipal purposes; and

WHEREAS, Firelands Habitat for Humanity has requested to acquire this vacant nonproductive land for the purpose to construct a single-family residential dwelling; and

WHEREAS, the property is located in the South Side Neighborhood District, which is a targeted neighborhood for the Sandusky Neighborhood Initiative; and

WHEREAS, the Land Bank Committee met on May 16, 2022, and approved the acquisition and sale of this property to Firelands Habitat for Humanity at the purchase price of \$12,280.00, which is not less than the fair market value as determined by Erie County Auditor's valuation of the parcels, and Firelands Habitat for Humanity will pay \$7,000.00 to the City and the remaining \$5,280.00 will be offset resulting from the expense of professional services required to survey, combine and record the property as one parcel of land in order to begin construction; and

WHEREAS, the total cost associated with this purchase and sale agreement is the cost of the title search, closing costs, deed preparation, and any other customary fees that may be due and payable in the ordinary course of the sale and purchase transaction and any such costs will be recouped by the City upon sale; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to promptly execute the closing within (30) days as usual and customary in the sale of real estate; and

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

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

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

Section 1. This City Commission finds, determines and declares that the Property, Parcel Nos. 58-01170.000 and 58-01137.000, located at 1806 and 1808 Harrison Street, Sandusky, more specifically described in Exhibit "A", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein, is no longer needed for any municipal purpose and that the execution of the Purchase Agreement providing for the sale, pursuant to Section 25 of the Charter of this City, to the Purchaser of the Property at the purchase price set forth in the Purchase Agreement, is in the economic interest of the City and in furtherance of the City's Land Reutilization Program referenced in those preambles in accordance with the provisions of Chapter 5722 of the Ohio Revised Code. The City Manager is hereby authorized and directed to execute the Purchase Agreement on behalf of the City, substantially in the same form as attached to this Ordinance, marked Exhibit "1", and specifically incorporated as if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the City's public purpose. Upon the exercise by the Purchaser to purchase the Property pursuant to that Purchase Agreement, the City Manager is also hereby authorized and directed on behalf of the City to execute a quit claim deed conveying the Property to the Purchaser, which quit claim deed shall be in a form satisfactory to the Law Director. The City Manager, Law Director, Finance Director, and other City officials, as appropriate, are each hereby authorized to execute and deliver such instruments, certificates and other documents and take such actions as are necessary and in the best interests of the City in order to carry out and consummate the foregoing actions authorized by this Ordinance.

Section 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: June 13, 2022

PURCHASE AND SALE AGREEMENT

This Agreement is made and entered into this ____ day of _____, 2022, by and between the City of Sandusky, Erie County, Ohio, a Municipal Corporation, 240 Columbus Avenue, Sandusky, Ohio hereinafter referred to as the "Seller" and Firelands Habitat for Humanity, a Non-profit Corporation, 7602 Milan Road, Sandusky, Ohio 44870 hereinafter referred to as the "Purchaser".

WITNESSETH:

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

1. The Seller agrees to sell to the Purchaser and the Purchaser agrees to purchase from the Seller, one unimproved parcel of real property located at 1806 & 1808 Harrison Street, Sandusky, Ohio, and identified as Erie County Parcel No. 58-01170.000 & 58-01137.000, Sandusky, Ohio and more fully described in the legal description marked Exhibit "A" and attached hereto.
2. The total purchase price for the real property located at 1806 & 1808 Harrison Street, Sandusky, Ohio, shall be twelve thousand two hundred eighty dollars (\$12,280.00), which is not less than the fair market value determined by Erie County Auditor's valuation of the parcels. Purchaser will pay seven thousand dollars (\$7,000.00) to the City of Sandusky and five thousand two hundred and eighty dollars (\$5,280.00) will be offset resulting from the expense of required professional services to survey, combine and record the property as one parcel of land in order to build.
3. Seller shall furnish to Purchaser two quit claim deeds conveying to Purchaser all of the Seller's interest in the Property. The Property shall be free and clear of the liens, taxes, assessments, penalties and interest prior to the date of closing. Purchaser shall pay all of the taxes and assessments due and payable after the date of closing.
4. Purchaser shall construct one (1) single-family residential dwelling on the Property in accordance with the plans attached hereto and incorporated herein as Exhibit "B", which shall be owner occupied. Completion of construction shall occur within twelve (12) months from the date Purchaser acquires title. If the Purchaser fails to complete construction within twelve (12) months from the date Purchaser acquires title, the title to the Property together with all improvements

made or erected shall automatically be forfeited and revert to and vest in the City of Sandusky. The City shall have the right to re-enter and take possession of the property. An extension of twelve (12) additional months may be granted by the Land Bank Committee upon written request from the Purchaser.

5. The closing date of this transaction shall be on or before July 14, 2022 or at such other time as may be mutually agreed upon, in writing, by the parties. The escrow agent herein shall be Fidelity National Title Insurance Company of Sandusky, Ohio, 402 Columbus Avenue, Sandusky, Ohio 44870. All funds and documents required to close this transaction shall be deposited with said escrow agent on or before the closing date. An executed counterpart of this Agreement shall be deposited with the escrow agent by the Seller and this Agreement shall serve as the escrow instructions. The escrow agent may attach its standard conditions of acceptance thereto; provided, however, that in the event such standard conditions are inconsistent or in conflict with the terms of this Agreement, this Agreement shall control.

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

7. On the closing date, the escrow agent shall record the deeds, and other instruments, if any, required to be recorded pursuant to this Agreement and thereupon deliver to each of the parties, the funds and documents to which they shall be respectively entitled, together with its escrow statement.

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

- a) The cost of securing a title insurance commitment and policy of insurance shall be paid by Purchaser.
- b) The cost of preparing, executing, and acknowledging any deeds or other instruments required to convey title to Purchaser in the manner described in this Agreement shall be paid by Purchaser.
- c) Each party hereto shall be responsible for their own attorney fees relating to this Agreement and its implementation.
- d) The cost of transfer and recording of the deed shall be paid by Purchaser.
- e) Any tax imposed on the conveyance of title to the property to Purchaser shall be paid by Purchaser.
- f) Any fee charged by the escrow agent shall be equally shared between the Seller and the Purchaser.

9. Purchaser shall be entitled to possession of the Property upon the closing of this transaction.

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

11. In the event that the Purchaser breaches this Agreement by not closing this transaction on July 14, 2022, earnest money deposited, if any, shall be immediately paid to the Seller, which payment may be treated as liquidated damages (the precise amount of damages being difficult or impossible to ascertain).

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

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

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

SIGNATURE PAGES TO FOLLOW

SELLER:

CITY OF SANDUSKY

Eric L. Wobser
City Manager

STATE OF OHIO)
) ss:
ERIE COUNTY)

On this _____ day of _____, 2022, before me, a Notary Public in and for said County and State, personally appeared Eric L. Wobser, City Manager of the City of Sandusky, Ohio, and acknowledged his execution of the foregoing instrument as said officer of said City on behalf of said City and by its authority and that the same is his voluntary act and deed as said officer on behalf of said City and the voluntary act and deed of said City.

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

NOTARY PUBLIC

PURCHASER:

FIRELANDS HABITAT FOR HUMANITY

Michael G. McCall
Executive Director

STATE OF OHIO)
) ss:
ERIE COUNTY)

On this _____ day of _____, 2022, before me, a Notary Public in and for said County and State, personally appeared Michael G. McCall, Executive Director of Firelands Habitat for Humanity and acknowledged his execution of the foregoing instrument as said Executive Director of said Firelands Habitat for Humanity on behalf of said Firelands Habitat for Humanity and by its authority and that the same is his voluntary act and deed as said Executive Director on behalf of said Firelands Habitat for Humanity and the voluntary act and deed of said Firelands Habitat for Humanity.

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

NOTARY PUBLIC

Approved as to Form:

Brendan Heil, #0091991
Law Director
City of Sandusky

EXHIBIT A

Parcel 1 – 1806 Harrison Street 58-01170.000

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

Lot Number Four Hundred Forty-two (442) on Harrison Street in the Sandusky Automobile Manufacturing Company's Subdivision in the City of Sandusky, Erie County, Ohio as per plat recorded in Volume 5 of Plats, Page 16, Erie County Ohio Records.

Property Address: Harrison, Sandusky, Ohio 44870
Tax ID No.: 58-01170.000
Tax Mailing Address: 222 Meigs Street, Sandusky, Ohio 44870

Parcel 2 – 1808 Harrison Street 58-01137.000

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

Lot Number Four Hundred Forty-four (444) on Harrison Street in the Sandusky Automobile Mfgs., Company's Addition to the City of Sandusky, Erie County, Ohio as per plat recorded in Volume 5 of Plats, Page 16, Erie County Ohio Records.

Property Address: Harrison Street, Sandusky, Ohio 44870
Tax ID No.: 58-01137.000
Tax Mailing Address: 222 Meigs Street, Sandusky, Ohio 44870

EXHIBIT "B"





DEPARTMENT OF PUBLIC WORKS

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

To: Eric Wobser, City Manager

From: Jane E. Cullen, P.E.

Date: May 27, 2022

Subject: **Commission Agenda Item – ERI-SR4-10.66 (Hayes Avenue) Project -Parcel 2-T
Temporary Easement**

ITEM FOR CONSIDERATION: Legislation to approve a temporary construction easement for parcel 2-T for parcel no. 57-01272.000, 1502 Hayes Avenue, at the southeast corner for Hayes Avenue and Osborne Street.

BACKGROUND INFORMATION: During the design phase on the ERI-SR4-10.66 (Hayes Avenue) Project, PID 109523, the consulting firm Carpenter Marty, had noted that the planned sidewalk improvements at the southeast corner of Hayes Avenue and Osborne Street will require work outside the right of way for the contractor to be able to install the new sidewalk improvements at this location. This will be curb ramps and sidewalk per the current ODOT ADA guidelines. This parcel (57-01272.000) where the proposed work is planned is owned by the City of Sandusky and per the Ohio Department of Transportation (ODOT) right of way procedures, any work outside the public right of way requires temporary construction easement from the property owner of the parcel where the work will take place. This easement is only temporary easement during construction and it not a permanent one.

BUDGETARY INFORMATION: There will be no budgetary impact for this item.

ACTION REQUESTED: It is recommended that proper legislation be prepared to allow for the execution of the temporary easement and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order for the design consultant, Carpenter Marty, to meet the ODOT deadline of August 26, 2022 for completed Stage 3 Plans which include R/W clearance.

I concur with this recommendation:

Eric Wobser
City Manager

Aaron Klein, P.E.
Director

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

ORDINANCE NO. _____

AN ORDINANCE APPROVING A TEMPORARY CONSTRUCTION EASEMENT GRANTED TO THE CITY BY THE CITY FOR THE HEALTHY HAYES SAFETY IMPROVEMENTS PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City Commission approved an agreement for professional design services with Carpenter Marty Transportation, Inc. of Columbus, Ohio, for the Healthy Hayes Safety Improvements Project by Ordinance No. 20-078, passed on May 11, 2020; and

WHEREAS, the Healthy Hayes Safety Improvements Project will include full traffic signal reconstruction at Pierce Street and Columbus Avenue intersections, signal upgrades at Osborn and Tyler Street intersections, high visibility crosswalk markings at all crosswalks, school zone flashers on Hayes Avenue, Rectangular Rapid Flash Beacons (RRFBS) at Johnson Street and Firelands south campus, and pavement marking upgrades from Pierce Street to Osborne Street; and

WHEREAS, during the design phase of the Healthy Hayes Safety Improvements Project, (ERI-SR4-10.66, PID 109523), the consultant, Carpenter Marty Transportation, Inc. noted that the planned sidewalk improvements at the southeast corner of Hayes Avenue and Osborne Street will require work outside the right-of-way for the contractor to be able to install the new sidewalk improvements at this location; and

WHEREAS, the City owns the property located at 1502 Hayes Avenue, Parcel No. 57-01272.000, where the proposed work is planned, and pursuant to the Ohio Department of Transportation (ODOT) Right-of-Way Procedures, a temporary easement from the property owner is required for any work outside the public right-of-way; 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 for the design consultant, Carpenter Marty Transportation, Inc. to meet the ODOT deadline of August 26, 2022, to complete the Stage 3 Plans which include right-of-way clearance; and

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

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

Section 1. This City Commission authorizes and directs the City Manager to execute the Temporary Construction Easement on behalf of the City to the City, for the purpose of performing construction activities at 1502 Hayes Avenue, Parcel No. 57-01272.000, for the Healthy Hayes Safety Improvements Project, a

copy of which is attached and marked Exhibit "1" and is specifically incorporated as if fully rewritten herein together with any revisions or additions as are approved by the Law Director as being consistent with the objectives and requirements of this Ordinance and with carrying out the City's public purposes

Section 2. The City Manager is authorized and directed to execute any other documents necessary for the Temporary Construction Easement as are approved by the Law Director as being consistent with the objectives and requirements of this Ordinance.

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: June 13, 2022

EASEMENT

City of Sandusky, the Grantor(s), as a GIFT/DONATION to the Grantee, City of Sandusky, does quit claim to the Grantee, its successors and assigns, an easement, which is more particularly described in Exhibit A, attached, the following described real estate:

PARCEL(S): 2-T

ERI-4-10.66

SEE EXHIBIT A ATTACHED

Erie County Current Tax Parcel No. 57-01272.000

Prior Instrument Reference: #201500314, Erie County Recorder's Office.

The property conveyed is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

As consideration for the transfer of property without compensation by Grantor, Grantee, by its acceptance and recordation of this instrument, agrees as follows:

(A) All alternatives to a proposed alignment of the highway project shall be studied and considered pursuant to the "National Environmental Policy Act of 1969," 83 Stat. 852, 42 U.S.C.A. 4321 et seq., as amended.

(B) Acceptance of the donation shall not influence the environmental assessment of the highway project, including the decision relative to the need to construct the project or selection of its specific location.

(C) The donated interest shall revert to the grantor or his successors or assigns if the interest is not required for the alignment chosen for the highway project after public hearings, if hearings are required, and adoption of the environmental document.

As consideration for the transfer of property without compensation by Grantor, Grantee, by its acceptance and recordation of this instrument, agrees that if at anytime the property granted, or any part thereof, shall cease to be used for the purposes for which granted, namely as and for, or in connection with, a road that shall be open to the public without charge, then Grantee shall vacate its road over the property granted, or the relevant part thereof, to Grantor or Grantor's then current successor in interest of record at no cost.

EXHIBIT "1"

IN WITNESS WHEREOF City of Sandusky has caused its name to be subscribed by Eric Wobser, its City Manager, and its duly authorized agent on the _____ day of _____, 2022.

CITY OF SANDUSKY

By: _____
Eric Wobser, City Manager

STATE OF OHIO, COUNTY OF ERIE SS:

BE IT REMEMBERED, that on the _____ day of _____, 2022, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Eric Wobser, who acknowledged being the City Manager and duly authorized agent of City of Sandusky, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity. No oath or affirmation was administered to Eric Wobser with regard to the notarial act.

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

NOTARY PUBLIC
My Commission expires: _____

This document was prepared by: City of Sandusky

EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 06/06/21

PID 109523

**PARCEL 2-T
ERI-S.R. 4-10.66
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
PURPOSE OF TEMPORARY
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF SANDUSKY, ERIE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the City of Sandusky, County of Erie, State of Ohio, being in part of the Fire Lands of the Connecticut Western Reserve, and being part of Outlots 27 and 32 in John M. Brown's Subdivision as per plat recorded in Volume 1, of Plats, Page 25, and being part of a calculated 0.0798 acre tract conveyed to the **City of Sandusky** by Instrument 201500314, all references being to the Erie County Recorder's Office, Erie County, Ohio, and being bounded and more particularly described as follows:

Being a parcel of land lying on the right side of the centerline of existing right-of-way of State Route 4 as shown and delineated upon the right-of-way plans designated as ERI-S.R.4-10.66 prepared for the City of Sandusky by Carpenter Marty Transportation Inc., as recorded in Plat Book 14, Page 185 (made a part hereof by reference), and being more particularly described as follows:

Beginning on the centerline of right-of-way of Osborne Street, being Station 14+85.49 in said centerline, and on the centerline of right-of-way of State Route 4 (Hayes Ave.), being Station 595+10.72 in said centerline;

Thence along said centerline of State Route 4 South 19° 42' 04" West a distance of 24.92 feet to a point, said point being Station 594+85.79 in said centerline;

Thence leaving said centerline along a line South 70° 17' 56" East a distance of 30.00 feet to a point in the existing easterly right-of-way line of State Route 4, said point being 30.00 feet right of Station 594+85.79 in said centerline, said point being the Grantor's northwesterly corner and also being in the existing southerly right-of-way line of said Osborne Street, 33.00 feet right of

EXHIBIT A

Page 2 of 2

LPA RX 887 T

Rev. 07/09

Station 15+06.29 in said centerline of Osborne Street, and being the **TRUE PLACE OF BEGINNING** for the parcel herein conveyed;

Thence along said southerly right-of-way line of Osborne Street, also being the Grantors northerly line **South 88° 21' 47" East** a distance of **10.52 feet** to a point, said point being 33.00 feet right of Station 15+16.81 in said Osborne Street centerline;

Thence across the Grantor's tract along a new line **South 55° 08' 06" West** a distance of **17.25 feet** to a point in existing easterly right-of-way line of said State Route 4, also being the Grantor's westerly line, and being 30.00 feet right of Station 594+75.00 in said centerline;

Thence along said line **North 19° 42' 04" East** a distance of **10.79 feet** to the **TRUE PLACE OF BEGINNING**, containing 0.0012 acres, of which the present road occupies 0.0000 acres and resulting in a net area of 0.0012 acres.

The above described 0.0012-acre tract is located in Erie County Auditor's Parcel Number 57-01272.000.

Grantor claims title by Instrument 201500314 of the Erie County Recorder's Office.

The bearings found herein are based on Grid North of the Ohio State Plane Coordinate System, North Zone, NAD 83 (2011). Control for the bearings shown herein were determined by GPS observations. Bearings are shown to indicate angle only and are for project use only.

This description is based on a survey performed for the City of Sandusky in December of 2020 by Environmental Design Group. This description was prepared and reviewed on August 6, 2021 by Michael D. Weeks, Registered Surveyor Number 7357.

Michael D. Weeks
Michael D. Weeks
Professional Surveyor S-7357



11-24-2021 **APPROVED** as per Erie County Requirements
Date And Sections 4733-37 thru 4733-37-07 of the Ohio
Administrative Code only. No Field Verifications
for Accuracy made.


Michael T. Farrell
Engineer/Surveyor: Erie County Engineer's

Date: 12-13-2021

NOTES

1. THE CONTRACTOR SHALL FIELD VERIFY THE INVERT OF THE BLIND TIE OF THE EXISTING 12" STORM SEWER INTO THE 46" x 36" BRICK COMBINED SEWER. THE PROPOSED 12" STORM CONDUIT SHALL MATCH THE EXISTING INVERT AT THE BLIND TIE. THE CONTRACTOR SHALL CAREFULLY REMOVE THE EXISTING STORM SEWER IN ORDER TO MINIMIZE DAMAGE TO THE 46" x 36" COMBINED SEWER. THE CONTRACTOR SHALL HAND DIG TO EXCAVATE IN THE VICINITY OF THE EXISTING GAS LINE.
2. THE CONTRACTOR SHALL INSTALL THE PROPOSED CATCH BASIN EQUIPPED WITH A CATCH BASIN TRAP. SEE SHEET 9 FOR CATCH BASIN TRAP DETAILS.
3. SEE SHEETS 7 FOR DETAILS.
4. PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE WITH THE GAS COMPANY FOR THE EXACT LOCATION, DEPTH, AND DISPOSITION OF THE EXISTING GAS LINE.

LEGEND

TC	TOP OF CURB
G	GUTTER
ME	MATCH EXISTING
	DETECTABLE WARNING

ELEVATIONS

IDENTIFIER	TOP OF CURB	GUTTER
A**	592.20	591.70
B**	592.15	591.65
C**	592.13	591.63

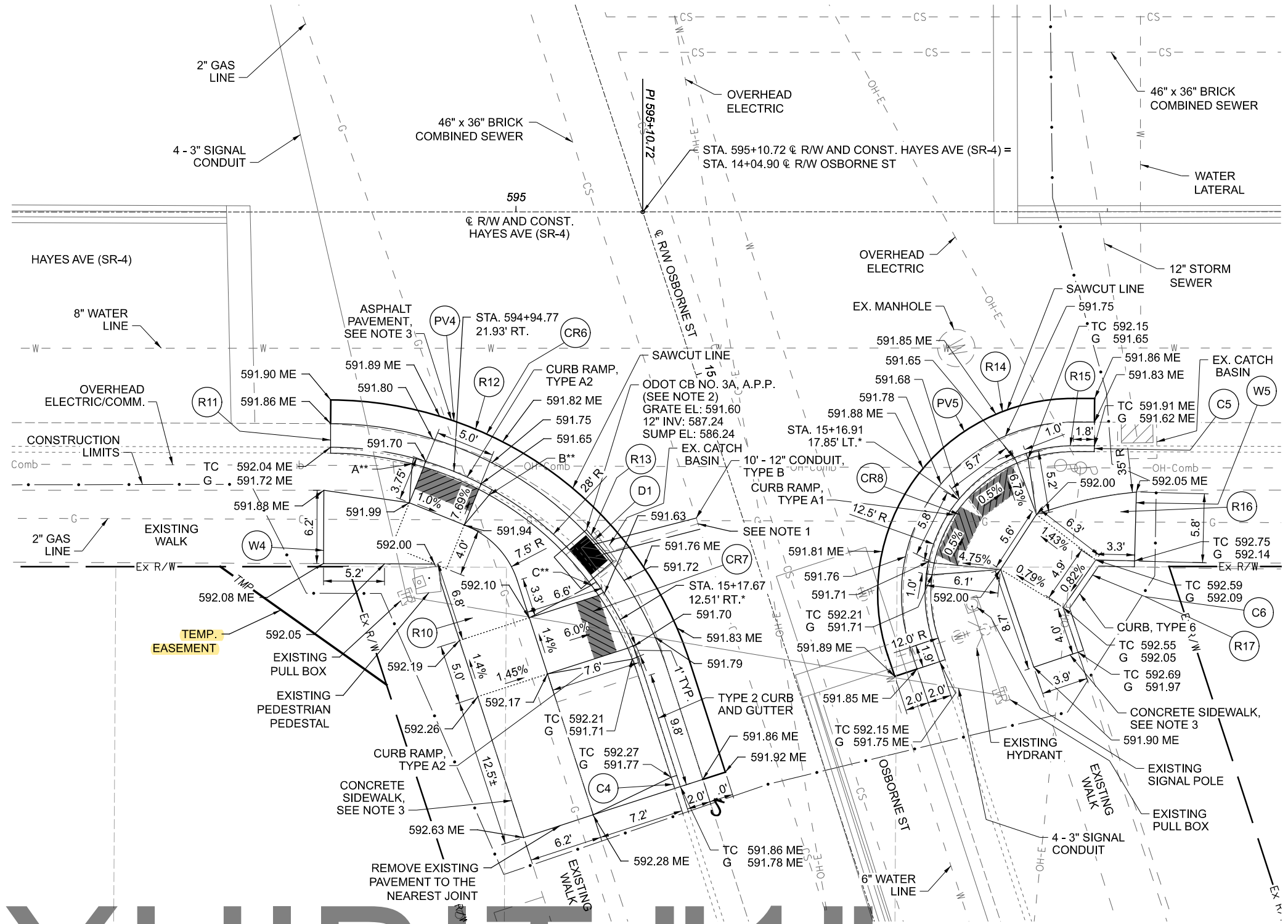
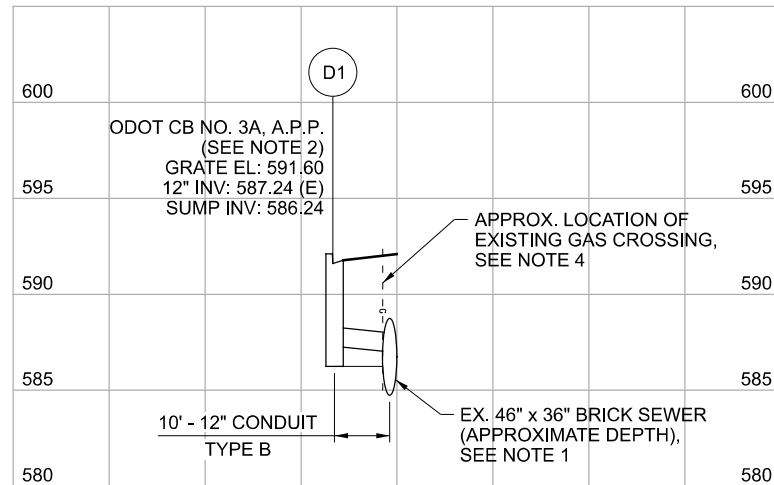


EXHIBIT "1"



CALCULATED	DMG	CHECKED	MDW
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INTERSECTION DETAIL
HAYES AVE. (SR-4) AND OSBORNE ST.

ERI-SR 4-10.66



CITY MANAGER

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

To: Eric L. Wobser, City Manager

From: John Orzech, Assistant City manager

Date: June 8, 2022

Subject: June 13, 2022, Agenda Item - Amending Chapter 145 (Employment Provisions) of the City's Codified Ordinances

Item for Consideration: Legislation amending Charter 145 (Employment Provisions) of the City's Codified Ordinances, specifically Sections 145.03(Pay Plan), 145.04 (Repealed – Replace with Definitions), 145.05 (Salary Ranges), 145.10 (Overtime compensation), 145.11 (Vacations), 145.12 (Holidays), 145.13 (Sick Leave), 145.14 (Sick leave, injury leave) 145.22 (Military Leave), 145.28 (Housing allowance-Oakland Cemetery), 145.34 (Uniform allowance – Fire Division), 145.35 (Uniform allowance – Police Division), and 145.38 (Health insurance, 145.40 (Annual Physical Examination).

Background Information: A review of Chapter 145 (Employment Provisions) has taken place, as well as contract negotiations for the City's Collective Bargaining Units (AFSCME, FOP, IAFF) and have been approved by this City Commission. All of the listed sections listed above are requesting to be adopted and updated to reflect changes in Collective Bargaining Agreements or obsolete provisions for administrative employees.

145.03 (Pay Plan) has recommended changes to reflect actual pay cycles on a bi-weekly instead of "monthly" and is referenced throughout all of Chapter 145, in addition to reflecting the F.O.P. Ohio Labor Council for police members representation instead of Local No. 17.

145.04 (Repealed –reserved for future legislation) shall be used for definitions for "Years of Service" and "Service Credit".

145.05 (Salary Ranges) shall change the minimum and maximum salaries for administrative classifications from a monthly range to the bi-weekly ranges. Additionally, language to clarify restrictions on salaries outside the maximum pay range if an adjustment to the annual market adjustment takes employees outside the maximum range and an automatic adjustment to the salary ranges based on annual market adjustments for that calendar year.

145.10 (Overtime compensation) removing overtime compensation on a daily basis and double time provisions for non-exempt employees and reflect FLSA standards of forty (40) hours per week.

145.11 (Vacations) changes the vacation schedule to give vacation pay for newly hired employees effective July 1, 2022 from date employment starts. This request is to allow recruiting of employees that have prior experience and vacation schedules to be more competitive in the job market. Mainly impacted are employees from one (1) to eleven (11) years of total service credit, with changes to their vacation schedules. All other employees are on the existing schedule and work weeks changed to hours to be reflective of the actual time permitted for their vacation time.

145.12 (Holidays) recognize Juneteenth as a city holiday to reflect Federal and State observed holiday and change the floating holiday to four (4) hours instead of eight (8) hours. This change would add four (4) hours to the current holiday schedule for a total of one hundred and sixteen (116) hours instead of one hundred and twelve (112) hours.

145.13 (Sick Leave) lists the family members that sick leave can be used for instead of the reference to "immediate family". The family members listed are reflective of the three (3) collective bargaining agreements.

145.14 (Sick leave, injury leave) remove (e) as the employees will be covered under a BWC claim or the employees health coverage if a full-time employee.

145.22 (Military Leave) remove some language to reflect one hundred and seventy six (176) hours and follow the Ohio Revised Code 5923.05. This change was necessary as firefighters on military time were disproportionately not being compensated as twenty four (24) hour employees versus the eight (8) hour employees. This difference is spelled out in R.C. 5923.05.

145.28 (Housing allowance; (benefit value) Oakland Cemetery) remove this language and reserve it for future legislation. The cemetery manager has recently retired. This ordinance states that the cemetery manager "shall" reside in the house at Oakland Cemetery. Recommending removal of the ordinance.

145.34 (Uniform allowance – Fire Division) there is no longer uniform allowance being paid, there is a quarter master system that has taken the place of pay for many years.

145.35 (Uniform allowance – Police Division) there is no longer uniform allowance being paid, there is a quarter master system that has taken the place of pay for many years.

145.38 (Health Insurance) there is an alternative health care coverage offered by the city, that is optional for employees other than the primary or core plan written into all three (3) Union contracts. The contribution rates, terms and conditions are offered in the open enrollment period. Removal of language for fixed cost contributions. Administrative employees will have an option to enroll in the core plan, with contributions, terms and conditions for the core plan which will be the same as contributions agreed to by the FOP and AFSCME bargaining agreements.

145.40 (Annual physical examination) remove this language because physical examinations are able to be used as part of the employee's health insurance package.

In order for these changes to be effective for administrative employees, who are not covered by a collective bargaining agreement, it is necessary to amend Chapter 145 (Employment Provisions) of the City's Codified Ordinances.

Budgetary Information: There is no budgetary impact to the General Fund.

Action Requested: It is requested that an Ordinance be passed amending Charter 145 (Employment Provisions) of the City's Codified Ordinances, specifically Sections 145.03(Pay Plan), 145.04 (Repealed – Replace with Definitions), 145.05 (Salary Ranges), 145.10 (Overtime compensation), 145.11 (Vacations), 145.12 (Holidays), 145.13 (Sick Leave), 145.14 (Sick leave, injury leave) 145.22 (Military Leave), 145.28 (Housing allowance-Oakland Cemetery), 145.34 (Uniform allowance – Fire Division), 145.35 (Uniform allowance – Police Division), and 145.38 (Health insurance, 145.40 (Annual Physical Examination). It is further requested that the legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter as some of the changes have a necessity for immediate implementation.

I concur with this recommendation:

John Orzech, Assistant City Manager

Eric L. Wobser, City Manager

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART ONE (ADMINISTRATIVE CODE), TITLE FIVE (OFFICERS AND DEPARTMENTS), CHAPTER 145 (EMPLOYMENT PROVISIONS) OF THE CODIFIED ORDINANCES OF THE CITY SANDUSKY, IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the purpose of the amendment is to update and modernize the City of Sandusky employment provisions ordinance that governs the conditions of employment for non-bargaining unit employees of the City of Sandusky; and

WHEREAS, the City regularly reviews and updates Chapter 145 (Employment Provisions) in order that the City's employment policies and procedures are compliant with changes to federal and state law and best practices for public sector employment; and

WHEREAS, these amendments include provisions updating the salary range to account for the biweekly pay schedule, updating the health insurance language in order to reflect changes to employee premiums, adding the federal and state holiday of Juneteenth, and updates to the vacation schedule for non-bargaining unit employees; 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 as the addition of the Juneteenth holiday is effective on June 19, 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 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. Part One (Administrative Code), Title Five (Officers and Departments), Chapter 145 (Employment Provisions) of the Codified Ordinances of the City is hereby amended as follows:

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

CHAPTER 145
EMPLOYMENT PROVISIONS

145.01 Establishment of departments, divisions, positions.

- 145.02 "Officer" and "employee" interchangeable.
- 145.03 Pay plan.
- 145.04 ~~Repealed. (Reserved for future legislation)~~ **Definitions.**
- 145.05 ~~Monthly~~ **Biweekly** salary ranges - administrative pay classifications.
- 145.06 (Reserved for future legislation).
- 145.07 Compensation/pay periods for the Divisions of Police and Fire.
- 145.08 Paydays.
- 145.09 Hours of work.
- 145.10 Overtime compensation.
- 145.11 Vacations.
- 145.12 Holidays.
- 145.13 Sick leave.
- 145.14 Sick leave, injury leave.
- 145.15 Sick leave, earned.
- 145.16 (Reserved for future legislation.)
- 145.17 (Reserved for future legislation.)
- 145.18 Sick leave, cash payment.
- 145.19 Medical examinations.
- 145.20 Funeral leave.
- 145.21 Administrative leave.
- 145.22 Military leave.
- 145.23 Court appearance - on duty.
- 145.24 Court appearance - off duty.
- 145.25 Jury leave.
- 145.26 Traveling or other expenses.
- 145.27 Automobile allowance; Bailiff.
- 145.28 Housing allowance (benefit value); Oakland Cemetery.
- 145.29 Additional compensation; longevity.
- 145.30 (Reserved for future legislation)
- 145.31 Additional compensation; fire education.
- 145.32 Additional compensation; police education.
- 145.33 (Reserved for future legislation.)
- 145.34 Uniform allowance - Fire Division.
- 145.35 Uniform allowance - Police Division.
- 145.36 Hourly, seasonal and part-time employees.
- 145.37 Apportionment of pay.
- 145.38 Health insurance.
- 145.39 Additional compensation; educational tuition reimbursement.
- 145.40 Annual physical examination.

CROSS REFERENCES

- Salaries and bonds - see CHTR. Sec. 30
- Residency requirement - see CHTR. Sec. 86
- Collective bargaining - see Ohio R.C. Ch. 4117
- Family and Medical Leave Act - see 29 USC Chpt. 28
- Workers Compensation - see Ohio Const. Art. II Sec. 35, Ohio R.C. Ch. 4123
- Public Employees Retirement System - see Ohio R.C. Ch. 145
- Paid Military Leave - see Ohio R.C. Ch. 5923

145.01 ESTABLISHMENT OF DEPARTMENTS, DIVISIONS, POSITIONS.

The various departments, divisions, and positions set forth in this title are established, created or continued. The salaries and compensations paid shall be apportioned or charged to the various departments, divisions, agencies and activities of the City as the City Commission by appropriation or other ordinance shall from time to time direct.
(Ord. 08-146. Passed 12-22-08.)

145.02 "OFFICER" AND "EMPLOYEE" INTERCHANGEABLE.

Wherever used in this chapter, the terms “officer” and “employee” whether singular or plural, shall have the same meaning.
(Ord. 08-146. Passed 12-22-08.)

145.03 PAY PLAN.

All City employees whose pay is fixed on a ~~monthly~~ **biweekly** basis and who are not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** are classified in the following categories: Administrative; Confidential; Management; Supervisory; Municipal Judicial and Professional.
(~~Ord. 08-146. Passed 12-22-08.~~)

145.04 ~~REPEALED. (RESERVED FOR FUTURE LEGISLATION.)~~ DEFINITIONS.

- (a) "Years of Service" shall mean the number of years of full-time employment with the City of Sandusky.
- (b) "Service credit" shall mean the total number of the any prior years of service credited to the employee and number of years of full-time employment with the City of Sandusky.

145.05 ~~MONTHLY~~ **BIWEEKLY** - SALARY RANGES - ADMINISTRATIVE PAY CLASSIFICATIONS.

Salary	Class Title	Min	Max
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Range

A1	Commission Employees (City Manager & Clerk of the City Commission)	\$3,088.00 \$1,425.23	\$12,950.00 \$5,976.92
A2	Department Heads/Directors/Chiefs	\$4,138.00 \$1,909.85	\$11,042.00 \$5,096.31
A3	Assistant Directors/Superintendents/Technical/Municipal Court Clerk	\$3,088.00 \$1,425.23	\$9,538.00 \$4,402.15
A4	Project Managers/Program Managers/Supervisors/Municipal Court Bailiff & Probation Officers	\$2,802.00 \$1,293.23	\$7,117.00 \$3,284.77
A5	Administrative Executives/Assistants/Secretaries /Municipal Court Deputy Clerks	\$1,654.00 \$763.38	\$5,128.00 \$2,366.77

(~~Ord. 20-021. Passed 1-27-20.~~)

(a) Upon successfully completing their probationary period of employment, all officers and employees may be afforded an adjustment, not to exceed five percent (5%), based upon a written evaluation of their performance. The probationary period shall be one calendar year commencing with the date of employment. Part time employees shall serve the same probationary period.

(Ord. 08-146. Passed 12-22-08.)

(b) An Administrative Benefit Review Committee comprised of the Commission President (or designee), a City Commissioner appointed by the City Commission, City Manager, Law Director, **and** Finance Director, ~~and Commission Clerk~~ shall convene at least annually to make recommendations regarding administrative salary adjustments. It is the Commission's intent to maintain a fair compensation package that recognizes inflationary pressures, cost-of-living increases and employee contributions that maintain and improve quality of life for the Citizens of the City of Sandusky, while remaining fiscally responsible stewards of public funds.

(~~Ord. 17-048. Passed 3-13-17.~~)

(c) All City employees not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No 327 or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** shall be considered for an annual market adjustment to their salary. The Administrative Benefit Review Committee shall make a recommendation to the Finance Committee. After the Finance Committee and the Administrative Benefit Review Committee agree on the recommendation, it shall then go before the Commission for approval. The process should be completed prior to the first pay period of each fiscal year. All recommendations shall take into consideration the City's ability to fund such an increase.

(d) In addition to the annual market adjustment, the Administrative Benefit Review Committee shall make a recommendation for the amount of a special merit bonus allocation pool, if any, which will be awarded to those City employees not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327, or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** who have exhibited extraordinary service to the City during the prior fiscal year. The Administrative Benefit Review Committee shall recommend the allocation of the

funds based upon an annual written review of employee performance and the recommendation of supervisors. The Administrative Benefit Review Committee shall make a recommendation to the Finance Committee. After the Finance Committee and the Administrative Benefit Review Committee agree on the recommendation, it shall then go before the Commission for approval. The process should be completed prior to the first pay period of each fiscal year.

(e) Employee's biweekly salaries may exceed the maximum allowed under this section only if they receive an annual market adjustment approved by the Administrative Benefit Review Committee, Finance Committee and City Commission as provided for in subsections 145.05(c) and (d). Employees starting salary cannot exceed the maximum allowed under this section.

(f) The Employees salary ranges shall automatically increase at the same rates as the annual market adjustment for that calendar year. An up to date salary chart shall be kept by the Finance Director.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.06 (RESERVED FOR FUTURE LEGISLATION.)

145.07 COMPENSATION/PAY PERIODS FOR THE DIVISIONS OF POLICE AND FIRE.

The compensation/pay periods for the Divisions of Police and Fire of the City of Sandusky, Ohio, shall be periods and/or cycles of twenty-eight days, and the compensation, overtime compensation, and comprehensive time, if allowable under these Codified Ordinances and the personnel procedures and regulations of the City of Sandusky, Ohio, shall be computed, allowed, and determined on the basis of the same. For the purposes of the Federal Fair Labor Standards Act 207(k) schedules of twenty-eight days, 171 hours for the Division of Police, and twenty-eight days, ~~21204~~ hours for the Division of Fire are adopted hereby. Employees of the Divisions of Police and Fire of the City of Sandusky, Ohio shall be salaried employees, and shall be compensated for overtime on a "half-time" method.
~~(Ord. 08-146. Passed 12-22-08.)~~

145.08 PAYDAYS.

The salaries and compensation for services paid by the City to all its employees shall be paid every two weeks. Payday shall normally be nine days after the closing of the pay period. Paychecks will be made available to the employees upon final preparation. If payday falls on a holiday, the payday shall be the last workday before the holiday.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.09 HOURS OF WORK.

The hours of work per day and per work week for all employees of the City, unless otherwise provided for, shall be determined for each department by the head of the department or division, subject to approval of the City Manager; and for department or division heads under the City Manager, by the City Manager.
~~(Ord. 08-146. Passed 12-22-08.)~~

145.10 OVERTIME COMPENSATION.

The following applies to those City employees not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327, or F.O.P. **Ohio Labor Council, Inc.** ~~Lodge No. 17~~ and whose pay is fixed on a ~~monthly~~ **biweekly** basis.

(a) Overtime Administration. A department head may prescribe, with the approval of the City Manager, reasonable periods of overtime work to meet operational needs. Such overtime shall be reported and justified as required by the City Manager.

(b) Overtime Pay.

(1) ~~Employees paid on an hourly basis (deemed non-exempt under FLSA Standards) shall be paid at one and one-half times their regular hourly rate when authorized in accordance with subsection (a) hereof for any hours actually worked beyond forty hours per week. or more than the hours scheduled per day, unless the overtime work is performed on a Sunday in which case compensation shall be at the rate of two times the regular hourly rate of pay. Overtime work on a holiday, as defined in Section 145.12, shall be at a rate of two times the regular hourly rate of pay. A minimum of three (3) hours at the employee's overtime rate shall be paid to an employee whenever such employee is called in to work other than his regularly scheduled shift, provided that such hours do not abut the employee's regular shift.~~

(2) For purposes of this section, hours actually worked does not include time spent on vacation leave, sick leave, comp time, personal leave or holidays.

(3) In lieu of paid overtime, **non-exempt** employees may earn compensatory time up to a maximum of 240 hours. ~~Employees must request compensatory time in lieu of paid overtime by the end of the pay period in which they worked the overtime.~~ Any earned but unused compensatory time shall be paid out upon separation in accordance with the Fair Labor Standards Act.

(4) ~~Employees paid on a salary basis (deemed exempt under FLSA Standards)~~ shall not be eligible for overtime ~~but~~ **may be allowed to earn compensatory time for overtime worked. Exempt employees may will** be allowed to flex their schedule to meet the needs of the City and to maintain a fair and equitable 40-hour average work week. Exempt employees are expected to be available for meetings and work beyond the average eight-hour day or 40-hour week. Exempt employees, with approval of their supervisor, may, on occasion and if work conditions permit, work less than a 40-hour week if they have also worked more than a 40-hour week when necessary. Exempt employees are expected to work at least 40 hours per week on average.

(5) All employees shall be defined and/or classified as either exempt or non-exempt pursuant to the Fair Labor Standards Act. Final determination of such status shall be made by the appointing authority in consultation with the Law Director.

(6) Overtime may not be pyramided and overtime compensation provisions of this section shall not apply when time off from an employee's regularly scheduled work is taken without compensation for the officer's or employee's own convenience.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.11 VACATIONS.

(a) Except as otherwise set forth, permitted, provided, and allowed herein, all full-time City officers and/or employees, hired prior to December 22, 2008, whose pay is fixed on a ~~monthly~~ **biweekly** basis and who are not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** shall be entitled to annual vacation leave with full pay in accordance with the following schedule:

- (1) One through five completed years of total service credit, two work weeks;
- (2) Six through ten completed years of total service credit, three work weeks;
- (3) Eleven through fifteen completed years of total service credit, four work weeks;
- (4) Sixteen through twenty-four completed years of total service credit, five work weeks.
- (5) Twenty-five or more completed years of total service credit, six work weeks.

(b) Effective July 1, 2022, Except as otherwise set forth, permitted, provided and allowed herein, all full-time City officers and/or employees, hired after December 22, 2008, whose pay is fixed on a ~~monthly~~ **biweekly** basis and who are not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327, or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** shall be entitled to annual vacation leave with full pay in accordance with the following schedule:

- (1) ~~One~~ **Zero to three** completed year of total service credit, **eighty (80) hours** one work week;
- ~~(2) Two completed years of total service credit, one and one-half work week;~~
- (32)** Three through five completed years of total service credit, **one hundred (100) hours** ~~two work weeks;~~
- (43)** Six through ~~ten~~ **eight** completed years of total service credit, **one hundred and twenty (120) hours** ~~two and one-half work weeks;~~
- ~~(5) Nine through eleven completed years of total service credit, three work weeks;~~
- (64)** ~~Twelve~~ **Eleven** through fourteen completed years of total service credit, **one hundred and forty (140) hours** ~~three and one-half work weeks;~~
- (75)** Fifteen through eighteen completed years of total service credit, **one hundred and sixty (160) hours** ~~four work weeks;~~
- (86)** Nineteen through twenty-one completed years of total service credit, **one hundred and eighty (180) hours** ~~four and one-half work weeks;~~
- (97)** Twenty-two or more completed years of total service credit, **two hundred (200) hours** ~~five work weeks.~~

(bc) Upon their date of hire, employees shall receive vacation hours corresponding to their years of total service credit. Thereafter, the vacations hours set forth in subsections (a) and (b) hereof shall be earned on a prorated basis each pay period based on the officer's or employee's date of hire (anniversary date). ~~Accumulated vacation shall be used only on and after the annual date earned but prior to the succeeding anniversary date.~~ **Vacation hours earned shall accrue and be due upon the employee's subsequent anniversary date. Vacation hours and shall be used only on or after the date accrued but**

prior to the succeeding anniversary date. Vacation leave may be used at times approved by the employee's supervisor or the City Manager. Vacation leave for the City Manager shall be approved by the City Commission. With approval of their Department Head and the City Manager, employees may carry over, ~~or take the equivalent in salary,~~ of up to 80 hours of unused vacation time annually. The City Commission must approve the carryover/~~pay out~~ for the City Manager. ~~Officers or employees who have eleven or more completed years of total service may also receive the fourth, fifth and/or sixth week of vacation in a cash payment with the approval of the City Manager.~~

(~~ed~~) The City shall credit an employee with prior service in computing vacation leave as required by Section 9.44 of the Ohio Revised Code.

(~~de~~) The City Manager or appointing authority may consider previous public or private employment experience and credit the incoming employee with years of service for calculating vacation leave time if it is deemed necessary to secure the services of a qualified individual to further the ~~M~~mission and operations of the City. All such periods of prior employment for which credit is allowed hereunder shall be utilized in the computation and allowance of vacation annual leave under this section in the same manner in which service with the City is utilized. Such credit will be applied on an individual basis. ~~The Administrative Benefits Review Committee shall review the request and make a recommendation to the Commission for approval.~~

(~~ef~~) ~~Vacation leave shall not be used during the first year of employment. Nor shall any~~ **Vacation leave shall not** be used in excess of the amount of accumulated vacation leave available.

(~~fg~~) Upon separation with at least one year of service, the employee shall be entitled to a payout ~~for all accrued but~~ **for earned but** unused vacation leave. **Any payout under this section shall be prorated based on the amount of time worked from the employee's last anniversary date.** Such leave shall be paid out at the employee's hourly rate at the time of separation.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.12 HOLIDAYS.

Holidays shall be observed as follows:

(a) All City officers and/or employees whose pay is fixed on a ~~monthly~~ **biweekly** basis and who are not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** shall be entitled to the following holidays:

- (1) New Year's Day, January 1;
- (2) Martin Luther King Day, the third Monday in January;
- (3) President's Day, the third Monday in February;
- (4) Good Friday (one-half day);
- (5) Memorial Day, the last Monday in May;
- (6) Juneteenth, June 19;**
- ~~(67)~~ Independence Day, July 4;
- ~~(78)~~ Labor Day, the first Monday in September;

~~(89)~~ General Election Day, the first Tuesday after the first Monday in November;

- (910) Veterans Day, November 11;
- (101) Thanksgiving Day, the fourth Thursday in November;
- (112) The Friday after the fourth Thursday in November;
- (123) Christmas Eve, December 24;
- (134) Christmas Day, December 25; and
- (145) New Year's Eve (one-half day); and
- (156) Floating holiday (**one-half day**).

(b) Holidays, alternate dates: In the event any of the holidays in subsection (a) hereof shall fall on Saturday, the Friday immediately preceding shall be observed as the holiday. In the event any of the holidays shall fall on Sunday, the Monday succeeding shall be observed as the holiday.

(c) In the event an employee does not observe a designated holiday, the employee may schedule an alternative day off with approval of the employee's supervisor. ~~In the alternative, the employee may receive compensation for the unused holiday time on the first pay period following the last holiday of the year (New Year's Eve). The hours to be compensated shall not exceed twenty four hours per year.~~

~~(Ord. 19-013. Passed 1-28-19.)~~

145.13 SICK LEAVE.

All City employees whose pay is fixed on a ~~monthly~~ **biweekly** basis and who are not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** shall be entitled to sick leave earned at the rate hereinafter set forth. Each employee may use sick leave, upon approval of the head of his or her division or department, for absence due to personal illness, injury, exposure to contagious disease which could be communicated to other employees and to illness, injury or death in the employee's **father, mother, spouse, child, stepchild, stepfather, stepmother, or foster child, grandparent, sister, brother, father-in-law, and mother-in-law** ~~immediate family~~. Division and department heads may use sick leave upon approval of the City Manager. Employees may be required to furnish satisfactory proof including a physician's certificate to the effect that absence resulted from one of the causes enumerated in this section.

Family medical leave rights and protections shall be provided in accordance with the Family and Medical Leave Act of 1993 PUB. L. No. 103.3 107 STAT. 6 (1993), 29 U.S.C. Chapter 28. ~~(Ord. 08-146. Passed 12-22-08.)~~

145.14 SICK LEAVE, INJURY LEAVE.

(a) Any City officer or employee whose pay is fixed on a ~~monthly~~ **biweekly** basis and who is not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17**, who is unable to perform the substantial and material duties of his or her position of employment as a result of a job-related disability condition or injury may be entitled to a leave of absence at his or her regular rate of pay for the duration of the period during which he or she is medically certified as being unable to perform such duties up to a total period not to exceed twelve months for each disability or for each series of related disabilities. Each circumstance will

be reviewed on a case by case basis. The City shall consider all relevant factors in determining whether an employee is entitled to such leave, including but not limited to, the type of workers compensation benefits the employee is receiving, the availability of paid leave, the City's need to fill the position and other operational issues and the availability of wage continuation as it relates to the workers compensation benefits;

(b) During any such period of disability leave, the City, in addition to paying the employee's regular salary, shall make payment into any and all insurance and/or pension plans as required by these Codified Ordinances and/or by the laws of the State or any amendment thereto or successor thereof, as a part of the relationship between the City and the employee;

(c) During any such period of disability leave, the employee shall continue to earn seniority, pension credit, sick leave or sick leave credit, and vacation time;

(d) The City shall have the right to require an examination of an employee who is on disability leave or who has applied for the same by a physician of the City's choice, and the City may disapprove paid leave and/or require that the employee return to work at any time from disability status. If a physician of the employee disagrees with a physician selected by the City, the employee shall be examined by a third physician selected jointly by the employee and the City, and the opinion of this physician shall be used to determine the employee's eligibility for medical leave under this section. This examination shall be conducted at the City's expense;

~~—(e) The City shall pay for the cost of all treatment when an employee is exposed to any contagious disease as a result of his or her position of employment, provided the employee is not covered by hospitalization or medical insurance, or Workers' Compensation. It shall be the decision of a licensed physician if such treatment is needed. The employee may decide if he or she wants to receive such treatment;~~

(fe) An employee injured off-duty may be assigned, and an employee injured on duty shall be assigned, to less strenuous duties, if available, when recommended and verified in writing by a licensed physician, dentist or chiropractor, provided that the employee is able to perform the same. Possible light duty situations shall be viewed on a case by case basis. Such assignments shall be made for periods not to exceed twelve months if it is an on-duty injury, or three months if it is an off-duty injury or illness, and shall be based upon the operational needs and requirements of the City as determined by the City and shall be made only within the division or department of the City of such employee's normal service. Light duty may be extended at the sole discretion of the City. Any employee so assigned shall receive compensation and benefits commensurate with those of his or her normal assigned position. When reasonable cause exists to question the employee's need and/or ability to perform light duty, the City may require that an employee undergo an examination to be conducted by a licensed physician mutually agreed upon by the City and the employee to determine such employee's mental or physical capacity to perform such duties with the cost of such examination to be shared equally by the employee and the City. The employee and the City shall be bound by the decision and recommendation of such physician, and the employee shall continue to perform his or her duties then assigned until the final determination by the physician. (Ord. 08-146. Passed 12-22-08.)

145.15 SICK LEAVE, EARNED.

(a) Each full-time City employee or officer of the City whose pay is fixed on a ~~monthly~~ **biweekly** basis and who is not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** who works on the basis of forty hours per week, shall earn and accumulate sick leave at the rate of five hours per pay period. Sick leave may be credited each payroll period., ~~but shall be credited at the monthly rate.~~ Sick leave shall be debited by the hours as used.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.16 (RESERVED FOR FUTURE LEGISLATION.)

145.17 (RESERVED FOR FUTURE LEGISLATION.)

145.18 SICK LEAVE, CASH PAYMENT.

(a) A City employee, at the time of retirement under the applicable retirement system from active service with the City, and with ten or more years of service with the City, or with the State, or any of its political subdivisions, is to be paid in cash in accordance with the following schedule:

(1) Employees with less than 1000 hours of accrued but unused sick leave will receive 25% of the accumulated hours.

(2) Employees with 1000 hours of accrued but unused sick leave but less than 2000 hours will receive 30% of the total accumulated hours.

(3) Employees with 2000 hours but less than 3000 hours of accrued but unused sick leave will receive 35% of the total accumulated hours.

(4) Employees with 3000 or more hours of accrued but unused sick leave will receive 45% of the total accumulated hours.

(b) For employees hired on or after January 1st, 2019 at the time of retirement from active service with the City, an employee with ten (10) or more years of service with the City or with the State or any of its political subdivisions, is to be paid in cash for the value of his/her accrued but unused sick leave in accordance with the following tiered schedule:

(1) For an employees first 1000 hours of accrued but unused sick leave the Employee will receive 25% of these accumulated hours.

(2) For an Employee's hours from 1001 to 2000 hours of accrued but unused sick leave the Employee will receive 30% of these hours.

(3) For an employee's hours from 2001 to 3000 hours of accrued but unused sick leave the Employee will receive 35% of these hours.

(4) For an employee's hours of 3001 or more hours of accrued but unused sick leave the Employee will receive 45% of these hours.

(c) Such payment shall be based on the employee's rate of pay at the time of retirement. In order to be eligible for the sick leave payout, the employee must be employed by the City at the time of retirement. Payment for sick leave on this basis shall be considered to eliminate all sick leave credit accrued by the employee at that time. Such payment shall be made only once to any employee.

(~~db~~) When a City employee dies while in the active service of the City, the same cash bonus shall be paid to his or her estate.

~~(Ord. 19-013. Passed 1-28-19.)~~

145.19 MEDICAL EXAMINATIONS.

(a) An employee who is unable to perform the essential functions of the position due to a physical or mental impairment may be placed on an involuntary disability separation under this section. An involuntary disability separation may occur when medical evidence supports the conclusion that the employee is unable to perform the essential functions of the job, with or without reasonable accommodation.

(b) Whenever an appointing authority has reason to believe that an employee is unable to perform the essential functions of the position, such appointing authority may seek to obtain medical information concerning the employee's abilities with respect to the position. The appointing authority may seek this information from the employee's current treating medical provider and/or require the employee to undergo a physical or psychological examination by a doctor of its own choosing.

(c) If an appointing authority seeks medical information under this rule, the employee shall sign a medical authorization allowing the appointing authority to obtain the necessary information from the doctor. Prior to any examination, the appointing authority shall provide the medical provider with information concerning the employee's job and any concerns it has about the employee's ability to perform the essential functions of the position. If the appointing authority requires the employee to be examined by a doctor of its choosing, the appointing authority shall pay for such examination.

(d) An employee's refusal to participate in an examination, the unexcused failure to appear for the examination, the failure to cooperate in the process or the refusal to release the results of the examination to the appointing authority shall be considered insubordination and subject the employee to disciplinary action.

(e) If the employee is unable to perform the essential functions of the position, with or without reasonable accommodation, the appointing authority shall schedule a pre-separation conference. At this conference, the employee shall have the right to respond to the medical evidence. If the appointing authority determines that the employee is unable to perform the essential functions of the job, with or without reasonable accommodation, it shall issue an involuntary disability separation order. The appointing authority shall provide the employee with a copy of this rule at the time the employee is placed on involuntary disability separation.

(f) Involuntary disability separation is an unpaid status that may continue for up to two years ~~after~~ ~~of~~ the date of separation. The employee does not earn seniority or service credit while in this status. The employee may apply for reinstatement at any time during the two year period, however, such request may not be made more often than every thirty (30) days. The employee must submit medical documentation in support of the reinstatement. The appointing authority shall review the medical documentation and make a determination as to whether reinstatement is appropriate. The appointing authority shall notify the employee of its decision within twenty (20) days of its receipt of the medical

documentation. The appointing authority's decision may be to grant reinstatement, deny reinstatement or request additional information from the employee. The employee shall be reinstated within the two year period if the medical documentation establishes that the employee can perform the essential functions of the position, with or without reasonable accommodation.

(g) The employee retains the right to be reinstated to the same or a similar position upon presentation of proper medical documentation within the two year period.

(h) An employee who is unable to perform the essential functions of the position, with or without reasonable accommodation, may request a voluntary disability separation. The appointing authority may require the employee to undergo a medical examination by a doctor of its own choosing prior to approving this request. An employee on a voluntary disability separation shall be subject to the provisions in this rule with the exception of the pre-separation hearing.

(i) An appointing authority may require the employee to undergo a physical or psychological examination by a doctor of its own choosing prior to reinstatement.

(j) An employee not reinstated within two years of the disability separation shall be considered separated from employment.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.20 FUNERAL LEAVE.

(a) Each City employee whose pay is fixed on a **biweekly-monthly** basis and who is not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 and F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** may be granted funeral leave without loss of pay or accumulated sick leave due to the death of his or her father, mother, stepfather, stepmother, sister, brother, spouse, child, stepchild, foster child, grandparent, step grandparent, grandchild, step grandchild, spouse's mother, spouse's father, spouse's brother or sister, spouse's grandparent, son-in-law or daughter-in-law, aunts or uncles, nieces or nephews, or as otherwise authorized by the City Manager, for a maximum of four (4) work days, but limited to no more than two (2) work days after the day of the funeral.

~~(ba) Application for funeral leave shall be made on forms provided by the employer and shall be approved by the City Manager or designee.~~

~~(Ord. 08-146. Passed 12-22-08.)~~

145.21 ADMINISTRATIVE LEAVE.

All City employees whose pay is fixed on a **biweekly monthly** basis and who are not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** may be granted administrative leave, with pay, not to exceed five consecutive days, upon approval of the City Manager. Additional leave, without pay, may be granted due to extenuating circumstances.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.22 MILITARY LEAVE.

(a) A City employee whose pay is fixed on a ~~monthly~~ **biweekly** basis, who is a member of the uniformed services, is entitled to a military leave of absence from his or her duties without loss of pay ~~for such time as he or she is in the military service or receiving temporary military training not to exceed 176 hours in any one calendar year provided that such person (or an officer from his/her command) provides the City with written or verbal notice of the dates of departure and return days in advance and provides satisfactory evidence of completion of such service upon return.~~ **as provided under Ohio Revised Code section 5923.05.** This leave may be extended at the discretion of the City Manager or by order of the President of the United States or the Governor of the State of Ohio in times of emergency. Such leaves of absence shall not affect the person's right to vacation leave, sick leave, FMLA eligibility, bonuses or other normal benefits of his employment. Return to work from Military Leave shall be expected as defined in USERRA.

(b) Compensation beyond ~~176 hours~~ **what is provided by R.C. 5923.05** will be at the discretion of the City Manager ~~and with approval of the City Commission.~~

~~(Ord. 08-146. Passed 12-22-08.)~~

145.23 COURT LEAVE.

Any City employee whose pay is fixed on a ~~biweekly~~ **monthly** basis and who is not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** will be paid for the period of time he or she is required to appear before a court, judge, justice, magistrate or coroner as a defendant or witness in any work related cases.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.24 COURT APPEARANCE - OFF DUTY.

Any City employees whose pay is fixed on a ~~biweekly~~ **monthly** basis and who is not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** who is required to appear before a judge, magistrate, coroner, or police inquiry in the performance of their duties, on a nonscheduled workday, may be compensated at the appropriate rate, as determined by the City Manager or designee.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.25 JURY LEAVE.

Any City employee whose pay is fixed on a ~~biweekly~~ **monthly** basis and who is not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** who is required to serve on the jury in any court of record, shall be paid his or her regular rate of pay during such periods. The employee shall remit to the Finance Director whatever sum is paid to the employee as compensation by the Court for services rendered. ~~(Ord. 08-146. Passed 12-22-08.)~~

145.26 TRAVELING OR OTHER EXPENSES.

All City employees shall be paid or reimbursed for traveling expenses or other expenses incurred in transacting City business when approved by the City Manager or the City Commission. The City reimbursement policy shall be followed.
(Ord. 08-146. Passed 12-22-08.)

145.27 (RESERVED FOR FUTURE LEGISLATION.)

145.28 **(RESERVED FOR FUTURE LEGISLATION)** ~~HOUSING ALLOWANCE; (BENEFIT VALUE); OAKLAND CEMETERY.~~
~~The Cemetery Foreman/Manager employed at Oakland Cemetery shall be required to reside in the Oakland Cemetery Manse. The City shall pay for all utilities. The fringe benefit value shall be five hundred dollars (\$500.00) per month through April, 2008 with annual adjustments thereafter based on the previous year's Consumer Price Index (CPI), not to exceed three percent (3%) per year.~~
~~(Ord. 08-146. Passed 12-22-08.)~~

145.29 ADDITIONAL COMPENSATION; LONGEVITY.

All City officers and/or employees whose pay is fixed on a ~~monthly~~ **biweekly** basis and who are not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. ~~Lodge No. 17~~ **Ohio Labor Council, Inc.** shall be paid additional compensation for longevity. This additional compensation shall be paid annually **on the second pay date in October each year** according to the following schedule after completion of three full years of continuous service to the City:

	Longevity	Pay
Continuous Years of Service	(per year year for each year)	
1 through 5	\$ 25.00	
6 through 11	\$ 35.00	
12 through 17	\$ 50.00	
18 or more years	\$ 65.00	

This additional compensation shall be paid as directed by the City Manager.
~~(Ord. 08-146. Passed 12-22-08.)~~

145.30 (RESERVED FOR FUTURE LEGISLATION.)

(EDITOR'S NOTE: This section is reserved for future legislation.)

145.31 ADDITIONAL COMPENSATION; FIRE EDUCATION.

Sworn employees of the Fire Division not covered by the collective bargaining agreement with IAFF Local No. 327 whose pay is fixed on a ~~monthly~~ **biweekly** basis shall **receive an educational bonus** ~~be equal to the bonus coverage~~ provided to the City's existing bargaining units.
~~(Ord. 08-146. Passed 12-22-08.)~~

145.32 ADDITIONAL COMPENSATION; POLICE EDUCATION.

Sworn employees of the Police Division not covered by the collective bargaining agreement with the F.O.P. ~~Lodge No. 17~~ **Ohio Labor Council, Inc.** whose pay is fixed on a ~~monthly~~ **biweekly** basis shall **receive an educational bonus** ~~be equal to the bonus coverage~~ provided to the City's existing bargaining units.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.33 (RESERVED FOR FUTURE LEGISLATION.)

145.34 UNIFORM ALLOWANCE - FIRE DIVISION.

Each sworn employee of the Fire Division of the City not covered by the collective bargaining agreement with IAFF Local No. 327 whose pay is fixed on a ~~monthly~~ **biweekly** basis, shall be allowed annual reimbursement for uniforms which shall be consistent with and in accordance with the allowance as set forth in the collective bargaining agreement which is in effect for the calendar year in which the allowance is given.

~~Any such person who retires from or otherwise leaves the service of the Fire Division of the City, who had received a permanent appointment to such service shall be entitled to a payment for each full calendar month of service after the preceding uniform allowance payment date provided for hereinabove.~~

~~(Ord. 08-146. Passed 12-22-08.)~~

145.35 UNIFORM ALLOWANCE — POLICE DIVISION.

(a) Each sworn employee of the Police Division of the City not covered by the collective bargaining agreement with F.O.P. **Ohio Labor Council, Inc.** ~~Lodge No. 17~~ whose pay is fixed on a ~~monthly~~ **biweekly** basis, shall be allowed annual reimbursement for uniforms, which shall be consistent with and in accordance with the allowance as set forth in the collective bargaining agreement, which is in effect for the calendar year in which the allowance is given.

~~Any such person who retires from or otherwise leaves the service of the Police Division of the City, who had received a permanent appointment to such service shall be entitled to a payment for each full calendar month of service after the preceding uniform allowance payment date provided for hereinabove.~~

~~(Ord. 08-146. Passed 12-22-08.)~~

145.36 HOURLY, SEASONAL AND PART-TIME EMPLOYEES.

(a) An employee who is hired on an hourly, seasonal or part-time basis who is not covered by a collective bargaining agreement shall be paid for the actual hours worked. All employees will be paid at least minimum wage.

(b) Hourly wage rates for seasonal employees will be determined annually during the budgeting process. Department Heads will submit a list of seasonal employees they are proposing to hire to the Administrative Services Department with wage recommendations. The Administrative Services Department will compile comparative and historical wage information. The Department Head

recommendation and the data gathered by Administrative Services will be forwarded to the City Manager for approval of wage rates and hours.

(c) Hourly wage rates for part-time employees will be determined annually during the budgeting process. Department Heads will submit a list of part-time employees currently in the department, and part-time employees they are proposing to hire, to the Administrative Services Department with wage recommendations. The Administrative Services Department will compile comparative and historical wage information. The Department Head recommendation and the data gathered by Administrative Services will be forwarded to the City Manager for approval of wage rates and hours.

(d) When a temporary vacancy exists in an administrative or professional position, which has been previously authorized, the City Manager is authorized to fill the temporary vacancy on an hourly, seasonal or part-time basis within the pay range of minimum wage to \$30.00 per hour with no benefits except Workers' Compensation, Medicare and pension, as required.

(e) The financial status of the City will be considered when deciding wage rates and hours for part-time and seasonal employees. Part-time, seasonal and temporary employees are not entitled to holiday pay, paid sick leave, vacation pay or insurance benefits.

(Ord. 08-146. Passed 12-22-08.)

145.37 APPORTIONMENT OF PAY.

The City Manager shall have the authority to allocate the compensation and fringe benefits of any employee to any funds, including but not limited to the General Fund, Water Works Fund, Sewer Fund, Street Fund, Street Highway Maintenance and Repair Fund or Parks and Recreation Fund, based upon the determinations made by the City Manager in preparation of the City's annual budget.

(Ord. 08-146. Passed 12-22-08.)

145.38 HEALTH & LIFE INSURANCE.

(a) Any officer or employee who is regularly scheduled to work, on average, at least thirty (30) hours per work week, in accordance with the Affordable Care Act, and whose pay is fixed on a ~~monthly~~ **bi-weekly** basis and who is not covered by a collective bargaining agreement with AFSCME, IAFF, or F.O.P., upon request of such employee, shall be furnished and afforded the protection of the City health benefit plan for such employee and the members of the immediate family thereof no sooner than the first day of the month following their initial date of employment with the City of Sandusky. ~~The coverage for the E~~employees not covered by a collective bargaining agreement shall **be eligible for coverage** equal **to** the coverage provided to the City's existing bargaining units. **Notwithstanding the preceding language, the City may offer alternative health care coverage programs. The costs, contribution rates, and/or the terms and conditions of said alternative programs shall be at the discretion of the City Manager and may be subject to change prior to the open enrollment period for the subsequent year's coverage. Employees eligible for City health benefits and not covered by a collective bargaining agreement may opt into alternative health care coverage programs, if available, during the open enrollment period.**

(b) For an employee eligible for City health benefits and not covered by a collective bargaining agreement, a bi-weekly contribution **shall be withheld from the employee for coverage. The costs of such deductions shall be set by the City Manager annually.** ~~of \$90 for family coverage or \$36 for single coverage shall be withheld from the employee, effective the first pay period of 2016; a bi-weekly contribution of \$100 for family coverage or \$50 for single coverage shall be withheld from the employee, effective the first pay period of 2017; and a bi-weekly contribution of \$110 for family coverage or \$60 for single coverage shall be withheld from the employee, effective the first pay period of 2018.~~ These deductions are withheld before taxes are calculated.

(cb) The City Manager and the Finance Director are authorized to contract for health insurance coverage with firms or organizations licensed to provide insurance coverages within the State.

(de) The City Manager and the Finance Director are authorized to contract with firms or organizations licensed to provide pre-tax options for employee out-of-pocket expenses associated with health insurance programs. Employees are afforded the option of participating in such programs.

(ed) The City Manager and the Finance Director are authorized to provide life insurance coverage ~~in an amount equal to an employee's base salary~~ as part of the health benefit package. ~~Additional insurance~~ **Life insurance in addition to that provided by the City** may be obtained by individual employees with the total cost paid by the employee.

(fe) To be qualified for health insurance coverage pursuant to this section, an employee shall be on active pay status as part of the first working day of each calendar month during which coverage is to be provided. In the event an otherwise qualified employee is not on active status of the same, the City shall reimburse the employee for the health insurance premium which he or she has paid to maintain health insurance coverage during such calendar month.

~~(Ord. 15-182. Passed 12-14-15.)~~

145.39 ADDITIONAL COMPENSATION; EDUCATIONAL TUITION REIMBURSEMENT.

Educational reimbursement and assistance for all City employees shall be subject to and governed by the current policy established and implemented by the City Manager. Any employee covered by a collective bargaining agreement should refer to their respective agreement for additional information.

(Ord. 08-146. Passed 12-22-08.)

~~145.40 ANNUAL PHYSICAL EXAMINATION.~~

~~(a) Policy to Encourage Annual Examinations. It is the policy of the City to encourage each officer and employee of the City to obtain an annual physical examination. The purpose of the examination shall be to determine the state of health of the individual, and to determine whether any advice or treatment will be useful in protecting or improving the individual's health.~~

~~(b) Costs. The City shall reimburse the employee for any out of pocket expense associated with the cost of a physical examination up to a maximum of \$650.00 per reimbursement pursuant to the following schedule:~~

~~-~~

~~Age 21 through 30: One examination every three years.~~

~~Age 31 through 40: One examination every two years.~~

~~Age 41 and older: One examination every year.~~

~~(c) Treatment Not Included. Nothing in this section shall authorize reimbursement or payment by the City for any treatment, other than out of pocket expenses for any tests required by the physician in charge of the examination, which shall be reimbursed by the City.~~

~~(Ord. 08-146. Passed 12-22-08.)~~

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

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

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance 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: June 13, 2022

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 1519 (FIREWORKS) OF THE CODIFIED ORDINANCES OF THE CITY OF SANDUSKY TO ALLOW THE DISCHARGE, IGNITION AND EXPLOSION OF FIREWORKS ON CERTAIN DAYS AND TIMES AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Ohio Governor recently signed House Bill 172 into law, effective July 1, 2022, which amends the Ohio Revised Code 3743.45 to allow any person authorized to possess consumer grade fireworks to discharge, ignite and explode fireworks on their own property or on another's property with the property owner's permission on ten (10) designated times throughout the year; and

WHEREAS, the City of Sandusky as a charter municipality has the authority under the Home Rule Amendment to the Ohio Constitution to set its own local regulations for the possession, use, and discharge of fireworks; and

WHEREAS, the amended Ohio Revised Code 3743.45 also states that municipalities may fully adopt the Code's requirements, opt out of the Code's requirements so that the municipalities may restrict the days and times that authorized individuals may discharge, ignite or explode consumer grade fireworks, or impose a complete ban on the use of consumer grade fireworks; and

WHEREAS, the Sandusky City Commission desires to set its own restrictions on the days and times that authorized individuals may discharge, ignite or explode consumer grade fireworks; and

WHEREAS, the Sandusky City Commission also desires to update the Definitions and Application sections of Chapter 1519 to be consistent with the Ohio Revised Code; and

WHEREAS, the Sandusky City Commission also desires to adopt a Safety Requirements for Fireworks Showroom Structures section of Chapter 1519 to be consistent with the Ohio Revised Code; 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 adopt legislation prior to the effective date of the Ohio Revised Code 3743.45; and

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

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

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 Fifteen (Fire Prevention Code) Chapter 1519 (Fireworks) Section 1519.01 (Definitions), Section 1519.04 (Possession, Sale or Discharge Prohibited; Exceptions), Section 1519.05 (Application), 1519.06 (Safety Requirements for Fireworks Showroom Structures) of the Codified Ordinances of the City of Sandusky be amended as follows:

1519.01 Definitions

As used in this chapter:

(a) "Beer" and "intoxicating liquor" have the same meanings as in ~~Ohio R.C. section 4301.01~~ **of the Ohio Revised Code.**

(b) "Booby trap" means a small tube that has a string protruding from both ends, that has a friction-sensitive composition, and that is ignited by pulling the ends of the string.

(c) "Cigarette load" means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.

(d) **(1) "1.3G fireworks" means display fireworks consistent with regulations of the United States department of transportation as expressed using the designation "division 1.3" in Title 49, Code of Federal Regulations.**

(2) "1.4G fireworks" means consumer fireworks consistent with regulations of the United States department of transportation as expressed using the designation "division 1.4" in Title 49, Code of Federal Regulations.

(e) "Controlled substance" has the same meaning as in ~~Ohio R.C. section 3719.01~~ **of the Ohio Revised Code.**

~~(e)~~**(f) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, except ordinary matches and except as provided in Section 1519.05 section 3743.80 of the Ohio Revised Code.**

~~(f)~~**(g) "Fireworks plant" means all buildings and other structures in which the manufacturing of fireworks, or the storage or sale of manufactured fireworks by a manufacturer, takes place.**

(h) "Fountain device" means a specific type of 1.4G firework that meets all of the following criteria:

(1) It is nonaerial and nonreport producing.

(2) It is recognized and manufactured in accordance with sections 3.1.1 and 3.5 of APA standard 87-1 (2001 edition).

(3) It is a ground-based or hand-held sparkler with one or more tubes containing a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition, with or without additional effects that may include a colored flame, audible crackling effect, audible whistle effect, or smoke.

(4) It contains not more than seventy-five grams of the nonexplosive

pyrotechnic mixture in any individual tube and not more than five hundred grams or less for multiple tubes.

(i) **"Highway"** means any public street, road, alley, way, lane, or other public thoroughfare.

(j) **"Licensed exhibitor of fireworks" or "licensed exhibitor"** means a person licensed pursuant to ~~Ohio R.C. sections~~ 3743.50 to 3743.55 **of the Ohio Revised Code.**

~~(g)~~(k) **"Licensed manufacturer of fireworks fountain device retailer" or "licensed manufacturer retailer"** means a person licensed pursuant to **section 3743.26 of the Ohio R.C. Revised Code.**

(l) **"Licensed manufacturer of fireworks" or "licensed manufacturer"** means a person licensed pursuant to sections 3743.02 to 3743.08 **of the Ohio Revised Code.**

~~(h)~~(m) **"Licensed wholesaler of fireworks" or "licensed wholesaler"** means a person licensed pursuant to ~~Ohio R.C. sections~~ 3743.15 to 3743.21 **of the Ohio Revised Code.**

~~(i)~~(n) **"List of licensed exhibitors"** means the list required by division (C) of section 3743.51 of the Ohio Revised Code.

(o) **"List of licensed manufacturers"** means the list required by division (C) of section 3743.03 of the Ohio Revised Code.

(p) **"List of licensed wholesalers"** means the list required by division (C) of section 3743.16 of the Ohio Revised Code.

(q) **"Manufacturing of fireworks"** means the making of fireworks from raw materials, none of which in and of themselves constitute a fireworks, or the processing of fireworks.

(r) **"Navigable waters"** means any body of water susceptible of being used in its ordinary condition as a highway of commerce over which trade and travel is or may be conducted in the customary modes, but does not include a body of water that is not capable of navigation by barges, tugboats, and other large vessels.

(s) **"Novelties and trick noisemakers"** include the following items:

(1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers, and snappers;

(2) Snakes or glow worms;

(3) Smoke devices;

(4) Trick matches.

~~(j)~~(t) **"Party popper"** means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling a string protruding from the item, and from which paper streamers are expelled when the item is ignited.

~~(k)~~(u) **"Processing of fireworks"** means the making of fireworks from materials all or part of which in and of themselves constitute a fireworks, but does not include the mere packaging or repackaging of fireworks.

(v) **"Railroad"** means any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs, and sidings installed and primarily used in serving a mine, quarry, or plant.

~~(l)~~(w) **"Retail sale" or "sell at retail"** means a sale of fireworks to a purchaser who

intends to use the fireworks, and not resell them.

(x) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(y) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.

(z) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.

(aa) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.

(bb) "Wire sparkler" means a sparkler consisting of a wire or stick coated with a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture.

(cc) "Wholesale sale" or "sell at wholesale" means a sale of fireworks to a purchaser who intends to resell the fireworks so purchased.

(dd) "Licensed premises" means the real estate upon which a licensed manufacturer or wholesaler of fireworks conducts business.

(ee) "Licensed building" means a building on the licensed premises of a licensed manufacturer or wholesaler of fireworks that is approved for occupancy by the building official having jurisdiction.

(ff) "Fireworks incident" means any action or omission that occurs at a fireworks exhibition, that results in injury or death, or a substantial risk of injury or death, to any person, and that involves either of the following:

(1) The handling or other use, or the results of the handling or other use, of fireworks or associated equipment or other materials;

(2) The failure of any person to comply with any applicable requirement imposed by this chapter or any applicable rule adopted under this chapter.

(gg) "Discharge site" means an area immediately surrounding the mortars used to fire aerial shells.

(hh) "Fireworks incident site" means a discharge site or other location at a fireworks exhibition where a fireworks incident occurs, a location where an injury or death associated with a fireworks incident occurs, or a location where evidence of a fireworks incident or an injury or death associated with a fireworks incident is found.

(ii) "Storage location" means a single parcel or contiguous parcels of real estate approved by the state fire marshal pursuant to division (I) of section 3743.04 of the Ohio Revised Code or division (F) of section 3743.17 of the Ohio Revised Code that are separate from a licensed premises containing a retail showroom, and which parcel or parcels a licensed manufacturer or wholesaler of fireworks may use only for the distribution, possession, and storage of fireworks in accordance with this chapter.

(ORC 3743.01)

1519.04 POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.

(a) No person shall possess fireworks in this Municipality or shall possess for sale

or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, ~~any person an out-of-state resident as authorized by Ohio R.C. 3743.44, any person a resident of this State as~~ authorized by Ohio R.C. 3743.45 **in accordance with Section 1519.04(f)**, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 1519.02 and except as provided in Section 1519.05 .

(b) Except as provided in Section 1519.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1519.02 **and any person authorized by Ohio R.C. 3743.45 and in accordance with Section 1519.04(f)**, no person shall discharge, ignite or explode any fireworks in this Municipality.

(c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(d) No person shall sell fireworks of any kind to a person under eighteen years of age. No person under eighteen years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under eighteen years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.

(e) Except as otherwise provided in Ohio R.C. 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.

(ORC 3743.65)

(f) A person in this Municipality authorized pursuant to Ohio R.C. 3743.45 to possess fireworks may discharge, ignite, or explode fireworks on private property with the authorization from the property owner only on the following days and times each year:

- (1) The last Monday in May until 11:59PM**
- (2) The third, fourth, and fifth day of July until 11:59PM**
- (3) The thirty-first day of December until 11:59PM.**

1519.05 APPLICATION.

This chapter does not prohibit or apply to the following:

(a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;

(b) The manufacture, sale, possession, transportation, storage or use of fuses, torpedoes or other signals necessary for the safe operation of railroads;

(c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;

(d) The manufacture for, the transportation, storage, possession or use by, or ~~the sale to the Armed Forces~~ **armed forces** of the United States and the militia of this ~~State-state~~, **as recognized by the Adjutant General of Ohio**, of pyrotechnic devices;

(e) The manufacture, sale, possession, transportation, storage or use of toy pistols,

toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;

(f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;

(g) The manufacture, sale, possession, transportation, storage or use of sparklers on a wire stick, as this term is defined in the regulations of the United States Department of Transportation. (ORC 3743.80)

1519.06 SAFETY REQUIREMENTS FOR FIREWORKS SHOWROOM STRUCTURES.

(a) (1) Except as described in subsection (a)(2) of this section, all retail sales of 1.4G fireworks by a licensed manufacturer or wholesaler shall only occur from an approved retail sales showroom on a licensed premises or from a representative sample showroom as described in this section on a licensed premises. For the purposes of this section, a retail sale includes the transfer of the possession of the 1.4G fireworks from the licensed manufacturer or wholesaler to the purchaser of the fireworks.

(2) Sales of 1.4G fireworks to a licensed exhibitor for a properly permitted exhibition shall occur in accordance with the provisions of the Ohio Revised Code and rules adopted by the State Fire Marshal under Ohio R.C. Chapter 119. Such rules shall specify, at a minimum, that the licensed exhibitor holds a license under Ohio R.C. 3743.51, that the exhibitor possesses a valid exhibition permit issued in accordance with Ohio R.C. 3743.54, and that the fireworks shipped are to be used at the specifically permitted exhibition.

(b) All wholesale sales of fireworks by a licensed manufacturer or wholesaler shall only occur from a licensed premises to persons who intend to resell the fireworks purchased at wholesale. A wholesale sale by a licensed manufacturer or wholesaler may occur as follows:

- (1) The direct sale and shipment of fireworks to a person outside of this state;
- (2) From an approved retail sales showroom as described in this section;
- (3) From a representative sample showroom as described in this section;
- (4) By delivery of wholesale fireworks to a purchaser at a licensed premises outside of a structure or building on that premises. All other portions of the wholesale sales transaction may occur at any location on a licensed premises.

(5) Any other method as described in rules adopted by the Fire Marshal under Ohio R.C. Chapter 119.

(c) (1) A licensed manufacturer or wholesaler shall only sell 1.4G fireworks from a representative sample showroom or a retail sales showroom. Each licensed premises shall only contain one sales structure.

(2) A representative sample showroom shall consist of a structure constructed and maintained in accordance with the Nonresidential Building Code adopted under Ohio R.C. Chapter 3781 and the Fire Code adopted under Ohio R.C. 3737.82 for a use and occupancy group that permits mercantile sales. A

representative sample showroom shall not contain any pyrotechnics, pyrotechnic materials, fireworks, explosives, explosive materials, or any similar hazardous materials or substances. A representative sample showroom shall be used only for the public viewing of fireworks product representations, including paper materials, packaging materials, catalogs, photographs, or other similar product depictions. The delivery of product to a purchaser of fireworks at a licensed premises that has a representative sample structure shall not occur inside any structure on a licensed premises. Such product delivery shall occur on the licensed premises in a manner prescribed by rules adopted by the State Fire Marshal pursuant to Ohio R.C. Chapter 119.

(3) If a manufacturer or wholesaler elects to conduct sales from a retail sales showroom, the showroom structures, to which the public may have any access and in which employees are required to work, on all licensed premises, shall comply with the following safety requirements:

A. A fireworks showroom that is constructed or upon which expansion is undertaken on and after June 30, 1997, shall be equipped with interlinked fire detection, fire suppression, smoke exhaust, and smoke evacuation systems that are approved by the Superintendent of Industrial Compliance in the Department of Commerce.

B. 1. A fireworks showroom that first begins to operate on or after June 30, 1997, or that resumes operations at any time after a period of inactive status or licensure greater than one year, and to which the public has access for retail purposes shall not exceed 7,500 square feet in floor area.

2. A fireworks showroom that, through construction of a new showroom, expansion of an existing showroom, or similar means, first exceeds 5,000 square feet, to which the public has access for retail purposes, after February 7, 2022, shall be equipped with a sprinkler system that meets the criteria for sprinkler systems in extra hazard (group 2) occupancies under "NFPA 13, Standard for the Installation of Sprinkler Systems (2019 Edition)".

3. Notwithstanding subsection (d) of this section, the State Fire Marshal may provide a variance to the requirements of subsection (c)(3)B.2. of this section pursuant to Ohio R.C. 3743.59 for a sprinkler system that matches or exceeds the degree of safety provided by a sprinkler system that meets the criteria for sprinkler systems in extra hazard (group 2) occupancies under "NFPA 13, Standard for the Installation of Sprinkler Systems (2019 Edition)".

C. A newly constructed or an existing fireworks showroom structure that exists on September 23, 2008, but that, on or after September 23, 2008, is altered or added to in a manner requiring the submission of plans, drawings, specifications, or data pursuant to Ohio R.C. 3791.04, shall comply with a graphic floor plan layout that is approved by the State Fire Marshal and Superintendent of Industrial Compliance showing width of aisles, parallel arrangement of aisles to exits, number of exits per wall, maximum occupancy load, evacuation plan for occupants, height of storage or display of merchandise, and other information as may be required by the State Fire Marshal and Superintendent of Industrial Compliance.

D. A fireworks showroom structure that exists on June 30, 1997, shall be in compliance on or after June 30, 1997, with floor plans showing occupancy load

limits and internal circulation and egress patterns that are approved by the State Fire Marshal and Superintendent of Industrial Compliance, and that are submitted under seal as required by Ohio R.C. 3791.04.

(d) The safety requirements established in subsection (c) of this section are not subject to any variance, waiver, or exclusion pursuant to this chapter or any applicable building code.
(ORC 3743.25)

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 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: _____
CATHY MYERS
CLERK OF THE CITY COMMISSION

Passed: June 13, 2022



Community Development

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

TO: Eric Wobser

FROM: Nicole Grohe, CDBG Administrator

DATE: May 24th, 2022

RE: MOU Erie County Health Department Ohio Healthy Homes Production Grant

ITEM FOR CONSIDERATION: The purpose of this communication is to request approval of legislation allowing the City Manager to enter into a Memorandum of Understanding with the Erie County Board of Health dated May 5th, 2022. The intent of the MOU is to accept reimbursement for environmental review work that city staff is conducting for the Ohio Healthy Homes Production Grant on behalf of the health department.

BACKGROUND INFORMATION: The Erie County Health Department was awarded \$1,000,800 through the Ohio Healthy Homes Production Grant. The funds are to be used to remove healthy homes hazards from 66 residential structures within the Health Department District. The Erie County Health Department has determined through the grant that they can provide reimbursement for environmental review work being conducted by city staff.

BUDGET IMPACT: The city will receive \$350 per environmental review report from the Erie County Health Department not exceeding \$23,800. The funds will go into the general fund.

ACTION REQUESTED: It is requested that City Commission authorize the Memorandum of Understanding with the Erie County Board of Health to allow staff to conduct environmental reviews for the Erie County Health Department on a reimbursement basis of \$350 per report, not to exceed \$23,800.

Nicole Grohe, CDBG Administrator

I concur with this recommendation:

Jonathan Holody, Community Development Director

Eric L Wobser, City Manager

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE ERIE COUNTY BOARD OF HEALTH FOR ENVIRONMENTAL SERVICES TO BE PROVIDED BY CITY EMPLOYEES AND REIMBURSED UTILIZING HEALTHY HOMES PRODUCTION GRANT FUNDS.

WHEREAS, the Erie County Board of Health has been awarded \$1,000,800.00 through the Healthy Homes Production Grant to remove healthy homes hazards from 66 residential units within the Erie County General Health District; and

WHEREAS, the City has employees knowledgeable in Tier 1 and 2 Environmental Assessments and private property Historical Assessments and the County desires to utilize the City's qualified employees to perform Tier 1 and 2 Environmental Assessments and private property Historical Assessments; and

WHEREAS, the City will be reimbursed by the Erie County Board of Health for services performed at the cost of \$350.00 per unit for a total amount not to exceed \$23,800.00 utilizing Healthy Homes Production Grant funds; and

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

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

Section 1. The City Manager is authorized and directed to enter into a Memorandum of Understanding with the Erie County Board of Health for environmental services to be provided by City's employees and reimbursed utilizing Healthy Homes Production Grant Funds, a copy of which is marked Exhibit "A" and is attached to this Ordinance and is specifically incorporated as if fully rewritten herein.

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

Section 3. This 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:

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE ERIE COUNTY GENERAL HEALTH DISTRICT AND
THE CITY OF SANDUSKY**

1. This memorandum of understanding is between the Erie County Board of Health (ECBOH) and the City of Sandusky (City).
2. The ECBOH has been awarded a \$1,000,800.00 Healthy Homes Production Grant to remove healthy homes hazards from 66 residential units within the Erie County General Health Districts.
3. The City has employed a professional staff that include Public Planners knowledgeable in Tier 1 and 2 Environmental Assessments, and private property Historical Assessments.
4. The City will work to maintain current credentials and licensing for all employees engaged in work under the umbrella of this Memorandum of Understanding.

Service	Quantity (Not to exceed during FY 19 grant cycle.)	Unit Cost
Environmental and Historical Reviews	\$23,800	\$350.00

5. On or before the 3rd Monday of each month, the City must submit an invoice to ECBOH for all services performed in the bi-monthly period preceding the invoice date.
6. Approved invoice submissions will be submitted by ECBOH for Board of Health payment approval at the regularly scheduled Board of Health meeting. Checks will be cut and released for payment within 14 days of Board approval.
7. Either party may cancel this agreement by giving the other party written notice, after such notice is given this memorandum will become null and void on a mutually agreed upon date or 60 days from date of original notice which ever come first.
8. This understanding will expire on December 31, 2025.


Peter T. Schade, MPH, RS
Health Commissioner,
Erie County Health Department

05.05.2022
Date

Eric Wobser
City Manager

Date

**Exhibit
"A"**



Community Development

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

TO: Eric Wobser

FROM: Nicole Grohe, CDBG Administrator

DATE: May 24th, 2022

RE: MOU Erie County Health Department Ohio Lead Safe Home Fund

ITEM FOR CONSIDERATION: The purpose of this communication is to request approval of legislation allowing the City Manager to enter into a Memorandum of Understanding (MOU) with the Erie County Board of Health dated May 5th, 2022. The intent of the MOU is to accept \$38,284 from the Erie County Health Department through the Ohio Lead Safe Home Fund for the demolition and disposal of six residential units being demolished through the city's CDBG program.

BACKGROUND INFORMATION: The Erie County Health Department was awarded \$600,000 through the Ohio Lead Safe Home Fund. The funds are to be used for lead removal from 34 residential structures within the Health Department District. The Erie County Health Department has determined through the grant they can provide reimbursement for demolition work that the city is conducting through the CDBG program. City staff will provide the Erie County Health Department with all required records and confirm the removal of lead and asbestos hazards from the properties.

On February 14th, 2022 the city entered into a contract to demolish six houses located at: 1416 Sagamore St., 602 Harrison St., 213 Reese St., 923 Ogontz St., and the garages at 1506 Lindsley St. and 1029 5th St. through Ordinance 22-019. In exchange for the demolition of these structures the Erie County Health Department will reimburse the city \$38,284.

BUDGET IMPACT: The city will receive \$38,284 for the demolition from the Erie County Health Department. The funds will go into the CDBG program income account once received.

ACTION REQUESTED: It is requested that City Commission authorize the Memorandum of Understanding with the Erie County Board of Health to accept \$38,284 in reimbursement from the Erie County Health Department for the demolition of six scheduled demolitions located at 1416 Sagamore St., 602 Harrison St., 213 Reese St., 923 Ogontz St., and the garages at 1506 Lindsley St. and 1029 5th St. It is further requested that this legislation be passed under suspension of the rules and in full accordance with Section 14 of the City in order to execute the MOU and allow for the reimbursement of grant funds upon completion of the demolition project.

Nicole Grohe, CDBG Administrator

I concur with this recommendation:

Jonathan Holody, Community Development Director

Eric L Wobser, City Manager

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE ERIE COUNTY BOARD OF HEALTH FOR UTILIZING OHIO LEAD SAFE HOME FUNDS FOR THE DEMOLITION OF SIX (6) CONDEMNED RESIDENTIAL STRUCTURES IN THE CITY OF SANDUSKY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Erie County Board of Health has been awarded \$600,000.00 through the Ohio Lead Safe Home Fund to facilitate the removal of Lead hazards from 34 residential structures within the Erie County Health District; and

WHEREAS, the City has identified six (6) structures within the City that have been condemned and are scheduled for demolition within the 2022 calendar year and can be approved as one of the 34 Ohio Lead Safe Fund residential structures; and

WHEREAS, this City Commission declared the necessity for the City to proceed with the proposed CDBG FY21 Demolition Project #2 by Resolution No. 003-22R, passed on January 10, 2022, which involves the asbestos abatement and demolition of six (6) residential structures which are vacant and blighted and ordered for demolition by the City or the Housing Appeals Board and are located at 213 Reese Street, 1029 Fifth Street (garage only), 1506 Lindsley Street (garage only), 602 Harrison Street, 923 Ogontz Street, and 1416 Sagamore Street; and

WHEREAS, the City Commission approved the awarding of a contract to Advanced Excavating & Demolition, LLC, of McComb, Ohio, for work to be performed for the CDBG FY21 Demolition Project #2 by Ordinance No. 22-019, passed on February 14, 2022; and

WHEREAS, the total cost for the asbestos abatement and demolition is \$38,284.00 and will initially be paid by the City with FY21 Community Development Block Grant (CDBG) funds and reimbursed by the Erie County Health Department with Ohio Lead Safe Home Funds that will be deposited back into the CDBG Program Income Fund; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules and in accordance with Section 14 of the City Charter in order to execute the MOU and allow for the reimbursement of grant funds upon completion of the demolition project; 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, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. The City Manager is authorized and directed to enter into a Memorandum of Understanding with the Erie County Board of Health for utilizing Ohio Lead Safe Home Funds for the demolition of six (6) condemned residential structures in the City of Sandusky, a copy of which is marked Exhibit "A" and is attached to this Ordinance and is specifically incorporated as if fully rewritten herein.

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

Section 3. This 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: June 13, 2022

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE ERIE COUNTY GENERAL HEALTH DISTRICT AND
THE CITY OF SANDUSKY**

1. This memorandum of understanding is between the Erie County Board of Health (ECBOH) and the City of Sandusky (City).
2. The ECBOH has been awarded a \$600,000 through the Ohio Lead Safe Home Fund to facilitate the removal of Lead hazards from 34 residential structures within the Erie County Health District.
3. The City is has identified 6 structures within Sandusky City that have been condemned and are scheduled for demolition within the 2022 calendar year and can be approved as one of the 34 Ohio Lead Safe Fund residential structures.
4. The City, as the local housing authority, has complied with all local ordinances and state laws regarding the condemnation and using an open bid process has contracted with a licensed and registered contractor to demolish and dispose of all Construction Demolition Debris in compliance with all state and local laws.
5. The City has outlined costs associated with the demolition of the six structures identified in the following table.
6. The City has agreed to provide the ECBOH staff records that demonstrate that all structures have been condemned, demolished, and disposed of as required under state law and local ordinances.

Sandusky City Residential Structure & Ohio Lead Safe Home Fund Projects	Demolition and Disposal Expense
1416 Sagamore Street	\$7,656.80
602 Harrison Street	\$7,656.80
213 Reese Street	\$7,656.80
923 Ogontz Street	\$7,656.80
1506 Lindsley Street (Garage Only)	\$3,828.40
1029 Fifth Street (Garage Only)	\$3,828.40
Total	\$38,284.00

7. The ECBOH staff upon receipt and approval of all required records has agreed to reimburse the City using Ohio Lead Safe Home funds the costs outlined above for the demolition of the six structures. The staff will also confirm and record the removal and disposal of all lead and asbestos hazard.

**Exhibit
"A"**

8. Upon approval the City may submit invoices to the ECBOH, which will be approved for payment at the next monthly Board of Health Meeting on the last Tuesday of each month.
9. Either party may cancel this agreement by giving the other party written notice, after such notice is given this memorandum will become null and void on a mutually agreed upon date or 60 days from date of original notice which ever come first.



Peter T. Schade
Health Commissioner
Erie County Health Department

05.05.2022

Date

Eric Wobser
City Manager

Date



DEPARTMENT OF PUBLIC WORKS

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

To: Eric Wobser, City Manager

From: Joshua R. Snyder, P.E.

Date: May 31, 2022

Subject: Commission Agenda Item – Permission to Re-Bid the 2022 Community Development Block Grant (CDBG) E. Water St. Public Parking Lot Improvement Project

ITEM FOR CONSIDERATION: Requesting legislation repealing Resolution No. 031-22R and authorizing the City to rebid the 2022 CDBG E. Water St. Public Parking Lot Improvement Project.

BACKGROUND INFORMATION: This .626 acre public parking lot lies between Columbus Ave. and Wayne Street, just South of, and accessible from Water Street. It is commonly referred as the long-standing abutting business “Daly’s” lot. The poor condition of this lot requires repairs beyond typical maintenance. It is the worst condition paved parking lot the City is responsible for. Currently this lot is home to 51 public parking spaces and is only accessible from East Water Street. The proposed plan of work and layout features:

- Varying degrees of pavement work is necessary. In general, a thin asphalt overlay is to be utilized in the replacement of the surface of these segments. In particular, portions needing more than just surface work will receive additional “milling” and possibly excavation to address structural problem areas in the pavement.
- Slightly re-configuring the layout to gain 6 parking spaces for a total of 57.
- Provide concrete aprons for the recently installed dumpster pads. This addition safeguards the pavement from trash trucks front wheel loads.
- Addition of curbed and raised concrete “islands”, to “frame” and organize the parking spaces, they will host planters that will be filled with plantings to soften up the paved area.
- Addition of a 3rd access point onto E. Water, making ingress and egress easier, also assisting on maximizing the parking spaces within the area given.

The project was approved on May 9, 2022 by Resolution No. 031-22R and one bid was received but exceeded the original estimate of cost by more than 10%. Pursuant to Section 41 of the City Charter, no contract can be awarded which exceeds the estimate by more than 10%, and therefore the bid was rejected which necessitates the rebid of this project. Beyond the concrete work, the City needs to have a subcontractor mill the existing pavement surface and lastly City staff will perform the asphalt paving work and striping. Attached exhibit “A” is an overall plan of work for the site.

The recent increases in the cost of cement and fuel are driving up concrete costs for projects as small as this. The City has seen almost 200% increases in concrete items’ unit prices in bids opened between February and May of this year. With a market this volatile, estimating is tough to forecast between the time of estimation and actual bid “opening” of a project.

BUDGETARY INFORMATION: The revised estimated cost of the project including engineering, inspection, advertising, construction, material and miscellaneous costs, is \$105,939.43 (up almost \$9,000 from what was previously estimated) paid solely with federal Community Development Block Grant Funds. The concrete portion to be bid out is estimated at \$46,789.56 (formerly \$37,154.00). The remaining amount covers the pavement milling, asphalt materials and landscaping, which will be requested at the same time as the contractual award for this concrete.

ACTION REQUESTED: It is recommended that the proper legislation be approved repealing Resolution No. 031-22R and accepting bids for the 2022 CDBG Public Parking Lot Improvement Project under suspension of the rules and in accordance with Section 14 of the City Charter in order to bid the project early as possible in the 2022 State Fiscal year which begins July 1st. Bidding the project early in the State Fiscal year aims to give ample time for all work to be complete in the 2022 calendar year.

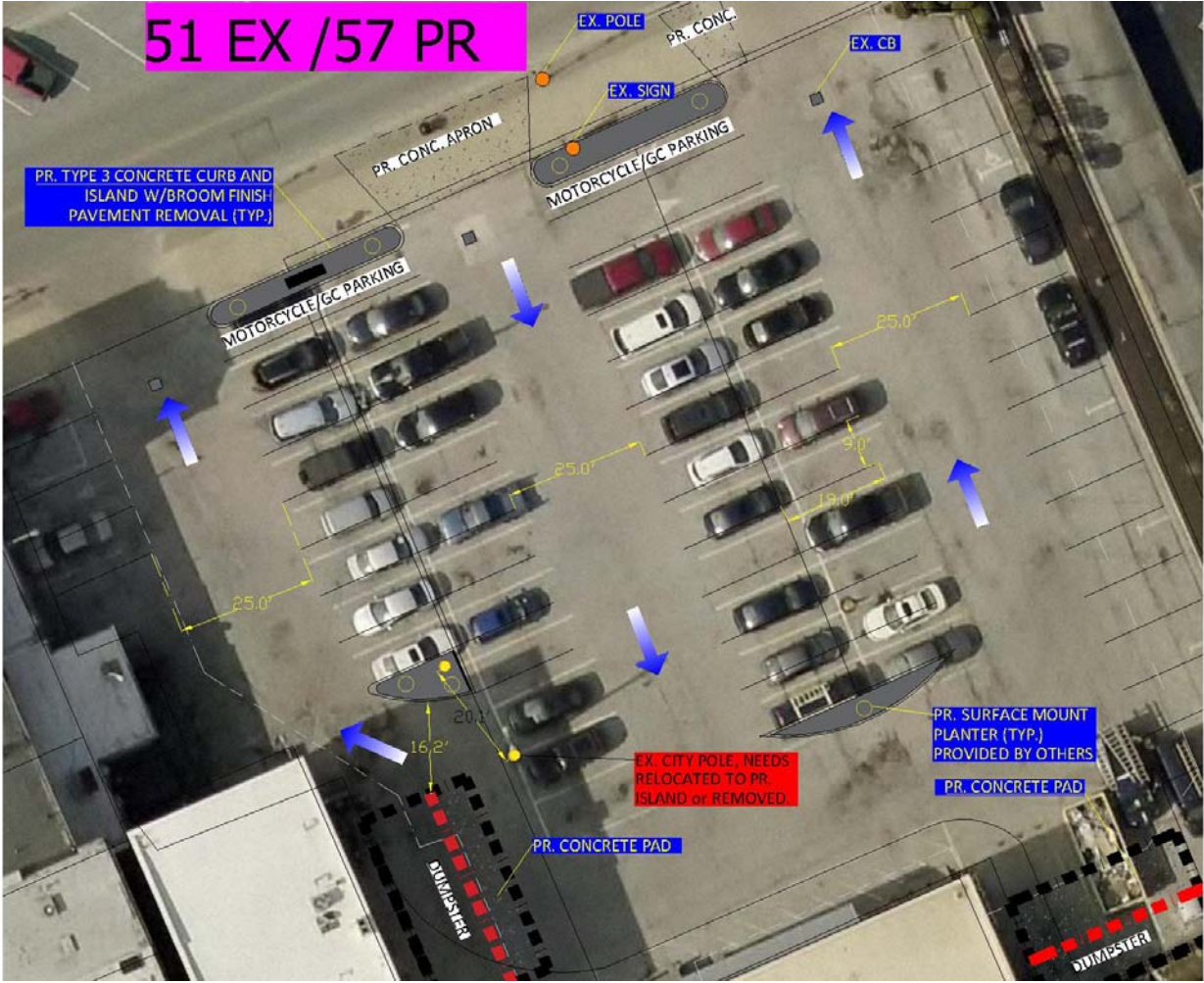
I concur with this recommendation:

Eric Wobser, City Manager

Aaron Klein, P.E., Director

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

Exhibit "A"



"DALY'S" LOT: 51 EX /57 PR

PR. TYPE 3 CONCRETE CURB AND GUTTER
ISLAND W/BROOM FINISH
PAVEMENT REMOVAL (TYP.)

PR. CONC. APRON

EX. POLE

EX. SIGN

EX. CB

MOTORCYCLE/GC PARKING

MOTORCYCLE/GC PARKING

25.0'

25.0'

9.0'

19.0'

25.0'

20.1'

16.2'

EX. CITY POLE, NEEDS
RELOCATED TO PR.
ISLAND or REMOVED.

PR. SURFACE MOUNT
PLANTER (TYP.)
PROVIDED BY OTHERS

PR. CONCRETE PAD

PR. CONCRETE PAD

DUMPSTER

DUMPSTER

1" = 20'
@ 11 X 17 PRINT

RESOLUTION NO. _____

A RESOLUTION REPEALING RESOLUTION NO. 031-22R AND DECLARING THE NECESSITY FOR THE CITY OF SANDUSKY, OHIO, TO PROCEED WITH THE PROPOSED 2022 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) E. WATER STREET PUBLIC PARKING LOT IMPROVEMENT PROJECT; APPROVING THE REVISED 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 City's public parking lot that lies between Columbus Avenue and Wayne Street, just South of, and accessible from Water Street, commonly referred as the long-standing abutting business "Daly's" lot and consisting of .626 acre and fifty-one (51) public parking spaces, is in poor condition requiring repairs beyond typical maintenance; and

WHEREAS, the proposed 2022 Community Development Block Grant (CDBG) E. Water Street Public Parking Lot Improvement Project involves varying degrees of pavement work, slightly re-configuring the layout to gain six (6) additional parking spaces, concrete aprons for the recently installed dumpster pads, addition of curbed and raised concrete "islands" that will host planters, and addition of a third (3rd) access point onto E. Water Street, making ingress and egress easier; and

WHEREAS, the City will bid out the concrete portion of the work, estimated to exceed \$10,000.00, subcontract the milling of the existing pavement surface, and have City crews perform the asphalt paving work and striping; and

WHEREAS, this City Commission declared the necessity for the City to proceed with the proposed 2022 Community Development Block Grant (CDBG) E. Water Street Public Parking Lot Improvement Project by Resolution No. 031-22R, passed on May 9, 2022; and

WHEREAS, subsequent to advertisement according to law, one (1) bid was received which exceeded the original estimate of cost by more than 10% and pursuant to §41 of the City Charter no contract can be awarded and therefore the bid was rejected which necessitates the rebid of the 2022 Community Development Block Grant (CDBG) E. Water Street Public Parking Lot Improvement Project; and

WHEREAS, the recent increases in the cost of cement and fuel are driving up concrete costs for small projects such as this one and the City has seen almost 200% increases in concrete items between February and May of this year and with a market this volatile, estimating is tough to forecast between the time of estimation and actual bid "opening" of a project; and

WHEREAS, the original engineer's estimate for the concrete portion of the project was \$37,154.00 and the revised engineer's estimate is \$46,789.56; and

WHEREAS, the total revised estimated cost for this project, including engineering, inspection, advertising, construction, material, and miscellaneous expenses, is \$105,939.43 which will be paid with Community Development Block Grant (CDBG) Funds; the concrete portion of the project is estimated at

PAGE 2 - RESOLUTION NO. _____

\$46,789.56 with the remaining costs to include pavement milling, asphalt materials and landscaping; 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 rebid and award the project as early as possible in the 2022 State Fiscal year, which begins July 1st, to allow sufficient time for all the work to be completed in the 2022 calendar year; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the 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 repeals Resolution No. 031-22R, passed on May 9, 2022.

Section 2. The revised 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 2022 Community Development Block Grant (CDBG) E. Water Street Public Parking Lot Improvement Project be and the same hereby are approved by this City Commission.

Section 3. This City Commission hereby declares it necessary to proceed with the proposed 2022 Community Development Block Grant (CDBG) E. Water Street Public Parking Lot Improvement Project at the earliest possible time.

Section 4. The City Manager is authorized and directed to advertise for and to receive bids in relation to the proposed 2022 Community Development Block Grant (CDBG) E. Water Street Public Parking Lot Improvement Project as required by law.

Section 5. 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 6. 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 7. 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: June 13, 2022



DEPARTMENT OF PUBLIC WORKS

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

To: Eric Wobser, City Manager

From: Joshua Snyder, P.E.

Date: May 27, 2022

Subject: Commission Agenda Item – Award the Shoreline Park Erosion Control and Paper District Marina Walkway Rehabilitation Project to Smith Paving and Excavating, Inc.

ITEM FOR CONSIDERATION: Legislation awarding a contract to Smith Paving and Excavating, Inc. of Norwalk, Ohio for the Shoreline Park Erosion Control and Paper District Marina Walkway Rehabilitation Project.

BACKGROUND INFORMATION: The work planned will take place on the Westernmost “finger” of Shoreline Park. This project will be bid and consists of shaping the subgrade stone material, capping it with a durable concrete surface. Specifically, the work will backfill the existing sheet piling with stone material and capping it off with a concrete surface, allowing greater access to the benches and fishing areas. Said concrete pavement will be sloped and capped with large boulders to dissipate the waves that crash over land. At the very highest point of this pavement will be an ADA accessible walkway onto the concrete perimeter. This project will connect the Easternmost edge of where the previous project ended and run due South, tying into the existing walkway, which ties into the pedestrian bridges between the “fingers” of Shoreline Park.

The paper district marina walkway is also in need of concrete repair, where the “innermost” section of the South walkway is falling in toward the marina waters. Similar to last year’s project, the planned work will tie-in the existing sections of concrete to a new section with steel bars to effectively make the entire concrete walkway one integral slab of concrete. This is a continuation of what was done on the East side of the Marina last year as well.

The following bids were received on Friday, May 27th, 2022 at a formal public bid opening:

Smith Paving and Excavating, Inc.
Norwalk, OH
100% Bid Bond

Bid	\$108,891.00
Alternate #1	\$ 3,000.00
Alternate #2	\$ 1,440.00
Alternate #3	\$ 6,360.00
Alternate #4	\$ 8,064.00
Alternate #5	\$ 13,050.00
Alternate #6	\$ 4,275.00
Alternate #7	\$ 4,706.00

RMH Concrete & Foundations, Inc.
Collins, OH
100% Bid Bond

Bid	\$116,209.00
Alternate #1	\$ 4,100.00
Alternate #2	\$ 2,500.00
Alternate #3	\$ 5,353.00
Alternate #4	\$ 6,790.00
Alternate #5	\$ 12,500.00
Alternate #6	\$ 4,865.00
Alternate #7	\$ 3,900.00

The engineer's estimate for the base bid was \$114,991.25 and the alternate bid 1 was \$3,095.75, alternate bid 2 was \$2,718, alternate bid 3 was for \$2,650, alternate bid 4 was for \$3,360, alternate bid 5 was for \$9,900, alternate bid 6 was for \$3,360, alternate bid 7 was for \$4,500.

The contractual schedule for completion of construction is October 1, 2022.

BUDGETARY INFORMATION: The estimated cost of the project based on the lowest and best bid, including Alternate #2 (an ADA ramp from the playground pergola to the wheelchair swing), and Alternate #7 (a parallel parking space near the kayak launch ramp) , legal advertisement, and recording fee is \$115,037.00, all coming from the Capital Parks & Recreation Fund.

ACTION REQUESTED: With the pricing for both the base and alternate bid items coming in aggressively and below the estimated amount, we are selecting alternate bid items #2 and #7 at a cost just over the base bid estimate alone. Therefore, it is recommended that proper legislation be prepared to award a contract to Smith Paving and Excavating, Inc. of Norwalk, Ohio for the Shoreline Park Erosion Control and Paper District Marina Walkway Rehabilitation Project in an amount not to exceed \$115,037.00 be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter to allow the contractor the opportunity to begin work as soon as possible in order to complete the project prior to the construction completion deadline of October 1, 2022.

I concur with this recommendation:

Eric Wobser
City Manager

Aaron M. Klein, P.E.
Director

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SMITH PAVING & EXCAVATING, INC., OF NORWALK, OHIO, FOR THE SHORELINE PARK EROSION CONTROL AND PAPER DISTRICT MARINA WALKWAY REHABILITATION PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission declared the necessity for the City to proceed with the proposed Shoreline Park Erosion Control and Paper District Marina Walkway Rehabilitation Project by Resolution No. 020-22R, passed on March 28, 2022; and

WHEREAS, Shoreline Park, particularly the westernmost “finger”, is in need of shoreline protection due to years of erosion and wave-action from the bay which has damaged the material behind the steel sheet piling causing erosion and a loss of backfill in many areas preventing accessibility along the water’s edge to most pedestrians, and the Paper District Marina Walkway is in need of concrete repair, where the “innermost” section of the south walkway is falling in toward the marina waters; and

WHEREAS, the Shoreline Park Erosion Control and Paper District Marina Walkway Rehabilitation Project consists of shaping the subgrade stone material at Shoreline Park and capping with a durable concrete surface allowing greater access to the benches and fishing areas with an ADA accessible walkway onto the concrete perimeter and similar concrete repair work at the “innermost” section of the south walkway at the Paper District Marina to tie-in the existing sections to a new section with steel “J-hook” bars to effectively make the entire concrete walkway one integral slab of concrete and includes Alternate Bids #2 (ADA ramp from the playground pergola to the wheelchair swing) and Alternate Bid #7 (a parallel parking space near the kayak launch ramp); and

WHEREAS, upon public competitive bidding as required by law two (2) appropriate bids were received and the bid from Smith Paving & Excavating, Inc., of Norwalk, Ohio, was determined to be the lowest and best bid; and

WHEREAS, the total cost of this project based on bids, including Alternate Bid #2 and Alternate Bid #7, is \$115,037.00 and will be paid with Capital Parks and Recreation 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 contractor to begin work as soon as possible in order to complete the project prior to the construction completion deadline of October 1, 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 enter into a contract with Smith Paving & Excavating, Inc., of Norwalk, Ohio, for the Shoreline Park Erosion Control and Paper District Marina Walkway Rehabilitation Project in an amount **not to exceed** One Hundred Fifteen Thousand Thirty Seven and 00/100 Dollars (\$115,037.00) consistent with the bid submitted by Smith Paving & Excavating, Inc., of Norwalk, Ohio, currently on file in the office of the Director of Public Works.

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: June 13, 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

Date: June 2, 2022

Subject: June 13th, 2022 Agenda Item –Application for an amendment to the zoning map for parcel 57-04215.000 (709 Perry Street).

Item for Consideration: To change the parcel from R2F – Two-Family Residential to RRB – Residential Business on Parcel No. 57-04215.000

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: Joseph Ritorto III, has applied for a rezoning of the property to change the parcel from “R2F” – Two-Family Residential to “RRB” – Residential Business on Parcel No. 57-04215.000. The subject property is zoned “R2F” Two-Family Residential, and adjacent to “R2F” Two-Family Residential to the north, “CS” Commercial Service to the west, “R1-40” Single Family Residential to the east and “R2F” Two Family Residential to the 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 zoning map amendment in place.

At their regularly scheduled meeting, held on April 27, 2022, Planning Commission recommended approval of the rezoning. The primary discussion for approval considered a) the majority of existing commercial zoning on the same block as this parcel (primarily RRB and CS), and b) the appropriateness of allowing commercial uses on this parcel in relation to its neighbors and the commercial nature of Monroe Street.

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.
- 2) Zoning changes to encourage hospitality: Determine appropriate zoning for transient rentals 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.

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, changing the zoning of Parcel No. 57-04215.000 from "R2F" – Two-Family Residential to "RRB" Residential Business. It is requested that this ordinance take effect under Section 13 of the City Charter.

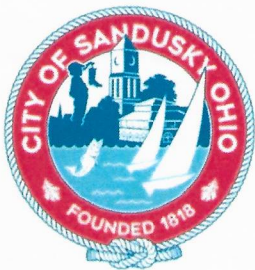
Arin Blair
Chief Planner

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:

Joseph C. Ritorto III

Property Owner Address:

709 1/2 Perry St., Sandusky, OH 44870

Property Owner Telephone:

(440) 759-0534

Email

joeritorto@me.com

Authorized Agent Name:

Authorized Agent Address:

Authorized Agent Telephone:

Email

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address:

709 Perry St., Sandusky, OH 44870

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

59-PERRY ST S 44' OF E 1/2 (City of Sandusky)

Parcel Number:

57-04215.000

Zoning District:

R2F

DETAILED SITE INFORMATION:

Land Area of Property: 4,400 (sq. ft. or acres)

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

Building #1: 1,463 (in sq. ft.)

Building #2: _____

Building #3: _____

Additional: _____

Total Building Coverage (as % of lot area): 33.25%

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:

Living Space is 2,399 Sq Ft

Attached ~~Shed~~ Shed is 120 Sq Ft

Balcony is 95 Sq Ft

Proposed Building Height (for any new construction): _____

Number of Dwelling Units (if applicable): 2

Number of Off-Street Parking Spaces Provided: _____

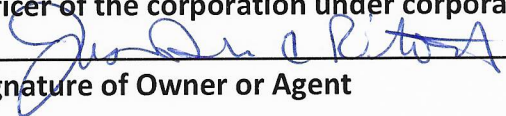
Parking Area Coverage (including driveways): 0 (in sq. ft.)

Landscaped Area: 97 (in sq. ft.)

Requested Zoning District Classification: RRB

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.


Signature of Owner or Agent

3/2/2022
Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

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

Signature of Property Owner

Date

REQUIRED SUBMITTALS:

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

STAFF USE ONLY:

Date Application Accepted: _____ Permit Number: _____

Date of Planning Commission Meeting: _____

Planning Commission File Number: _____

CITY OF SANDUSKY, OHIO
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

PLANNING COMMISSION REPORT

APPLICATION FOR A MAP AMENDMENT TO THE
ZONING MAP FOR 709 PERRY ST. (PARCELS 57-
04215.000)

Reference Number: PRZ22-0004

Date of Report: April 15, 2022

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio

Planning Commission Report

BACKGROUND INFORMATION

Applicant / Owner: Joseph C. Ritorto III
709 ½ Perry St., Sandusky
Sandusky, OH 44870

Site Location: 709 Perry St.
Sandusky, OH 44870

Current Zoning: "R2F" Two Family Residential

Surrounding Zoning: North- "R2F" Two Family Residential
East- "R1-40 Single Family Residential
South- "R2F" Two Family Residential
West- "CS" Commercial Service

Existing Use: Residential

Proposed Zoning: "RRB" Residential Business

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

SITE PICTURES

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



Photo of site





PROJECT DESCRIPTION

The site at 709 Perry St. currently has a 2-family structure on it. The structure has roughly 2,400 sq. ft. of living space.

The applicant is proposing the rezoning of this land as they look to use the home for transient occupancy.

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.

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: 0

DEPARTMENT OF PLANNING COMMENTS

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
- 2) Zoning changes to encourage hospitality: Determine appropriate zoning for transient rentals 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.

The rezoning to "RRB" Residential Business is the minimum zoning change to permit the applicant's proposed project. In staff's opinion, the RRB zoning will create a logical transition due to the fact the block to the north is already zoned RRB, and also used as residential homes. The parcel proposed touches a commercial parcel (CS), which would allow transient occupancy if rezoned to CS, but that option would open up the opportunity for extensive commercial uses in this primarily residential area. The RRB zoning allows the most restricted business uses and the existing residential use.

This parcel currently abuts a commercially zoned parcel. The parcel does not touch an RRB parcel. There is currently an R2F – 2 Family Residential zoning to the north exclusively used as a point of access to the back commercial zoning. The R2F zoning to the north is only 22' wide. The minimum buildable residential parcel without a variance in Sandusky is 33'. Since to R2F zoning to the north is not buildable and only used as a point of access, staff feels that the disconnect of the RRB zoning on the northern block should not deter the re-zoning.

Lastly, if the applicant desires the property to be utilized for transient rental, it will need its own transient rental application and would be thoroughly reviewed by the Code Enforcement Department and the Division of Planning.

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 is supports the approval of the proposed amendment to the Zoning Map for 709 Perry St. (parcel 57-04215.000)

Planning Commission
April 27, 2022
Meeting Minutes

Meeting called to order:

Chairman Pete McGory called the meeting to order at 5:00 pm. The following members were present: Pete McGory, David Miller, Jade Castile, Jim Jackson, Steve Poggiali, Conor Whelan and Mike Zuilhof. Alex Ochs and Arin Blair represented the Community Development Department, Brendan Heil represented the Law Department, and interim clerk Tom Horsman was also present.

Approval of minutes from March 23, 2022:

Mr. Miller moved to approve the minutes as submitted and Mr. Poggiali seconded. Mr. Zuilhof stated that he had questions on the last issue that was discussed. He added that there were some points that were brought up that needed to be included as he felt they were relevant. Ms. Blair informed Mr. McGory that the clerk has been out for the past several days. She asked if it would make sense to table the approval of the minutes until the next meeting. Mr. McGory added that would be his recommendation. **Mr. Miller moved to table the approval of the meeting minutes from March 23, 2022 until the next meeting. Mr. Jackson seconded the motion. All voting members were in favor of the motion.**

Discussion on order of agenda:

Mr. McGory shared that the agenda contains a number of public hearings and a matter of new business. Mr. McGory asked if the commission should consider moving that agenda item ahead of the public hearings. Mr. Miller added that there were numerous people present for the public hearings and they would have to wait. Mr. McGory shared that this was a suggestion of staff. **Mr. Poggiali moved to move agenda item #4 up to agenda item #1. Mr. Miller seconded the motion. All voting members were in favor of the motion.**

New Business:

- **Father's Heart Ministries of Sandusky, Inc has submitted an application for a Similar Main Use at 1814 Milan Road, to use the existing building for a funeral home.**

Mr. Ochs shared that Father's Heart Ministries would like to put a funeral home at this site. It is currently zoned commercial service and general manufacturing. To the north of the parcel is general manufacturing and general business. To the east is general manufacturing. To the west is commercial service. To the south is general manufacturing and commercial service. The existing use is vacant. There was at one point a church on the property which is a similar use to what is being proposed. The site sits on about 2.37 acres and has a total building coverage of 6.9%, well under the 50% threshold. The building is approximately 7,200 square feet. The property contains two parcels. One parcel has a commercial structure. The other parcel has a parking lot that is shared with an adjacent business. They are zoned separately. The proposal contains over 150 plus approximate paved parking spaces from the previous existing use with the parking area covering 61,000 square feet. The applicant wishes to make this a funeral home and 100% of the gross floor will be used for funeral services. The hours of operation will be on an as needed basis including weekdays and weekends, with an option for daytime and evening

services. They buyer only intends to make cosmetic changes to the building. No structural changes will be needed or expected to be done. Based on the services the applicant provided, they plan on doing the traditional funeral services which includes removal, transferring of the decedent and embalming, direct burials, memorial services, gathering visitations, luncheons, tribute videos, online obituary postings. There is no plan for cremation on site. Based on 1109.11 determination of similar main uses, staff recommends a funeral home be considered a similar main use based on the following: based on understanding of intent, customers will only be there for processions and following normal business hours of other businesses in the area. Staff believe this will have less activity than commercial manufactured uses around the site. There is a cement operation two parcels down and staff believes this use has less intensity and be similar to the previous use as a church and is appropriate for the general manufacturing district. Staff believe the funeral home will not create traffic greater to the extent of retail businesses, stores and services allowed in general manufacturing and commercial service districts. Staff has determined this proposed use would not exceed traffic generated from this use as well. The only part of zoning code called out for funeral homes as a direct use is Residential Business which is the most restrictive. Regarding parking requirements, staff did an evaluation and to meet the 150 parking requirement, 6,000 square feet of the building would need to be used as assembly space. Staff feel that 6,000 square feet would not be used as assembly space so they would meet the parking requirement with 82% of the building. This also does not trigger any additional landscaping requirements. Staff recommends the proposed similar main use at 1814 Milan with the following conditions: all applicable permits are obtained from the building, engineering and planning departments. Mr. McGory opened up questions from the Commission. Mr. Miller asked staff if this property was once the former Oriels Club. He added there is plenty of parking and a beneficial reuse of the building. He doesn't see how this would have a negative impact on the neighborhood. Mr. McGory wanted clarification that the commission is not being asked to approve any rezoning. Mr. Ochs replied that was correct. Ms. Blair added that there are a number of points the commission is determining, whether it will cause more or less traffic than the existing uses allow, or be a nuisance, than another allowed use. Is it similar in the intensity in the allowed use. Since a church is allowed, it seems very intuitive to say that a funeral home is a very similar use as a church, so the building in the manufacturing district is appropriate for this use. Mr. McGory asked if this commission's determination is final or if it goes to the city commission for final approval. Ms. Blair answered that this commission's determination would be final for this use. So the parcel would be allowed to be used as a funeral home in this case. Mr. McGory asked if there is some level of control still maintained by the city. Ms. Blair answered that this is a parcel by parcel case so this parcel for this purpose, for a funeral home, is the only thing that will change about this parcel. Mr. McGory asked that once this is done, that once the activities being proposed exceed those comparable limitations if it's already too late at that point. Ms. Blair shared that her understanding is that this can be revoked by the Planning Commission. Mr. Whelan directed the commission's attention to Page 8D of the agenda which stated that the planning commission may revoke similar main use permit if property is not maintained. Mr. McGory added that the commission is extending one as long as they maintain that level. Mr. Heil shared that Mr. Whelan was correct that the Planning Commission may revoke the similar main use permit if the property is not maintained in the manner that would conform to the required standards. He added that it is

1109 11D. Mr. McGory said that Mr. Heil's response answered his question. Mr. Poggiali shared that he did not have a problem with the request as they were similar. He did wonder if funeral homes or funeral parlors were regulated by the state in any way. He added that they are allowing this use but asked if there was another layer of regulation for funeral homes. Mr. Mac Lehrer with Hoty Enterprises shared that he represents the seller of the building, Father's Heart Church, and they are the agent for the new owner of the property, Pastor Ray Robinson, Jr. The groups have structured a purchase agreement for the property. Pastor Robinson was introduced by Mr. Lehrer. Pastor Robinson shared that he is the proprietor of Brown Robinson Funeral Home which did the land contract purchase with Father's Heart. Pastor Robinson added that any funeral home has to be licensed through the Ohio Funeral Directors and Embalming Boards, which are the regulating authorities over the business, in conjunction with the laws and regulations in Erie County. With no further questions, **Ms. Castile moved to approve the application contingent on the staff recommendations. Mr. Poggiali seconded the motion.** Mr. McGory opened up questions from the commission. Mr. Zuilhof shared that this was a fitting use for the property. He added that he can see how rezoning would have been fine and he did not know if this is done because it is more expedient or if it's a better way to do it or if it allows more different future uses. He went on to say that he welcomes this use and thinks it will allow the property to be fully used and it is appropriate for the site. Mr. McGory asked for further questions or comments from the commission to which there were none. **Roll call of the vote: Mr. McGory, yes; Mr. Miller, yes; Ms. Castile, yes; Mr. Jackson, yes; Mr. Poggiali, yes; Mr. Whelan, yes; Mr. Zuilhof, yes. The motion passed.**

Public Hearings:

- **Dennis Grahl has submitted an application to vacate a public right-of-way at an unutilized extension of Church Street. Adjacent properties include: 60-00036.000, 60-60418.000, and 60-00420.000.**

Mr. Ochs shared that the application is looking at a parcel at the end of Church Street on the corner of Church Street and Ward Street. It is a right-of-way and because of that there is no zoning on this parcel. To the north it is zoned R175 single-family residential. To the east is roadside business. To the south is residential multi-family and to the west is R175 single-family residential. Currently right-of-way that's unused by the city. The applicant has filed vacation between 4808 Ward Street and 4904 Ward Street. It is approximately 10,000 square feet of land. It is vacant with no future plans of street extension of Church Street. Staff believes this was the original intention of this right-of-way being in place. The applicant claims to have been maintaining this right-of-way for some time and would like the land for his efforts. The land would be parceled by a licensed surveyor and be split evenly and combined across two directly adjacent properties. A survey map has been included in this application. There is an existing storm water sewer that extends through the right-of-way into the adjoining storm water retention are by the residential multi-family use on adjacent parcel. Division comments include the current infrastructure is in place on the property and this makes the parcel an unlikely option for any buildable structure at least on the southern half of the split. For these reasons, the Planning Division did not oppose the vacation of the right-away as long as those easements are followed in future development. Engineering staff did comment further on that there is a 10 foot on each side of the storm water pipe easement that needs to be followed, which makes

most of the parcel unbuildable. The property to the north would be able to possibly extend on their house or parcel that off and put a residential use there, but it would be very limited. Because of that inclusion, staff has no opposition to the approval and the proposed public right-of-way vacation. Exceptions include that they get all of their permits from the planning, engineering, and building departments prior to construction. Mr. Jackson shared that staff had explained to him why this wasn't going through the land bank. He added that he felt it would be a good idea to explain to the crowd why this isn't going through the land bank. Mr. Blair shared that this parcel is not currently in the city land bank. Normally the way the city obtains parcels in that way is through a foreclosure process. It's a different documented process. This is a piece of right-of-way which means it could be an alley or a roadway in the future if the city maintained it and wanted to create a transportation corridor through there for any purpose. Staff determined it is not necessary to maintain this right-of-way because there is no longer other right-of-way that would allow a future roadway connection, even if that was determined in the future that we would want to. Staff would also argue that a developable parcel remain vacant so someone could build a structure on it like a new house. But because the sewer easement is through here, staff determined that it is not feasible for future development, so they did not oppose the right-of-way vacation. It is different from the land bank process. Ms. Blair articulated that it is her understanding that the engineering department's recommendation was an easement be documented and because it's currently a right-of-way. She is not sure the easement is documented, so she would want to make sure if the vacation passed, that it would be contingent on an easement be documented for the sewer passing through there if it's not currently in place. Mr. McGory asked if a pro for the city is that the city wouldn't have to take care of it. He added he understands the adjoining property owner says they have been mowing it, but they could stop, so the city would have to continue to mow. He added the city would be giving up the ability to run a roadway through there in the future. He asked if it had been considered or would it be logical to extend that road to this point. Ms. Blair answered that if you look at the map, the western property was likely right-of-way as some point that had been vacated previously. There are structures on it so there's no current way for the city to connect Church Street to Providence Drive, which was a factor in the determination that staff believe it's appropriate to vacate the right-of-way. Mr. McGory shared that his recollection of when vacations of right-of-way are requested, adjoining property owners are notified and asked for their input. He asked if that was correct, to which Ms. Blair said it was correct. Ms. Blair added that if it's a petition and all signatures are verified of the surrounding abutting properties, then the notice goes to city commission. If not all abutting property owners' sign, then a notice is placed in the newspaper once a week for six weeks before it goes to city commission. Regardless of the process, this will go to city commission if the planning commission recommends approval and there will be a notification process. Mr. McGory asked if other than the city maintaining it if this were not approved, was there any other benefit to the city that he was missing at this point by letting go of it. He added it is not being sold so there is no sale proceeds gained and it would be subject to a recorded easement to maintain that drainage line. He also asked if it is Commons of Providence at the end of that extension to which staff said it was. Mr. McGory asked if they are aware of this. Mr. Ochs shared that Commons of Providence did sign off on this application. Mr. Miller added that he believes another benefit that accrues to the city once they determine they don't need it and the land is split between the two adjoining property owners that actually

increase the size of those two property owner's holdings and takes it from off the tax roll to on the tax roll. Mr. McGory opened up questions or comments from the floor. Chuck Reisner, 705 Perry Street, shared that the city has a lot of these easements and alleys. He went on that fire safety is important and safety forces use those back alleys. He was not sure if this particular easement would help in fighting a fire by leaving it open or not. He added that he did not see a member of the fire department so he was not sure if they were even aware of this. Mr. McGory said he believe they were aware and were asked for comments. He added that this is a grass yard or field with a 20 foot easement which would prevent anything from being built on it. The only difference, if approved, would be a change of ownership. Emergency vehicles could still access this parcel. Mr. Reisner indicated he thought it was being blocked completely, to which Mr. McGory said it would not be blocked. Mr. Miller added that the report specifically indicated that the fire department did review the request and had no concerns. Mr. Poggiali shared that he did not have any issues with the request. He referenced the Mow to Own program and said it was similar. He also reference the rule of adverse possession and indicated he would be voting yes. Mr. McGory added that it was understanding that the commission was voting on their recommendation to the city commission. Mr. Zuilhof asked for clarification if there was going to be a public hearing on this at a city commission meeting. Mr. McGory said it was going to be presented, he wasn't sure if it was a public hearing, but it would be on the agenda. Mr. Zuilhof asked if people would be able to comment on this during a city commission meeting. Mr. Poggiali added that there is an opportunity for public comment at the beginning of the city commission meeting for agenda items. Mr. Zuilhof was asking if it would specifically be a public meeting. Ms. Blair said she had the print off on her desk, but it was not in front of her. Mr. Ochs added that he suspects that it would be a public hearing based on the newspaper process of six consecutive weeks without valid signatures, which would lead him to believe it would be a public hearing. Mr. Zuilhof added that there have been vacations in the past that did not go to the planning commission. He added that he has been advocating the disposition of any public property being heard at the planning commission level. The city hasn't been consistent on it as they have vacated street right-of-ways without the planning commission, he believed. Mr. McGory shared this is a public hearing. He went on to ask if there was anyone else in the audience who wanted to speak pro or con to the matter. Hearing no comments, Mr. McGory asked if there were any additional comments from the commission. **Mr. Miller moved that the application be approved subject to staff recommendations. Ms. Castile seconded the motion.** Mr. Whelan asked is by staff recommendations they are including on that's not on here that they have a recorded easement. Mr. Miller said yes, that's specifically what he had in mind. Mr. McGory clarified that the motion includes an actual recorded easement. Mr. McGory asked if Ms. Castile seconded the motion that way to which she said yes. **Roll call of the vote: Mr. McGory, yes; Mr. Miller, yes; Ms. Castile, yes; Mr. Jackson, yes; Mr. Poggiali, yes; Mr. Whelan, yes; Mr. Zuilhof, yes. The motion passed.**

- **Joseph C. Ritorto III has submitted an application for an amendment to the zoning map for 709 Perry Street (parcel 57-04215.000). The application is to rezone the parcel from "R2F" Two-Family Residential to "RRB" Residential Business**

Mr. Ochs shared the property in discussion is R2F, two-family residential. To the north is a parcel zoned R2F two-family residential. To the east is R140 single-family residential. To the south is

R2F two-family residential. To the west is commercial service. The existing use of the property is residential. They are proposing to rezone it to residential business. It currently has a two family structure on the site. It is roughly 2,400 square feet of living space total. They are looking to rezone to make it marketable for transient occupancy. Mr. Ochs added the Bicentennial Plan a number of points, two of which reflect this application to support the development and rehabilitation a variety of housing types, specifically for short-term transient rental and zoning changes to encourage hospitality, determine appropriate zoning for transient rentals. Based on the comprehensive plan, staff does feel that it meets those two points of the comprehensive plan. RRB, the proposed zoning, is the minimal impact zoning change to this neighborhood to allow transient rental. It is the most restrictive use of the transient rental options other than a proposed overlay. He went on that it is a logical transition as the block to the north is all residential business. There is an adjacent that is zoned commercial that would allow transient, however, staff feels that would open up a lot of intense uses for this neighborhood that is still a residential neighborhood where the residential business would limit the business uses and not alter the character. The two family residential parcel to the north is 22 feet wide. There is an alleyway and an access point to the commercial zoning behind this proposed residence. Staff feels the block zoning is not a negative in this instance because that part of the parcel adjacent is not buildable. The 22 feet is below the building requirements of 33 feet for this zoning. Staff feels this should not deter the planning commission's opinion on the rezoning. Other departments did not have any concerns or comments for this application. Because of that, staff is in support of the approval of the proposed amend zoning map for 709 Perry Street with the following conditions which is they get all of the permits from the planning, engineering and building departments prior to any construction or renovation. Ms. Blair asked if there were any calls or questions about this application. Mr. Ochs shared that they did not receive any negative call. He added that adjacent on the corner of Perry and Monroe, staff had a few more applicants who want to also propose to have a similar rezoning. Ms. Blair added that the applicant had reached out to her initially. She went on to share that if someone wants to do transient rental in there city, there are a couple of different options including where it's currently allowed by zoning in six different zoning districts or in a transient overlay district. If someone is currently not allowed to operate and they would like to, it is feasible. She added they get dozens of calls and most are told that it is not an acceptable option from staff's perspective – to rezone or to create a new district overlay. In this particular case, the applicant approached Ms. Blair, to which she suggested looking at a rezoning option and asked him to rezone the parcel to the north to make the RRB wrap the corner and be a contiguous district. The applicant worked with the property owner who was not interested in that option. She added that this block is historically and currently a mix of residential and commercial uses. For that reason, this would not be more or less intense than the existing uses today by allowing a transient rental on this property. The entire block is centered with commercial service zoning. Based on the aerial maps, there are some fairly intensive commercial activity on this block. Mr. Jackson asked when staff is looking at the properties that want a transient overlay, how is it determined if it is good or bad. He asked if it is how close they are to a transient overlay zone or that doesn't matter how close they are. He asked if that is taken into account. Ms. Blair clarified that this application is for a rezoning of a property, not a transient overlay district. She added that there has been an unclear path forward on how to created new transient overlay districts. There has been numerous

conversations at past planning commission meetings. Currently there is only one existing transient rental overlay district. Last month the commission saw a case where one parcel was added to it because it was contiguous. In this case, the property is not near any new transient rental overlay districts because there is already so much residential business surrounding, Ms. Blair would not have advised the applicant to pursue a transient overlay district. Ms. Blair added she felt the rezoning was more appropriate and less of a zoning intervention than the pursuit of a new district in this location. Mr. McGory asked if the applicant lived in one of the two units that is in the building. Joe Ritorto, 709 Perry Street, shared that he was in the unit. He added that the reason they decided to go with residential business was to be transparent with what they were planning on doing with transient rental. He added that when looking at the block it made sense because behind his property is all commercial and the rest is residential business. He added he is in the unit right now and does photography and video work so he is working out of the home every day. Mr. McGory asked if it was Mr. Ritorto's intention to continue to occupy one of the units. Mr. Ritorto shared that there are a few different ways he could go depending on the outcome of the meeting. He added that they are looking for another property in town. He added that the property could be turnkey for him to walk in and work on the lower unit, which is another reason he was interested in residential business. Mr. Zuilhof asked to clarify staff's position that this was a better way to do this and would not have recommended for a transient overlay district based on the ordinance and that staff could recommend a change in zoning that was appropriate to commercial zoning that would allow this. Ms. Blair confirmed that staff determined that it was appropriate to go to the commercial zoning as it was the minimal intervention. Staff does not have a way of creating or recommending a new transient rental overlay district as it is in the hands of the commission. Mr. Zuilhof added that he does not agree with the assessment that they do not have a clear path for a transient rental. He added they don't as it was not the intent of the legislation to do that. He added the path for planning and zoning legislation is for the planning commission to propose it, for the city commission to propose it, or for a citizen petition initiative. He added he hopes they never have an easy path for asking for transient rental in the middle of a stable neighborhood. He added it was never his intent when he participated in passing the legislation and he thinks it is inadvisable to do so. Ms. Castile shared that she recalled from initial transient occupancy meetings, when defining what calls for these overlay districts, the property needed to be in distress. She asked what about this area, other than it being close to commercial businesses makes it great. She asked if it is in the outreach of downtown that was discussed in a previous meeting. Ms. Blair shared that they are looking at a zoning change on a single parcel. In this case, it is more about is residential business appropriate for the parcel regardless of what it is going to be used for. Mr. Ritorto added that if he was in a sea of single-family homes he would not have considered this unless they were looking at doing an overlay in an area that made sense. Ms. Castile added that she is not a fan of spot zoning or following the investor with overlays and rezoning. She went on to say that she agreed with moving forward with more transient occupancies, but feels it would make more sense if they looked at the city and decided which areas would be best for that investment and try to encourage it. Mr. Poggiali shared that he agreed with Ms. Castile. He is not opposed to transient housing but feels there needs to be some guidelines and regulations to which decisions are based. He added he would be happy to look at it if any of his colleagues would like to join him. He also referenced a paper Ms. Blair wrote on December 7, 2021. He felt the

commission should use it as a guideline moving forward. Mr. McGory reiterated that even though the applicant is being transparent about the possible transient rental usage, it is really about a rezoning that makes sense because of the adjoining zoning. Mr. Ritorto added that they already do operate a business at the location and this is key to getting his business into town. Mr. Poggiali clarified that he is not opposed to this. He feels there should be processes and procedures in place to make considerations. Mr. Poggiali added that his reservation is the commission should be clear on how they proceed with transient rentals. Mr. Whelan shared that he feels this is different from an overlay district and this process is something they have done before. Mr. Zuilhof added that another option could be neighborhood business, but in this particular case residential business is an option too. An issue with neighborhood business is that it would require a conditional use permit. Mr. Ochs added that staff feels that residential business is more fitting because it is contiguous to residential business. Secondly, local business allows more uses so this would accomplish the transient option and his business and not allow more extensive uses.

Timothy A. Schwanger, 362 Sheffield Way, Sandusky, had a few questions regarding the map to which Mr. Ochs answered. Mr. Schwanger asked about the notification process for the public hearing. Mr. Ochs shared that any property within 300 feet of the parcel was notified of the public hearing. Mr. Schwanger asked if there was a numerical value of properties notified, to which Mr. Ochs did not have the information. Mr. Schwanger shared his concern about transient rentals in regards to losing residents and how it affects the Census numbers for the city. He suggested putting a moratorium on transient rentals until rules and regulations are created for transient rentals. Mr. Heil clarified that there are rules and regulations in place for transient rentals in the City of Sandusky. Mr. Poggiali added that he feels the rules and regulations should be reviewed and refined. Mr. Jackson commented about a housing program he watched on television regarding starter homes being bought for transient rentals. If it starts taking place in Sandusky, there won't be starter homes in Sandusky for residents. Mr. Zuilhof added that there are already business in Sandusky doing what Mr. Jackson referenced. Wes Pool, 1939 E. Oldgate, shared he did not have an issue with the application. He went on to add to the general discussion about transient rentals the commission needs to decide where transient rentals would or would not be advantageous. He added the commission should consider adding to the transient rental rules and regulations addressing lead pipes and lead paint. **Mr. Whelan moved to approve the zoning change. Mr. Zuilhof seconded the motion. Roll call of the vote: Mr. McGory, yes; Mr. Miller, yes; Ms. Castile, yes; Mr. Jackson, yes; Mr. Poggiali, no; Mr. Whelan, yes; Mr. Zuilhof, yes. The motion passed.**

- **The Planning Commission has set a public hearing to consider a transient rental overlay district for the following parcels along East Washington Street: 56-01210.000, 56-00444.000, 56-00518.000, 56-00747.000, 56-00097.000, 56-01158.000, 56-00643.000, 56-00585.000, 56-01137.000, and 56-01136.000.**

Ms. Blair shared that this public hearing was set by the Planning Commission based on an application from a resident. She clarified the process and next steps if Planning Commission makes a recommendation to the City Commission. She went on to share the location of the parcels and the zoning which is currently residential two-family. The transient overlay district as

drawn was drawn by the petitioner who lives on the corner of Hancock and Washington Street. Public notices were sent to parcels that were within 300 feet of the proposed transient overlay district. Ms. Blair talked about the historic character and density of the area. Staff did not prepare a recommendation as the public hearing was set by the Planning Commission. She added that signatures were received from seven out of the 10 parcels within the drawn boundary, which equated to about 90% agreeing with this. There were concerns that staff received and they were encouraged to attend the public hearing. Mr. MrGory asked if the parcels, based on the drawing, some had deeper parcels. Mr. Blair confirmed that was the case and only parcels facing East Washington Street were included. Mr. McGory clarified that if the transient overlay district were approved, it would not require anyone to engage in transient rental. If someone would choose to engage in transient rental, there are additional guidelines and requirements for that. Ms. Castile asked if people specified their concerns to staff when they called in. Mr. Ochs shared that the main consensus of the calls was taking away the historical character of the neighborhood. One of the three concerns received was about the party or the music or people coming and going. Mr. Zuilhof shared he felt this was an appropriate proposal based on the dominant uses across the street.

Chuck Reisner, 705 Perry Street, commented on having lower cost housing that could be promoted for families. He shared that he owns property zoned for transient and does not rent anything he owns. He added if everything becomes a rental, no one will want to build and subject their family to transients.

Terry Brown, 413 E. Washington Street, shared that she is in favor of the proposed transient overlay district. She shared that she and her family like to rent houses when they travel. She also shared that she owns a business and that transient rentals would be good for business. Mr. MrGory asked Ms. Brown if her residence was near but not in the proposed overlay district, to which Ms. Brown said that was correct. Ms. Castile asked Ms. Brown if this was her residence or an investment property. Ms. Brown said it was her residence but would not mind the option to be able to use it in that manner but not all of the time. Mr. McGory asked if Ms. Brown would be fearful if this were approved to which Ms. Brown responded no. Ms. Castile commented she appreciated the differing opinions being heard. She added for every transient overlay district, these are potential losses of regular residents and the city needs to find a happy medium.

Bob Newton, 308 E. Washington Street, shared it is in the middle of the proposed transient overlay district and is opposed. He referenced potential parking issues and concerns with noise from transient rentals. He also talked about safety being an issue. He also talked about Airbnb's affecting local businesses, specifically taking money from hotels and motels. He also talked about urban flight, specifically people who moved to Perkins Township to rent their city residence as an Airbnb. Mr. Newton also talked about long term renters, as he has owned rental properties, and how long-term renters become neighbors, but you do not know the background of transient rentals. Mr. Newton also shared and wanted to submit a petition that included 22 people, which he obtained from going door-to-door. Mr. Newton submitted the petition to be added to the record. Mr. Poggiali asked Mr. Newton if it would be more tolerable if only 20% of

the houses could be Airbnb. Mr. Newton said he feels that transient rentals would tear the neighborhood down.

Andrew Mullery, 302 E. Washington, shared that they outgrew their house and is moving to Perkins Township and would like to do an Airbnb as a way to keep the house. They enjoy utilizing the downtown and plan to utilize the house when it is not being rented.

Dave Bouy, 320 E. Washington Street, talked about the food hall and how the business will eventually generate similar issues Mr. Newton referenced and questioned why he would buy across from a business district if Mr. Newton had those concerns. Mr. Bouy shared that he is in favor of the transient overlay district. Mr. McGory asked if Mr. Bouy lived in the property. Mr. Bouy shared that he owns and is a seasonal resident.

Craig Hect, 222 46th Street, Sandusky, he shared he owns a duplex at 304 E. Washington Street for 24 or more years. He shared he has poured more money into the properties he owns and respects everyone's opinion. He feels there are good rules and controls in place for transient rentals and with local city ordinances in place issues will be taken care of. He mentioned as a landlord he deals with numerous issues with his long-term tenants. He added there will be issues with Airbnb as well, but there are rules in place. He would just like the opportunity for transient rental down the road, especially if he chooses to sell later.

Chris Wiedle, 403 E. Adams Street, shared that he purchase Mrs. Parker's house, which he purchased upon her death and finished the interior renovations. He referenced his house being a national registered house, the historic area, and went through the process to have the house approved as a transient rental and bed and breakfast. He shared he was told by the city that he had to provide off street parking. He reference the map and that only three of the parcels in the proposed overlay district could provide off-street parking via driveways. Mr. McGory asked staff if off-street parking is a requirement for transient rentals. Ms. Blair shared that off-street parking is a consideration in the permit on a case-by-case basis. Ms. Blair also clarified that the proposed boundary is not within a registered historic district in the city, it only has historic character. Mr. McGory asked how off-street parking is determined on a case-by case basis. Mr. Blair shared that it is based on how many units there are and if there is on-street parking offered. Mr. McGory asked if that process would have been applied to Mr. Wiedle's property, to which Ms. Blair said it was her understanding that it would have been. Mr. Zuilhof asked if the application requires a parking plan, which Mr. Heil said it does. Mr. Zuilhof added that when Mr. Wiedle purchased his property, transient rental rules were not in place, so they operated under different rules. Mr. Wiedle asked if a parking plan was submitted. Mr. Zuilhof clarified that a parking plan is submitted when a property applies for a transient rental permit. Mr. Jackson reiterated that if this overlay district was passed, individuals could not automatically turn their properties into an Airbnb.

Craig White, 334 E. Washington Street, shared his experience when he first moved to the city in regards to the city's noise ordinance and violating it. He added he was happy to see the house across the street being renovated by the Zimmerman family. He added he has not seen negative

activity. He referenced all of the commercial properties across the street and how he felt an occasional Airbnb on the south side of the street is not going to dramatically affect the character of the neighborhood. He is in support of the transient overlay district. He added being able to turn his historic property, also on the national register and previously owned by Mrs. Parker, would help him to continue to restore it.

Tim Schwanger, 362 Sheffield Way, Sandusky, shared he felt there were a lot of issues that needed to be resolved. Mr. Schwanger asked out of the other parcels, how many people live in those houses – if they are owner-occupied or if they are rentals. Mr. Schwanger referenced the March 23 planning commission meeting and how the home owners who live there be the ones who sign the petitions. Mr. Schwanger asked if by approving the overlay district tonight, if it opens up the entire block in the future. He went on to ask if a person could come to planning commission to have their property rezoned because they would be contiguous to the overlay district. Mr. Zuilhof shared it would qualify under the ordinance as a contiguous property for expansions, but it doesn't mean it would be approved. Mr. Schwanger added because of that 10 years from now the city could be looking at the entire block being a transient rental area. Mr. Schwanger also asked if a parcel in the overlay district applied to be a transient rental, they couldn't be turned down. Mr. Zuilhof shared that they would have to meet all of the requirements. Mr. Schwanger asked if those requirements were in the regulations or if was up to the planning commission to say yes or no. Mr. Heil shared that people apply for a transient rental license, 1341.32 the transient rental ordinance lists specific requirements, inspection, license fee, parking plan – specific requirements are listed out that they have to meet. If requirements are met and the fees are paid, a license will be issued. Mr. Schwanger talked about having a cap city wide on transient rentals. Mr. Jackson shared that the planning commission has been discussing everything Mr. Schwanger talked about. Mr. Schwanger said the issue of transient rental should be addressed immediately. Mr. Zuilhof shared that he agrees with the cap, but it is not simple as they discussed a cap and what it means and planning commission is working on it. Mr. McGory added if they were to put a cap on right now, inflation would still be going up, supply chain would still be a problem, housing costs would still be going up and the housing stock would still be declining in quality. These are all problems the city needs to face and until the city gets decent paying jobs, he is not sure of the solution, but a cap on transient rentals will not solve all of the problems. Mr. McGory has seen improvements with buildings that have been turned into transient rentals. Mr. Poggiali added that the staff is willing to sit down and talk about transient rentals. He went on that it falls to the planning commission to review and put parameters. Mr. Schwanger suggested that the planning commission review examples from other cities as to what they are doing with transient rentals.

Mr. Bouy asked to clear up some misinformation regarding parking. All of the parcels have off street parking. Six have parking from the front and the three parcels in the middle have parking in the back off of an alleyway. An unidentified member of the audience shared that there is not off-street parking off of the alley because the garages are not usable.

An unidentified member of the audience asked of the 22 signatures on the petition that was submitted, if they are homeowners, who they were, if they are residents and are they given the same weight if they are a renter or a homeowner.

Mr. Zuilhof moved to table this item until the next meeting. Ms. Castile seconded the motion. Roll call of the vote: Mr. McGory, no; Mr. Miller, no; Ms. Castile, yes; Mr. Jackson, yes; Mr. Poggiali, yes; Mr. Whelan, no; Mr. Zuilhof, yes. The motion passed.

- **The Planning Commission has set a public hearing to consider a transient rental overlay district roughly bound by West Monroe Street to the north, Marquette Street to the west, Superior Street to the east, and then extending to the railroad tracks to the south**

Ms. Blair shared that this public hearing was set by the Planning Commission to consider a transient overlay district. Ms. Blair shared that there is general manufacturing in the area. Two photos were shared. One was the boundary drawn by the petitioner. The second included the boundary provided by the petitioner and it was expanded to include the district being drawn by the backs of the parcels fronting those roadways roughly bound by Marquette to Seabert along West Monroe across from Lions Park entrance. This was based on previous discussions. The addresses that received notices for the public hearing were also denoted in the photo. Notices were sent to the largest boundary that was discussed at the last meeting. Ms. Blair shared that the area is a residential character, small footprint, single-family homes with quite a bit of vacant parcels. Staff did not prepare a recommendation or report as this was a public hearing set by planning commission to publicly discuss the potential for the transient rental overlay. Mr. McGory added that there is a fairly large marina close to the area. Ms. Blair concurred there is a marina a small RV and several boat launches, a lot of seasonal based amenities. Mr. McGory opened up the floor to members of the public.

Dan O’Laughlin, 3426 W. Monroe Street, Sandusky, shared he is very opposed to this. He went on that this is a thriving family neighborhood. He added that he submitted a petition in the fall with 48 signatures against this. Feels the transient overlay district is not a good fit for the neighborhood. Ms. Castile asked for clarification that Mr. O’Laughlin owns other properties and one that is next door that he rents and that he is still opposed.

Mr. McGory asked for clarification from Mr. Heil that he, Mr. McGory, is not permitted to vote nor participate in the discussion.

Ms. Castile asked staff if they could be included on the emails that are sent out to neighborhoods making them aware of the potential districts. Ms. Blair shared that the public notices are published in the newspaper and paper letters are mailed. Mr. Zuilhof added that they were told planning commission would at least get a .pdf so they knew what was going on.

Jim Maldonado, owner of 3328 W. Monroe Street and 1011 Winnebago, Sandusky. He shared that both properties have large driveways and two parcels. Referring to the gentleman who took the petition, he said he took his petition in the fall. Mr. Maldonado shared that he did a similar petition a few weeks ago that he turned in devoted to the specific area. He said he got 15 homeowner signatures for this, two who were against and four neutrals. He shared that he started this process two years ago. Mr. Maldonado also reached out to business owners who

were in favor of this. He added that he does agree with stricter rules for transient rentals to help put minds at ease. Mr. Poggiali asked if Mr. Maldonado lived in the area in question to which Mr. Maldonado responded he lives in Perkins Township.

Sandra Kennedy, 5516 Deyo Road, Castalia, shared that she owns rentals in Sandusky. She added she knows Mr. Maldonado and he keeps strict control of the properties he owns. Ms. Kennedy asked if transient rentals are allowed on Cedar Point Road. Mr. McGory answered that there are some that were grandfathered. Mr. Zuilhof added that there are none by legislation. Mr. Heil shared that there are a few historically grandfathered in transient rentals on Cedar Point Road. There is no way to do a new transient rental on Cedar Point Road. Ms. Kennedy asked if the city keeps track of crime rates in transient rental areas across the city. Mr. Zuilhof shared that there have been transient rentals in specific zoning districts. Mr. McGory shared that his understanding is the crime rates related to transient rentals is negligible. Ms. Kennedy reiterated the caliber of ownership from Mr. Maldonado.

Emily Vassallo, 1403 Winnebago, Sandusky, shared they do own their home. She shared that unlike Mr. Maldonado, she does live in the neighborhood. She went on that there are plenty of other parts of town that are better policed for people to stay versus their neighborhood. She feels that people would be disappointed to find they are on a quiet street away from activities. She also shared that it is not waterfront, Route 250 or downtown, no nearby beach or pool, with nothing in close walking distance. She feels they are in a forgotten corner of Sandusky surrounded by railroad tracks, which can pose a safety risk, especially if safety personnel need to access the area. She also referenced previous homeless shelters and rehab facilities that have popped up. She feels approving the transient rental overlay may be a reason to move. She also referenced the need for long-term rentals. She went on to add that there are several children in the area. No oversight of who is renting the short term rental creates a safety risk for the children. She urged the Planning Commission to side with the residents and deny the request. Mr. Zuilhof asked Ms. Vassallo if she was offered the petition to sign, to which she responded no as she was not at home.

Tim Schwanger, shared a concern from an audience member related to if the residents will receive another notice if the agenda item is tabled. Mr. Heil shared that there is no requirement to send out a second notice from the tabled agenda item. However, it would be scheduled for another public meeting and notice would go out through typical channels. Tabling it just changes the date of which it is scheduled. Mr. McGory clarified that the planning commission would make a motion to take it off the table, which the agenda item would then be scheduled, a decision would not be made at that moment. Mr. Zuilhof shared that he would like to table it so people would have a chance to speak on this issue. Mr. Schwanger shared another issue of concern was he was at the first meeting when the petition was handed over. He shared that was one meeting on this issue. He went on to ask if this had come before the planning commission before but with a bigger boundary. Mr. McGory shared that this application had not come before the planning commission. Mr. Zuilhof added that there were public meetings on a similar district. Ms. Blair shared that there was not public meeting prior to this one.

Barb Manner, 1317 LaSalle Street, Sandusky. She shared she is a life long resident and feels this is a bad idea. She went on that it is a family area and do not want outside strangers in the neighborhood. She also referenced the issue with trains.

John Taylor, 3408 W. Monroe Street. Lived in the area for 30 years and has seen good and bad. The property in question is next door to him and sat vacant for five years. He wanted to purchase the house, but decided not to purchase the house. The house behind it sat vacant for three years, which was also purchased by Mr. Maldonado. Mr. Taylor shared that if there is an issue he will call Mr. Maldonado first and then the police. He added that if the issue is not resolved he will continue to call the police until Mr. Maldonado's license is revoked. He added that Mr. Maldonado did a fabulous job on the house. He was for approving the application.

Mr. Maldonado added that the petition brought in the fall was for train track to train track, not the proposed area.

Mr. Reisner shared a suggestion that the application should only be taken from people who legally reside in Sandusky.

Mr. Maldonado added that he owns the property behind the property in question and if people felt more comfortable he could make that his permanent residence.

Mr. McGory shared that his understanding is the request is for the smaller area. Planning staff took it upon themselves to say the original area could be approved or denied or tabled, or the commission could chose to expand it to the larger drawn area or between the two. Mr. Zuilhof shared the way he understood it was to open a public hearing and include the residents within 300 feet of the expanded area. He is aware that it started out as an area bounded by the streets, and found out that it would be better, in his opinion, when the character is the same on both sides of the street, to include both sides of the street where it's appropriate. Staff foresaw the possibility to include those possibly affected if both sides of the street would be decided to be included. Mr. Zuilhof shared he feels the commission is free to do nothing, do the original proposal, do something else entirely that is reasonably within the boundary. Mr. Zuilhof added that he is inclined to do nothing as this is substantially similar to what was proposed last year that there were public meetings on that did not proceed, not for lack of interest, but because there was not a consensus in the neighborhood to support it.

Mr. Jackson asked for clarification if a motion is made what they would be making a motion on. Mr. Heil shared that they have options to make a motion. They could move to define an area, a different area or the proposed area. If no motion is made, it would die for lack of a want of a motion, which would be the do nothing option. He added that a motion could be made to reject it, which is not necessary because if there is no motion the agenda items dies for a lack of a motion. Mr. McGory asked if the application is based on the smaller area. Ms. Blair shared that there is no application in this case. The planning commission set the hearing. The petition that was brought to them was the smaller boundary. Staff's understanding of the direction from planning commission was to send public notice to cover the larger boundary. Plenty of notice was sent if the planning commission wanted to change the shape of the boundary if they chose to move a boundary forward. Mr. Zuilhof added that a decision to do nothing is a decision, which they have. Mr. McGory added that it would be helpful to him on the previous agenda

item and on this one to have an idea of who within the boundary is in favor, which is not clear to him. Mr. Blair shared that this item was 27.7% of the signatures attached to an address within the smaller boundary. Mr. Heil clarified that the petitions are presented to the city. They are not city petitions. It is resident gathered information. Mr. Poggiali asked if the commission were to do nothing and essentially reject this, it would not prohibit the person from coming back if the commission were to finalize new regulations. Mr. Heil shared that a rejection would mean the originally proposal is specifically rejected. It does not prohibit the original person or the planning commission from taking different action for a transient overlay district or a person from a changed ordinance to apply for a transient rental. Mr. Zuilhof added that it recently became clear to him that a conditional use permit once heard, if it fails, the same application cannot be made for two years. This keeps enthusiastic persistence from bogging down the system. This is not an application, so do nothing, table it if you want to keep talking about it, even a motion to adjourn. Mr. Poggiali asked if there was going to be a motion. Mr. Zuilhof shared that if he was going to make a motion it would be to adjourn which he was not going to do until they exhausted other options. He feels it went nowhere before and does not have sufficient support and does not sufficiently fit the ordinance to be a clear yes or a clear win. He is not ready to make a motion and does not feel this is a good idea. He added he is a strong proponent of protecting the rights of people that are already there. He believes strongly in personal property rights and doing what you want with your property, but limited by the rights of your neighborhoods. He will never vote for changing zoning on residents who place substantial amounts of their personal wealth in their home. Mr. McGory asked Mr. Zuilhof about his comment of it going nowhere before. Mr. Zuilhof shared that there were public meetings regarding this area, a similar area, in September and October of 2021. It was this rough area and an area on McDonough on the west side of downtown. Neither resulted in action. A decision not to act is a decision not to act. Mr. Whelan shared that he is generally in favor of VRBOs. He understands the discussion tonight has been the opposite and appreciates and considers a lot of the discussion. He agrees in this case it has been one property owner in favor who does not live there versus numerous residents against it.

Mr. Zuilhof made a motion to adjourn. Ms. Blair shared that there is a small item of business should would like to be heard prior to entertaining a motion to adjourn. There was no second to the motion, the motion died. **Mr. Poggiali moved to table this request. Mr. Jackson seconded the motion.** Ms. Castile asked if the commission does not table it, what happens. Mr. Heil shared that it stays open for discussion, unless there is no motion at which point it dies for a lack of a motion. Mr. Zuilhof added that they are not debating the tabling the motion, but asking a point of order. He also added the topic cannot be taking up from the table unless a motion is made to do so. A member of the audience asked if a motion is made to take it up from the table, would the residents be notified. Mr. McGory shared that it was answered previously. Mr. Heil clarified that if the motion to table passes, it is put on the table until the commission makes a motion to remove it from the table. If that motion passes at a subsequent meeting, it then comes back at the next meeting, so two meetings, at which point, there is not a requirement for the city to send letters out again, however, all of the city's public meetings are posted on the city's website. Public notice is provided for all public meetings. The City is not required to send out another round of letters on this topic. **Roll call of the vote: Mr. McGory, abstain; Mr.**

Miller, yes; Ms. Castile, yes; Mr. Jackson, yes; Mr. Poggiali, yes; Mr. Whelan, no; Mr. Zuilhof, yes. The motion passed.

Other Business

Ms. Blair shared that a petition from David Stuck, 418 McDonough Street, for the consideration of a transient rental overlay district on the west side of downtown. She went on that it is similar to the area that was considered at a public meeting last fall. Mr. Stuck drew the boundaries on the back of properties and included the Dog House property which is a city-owned property that would give flexibility to the property. It also includes the row houses on Adams Street. She shared that it is 51 parcels and 16 signatures were submitted which is 31.4% of the parcels. Mr. Whelan clarified that a motion could be made at any point in time after it has been presented.

Mr. Poggiali requested that a committee be put together of himself and Mr. Miller as they are at both ends of the extreme. They would work with staff and fine tune things and bring back a draft for the planning commission to review. Ms. Castile added that she would like to be part of that committee. Mr. Heil reminded the commission that depending on the number of commissioners serving on the committee, it could be a public meeting if four or more would wish to convene. Mr. Zuilhof asked if this would be a good idea to consider at the next meeting. Mr. Poggiali added that if it keeps getting kicked around the wheel keeps turning and they are back at the same thing. Mr. McGory and Mr. Poggiali talked about the topic of caps, which Mr. Poggiali added that these items would all be discussed by the committee. Mr. McGory shared commission members could meet with staff to discuss.

Adjournment

Mr. Zuilhof made a motion to adjourn. Ms. Castile seconded the motion. All members were in favor of adjournment. The meeting was adjourned at 8:21 pm.

Next Meeting:

May 25, 2022

Approved:

Thomas Horsman, Interim Clerk

Pete McGory, Chairman



Planning Commission

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

May 11, 2022

At the April 27th Planning Commission meeting, the Planning Commission recommended approval to the City Commission for the proposed amendment to the zoning map for 709 Perry Street (parcel 57-04215.000). The application is to rezone the site from "R2F" Two-Family Residential to "RRB" Residential Business.

A handwritten signature in blue ink, appearing to read "Pete McGory", is written over a horizontal line.

Pete McGory
Planning Commission Chairman

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONE MAP OF THE CITY OF SANDUSKY TO REZONE PARCEL NO. 57-04215.000 LOCATED AT 709 PERRY STREET FROM "R2F" TWO-FAMILY RESIDENTIAL DISTRICT TO "RRB" RESIDENTIAL BUSINESS DISTRICT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT UNDER SUSPENSION OF THE RULES AS CONTAINED IN AND IN ACCORDANCE WITH SECTION 13 OF THE CITY CHARTER.

WHEREAS, Joseph C. Ritorto III has requested an amendment to the Zone Map No. 96-01 as codified in Section 1121.03 of the Codified Ordinances of the City for Parcel No. 57-04215.000, located at 709 Perry Street from "R2F" Two-Family Residential District to "RRB" Residential Business District and as more fully described in Exhibit "A" which is attached to this Ordinance and specifically incorporated as if fully rewritten herein; and

WHEREAS, Joseph C. Ritorto III has applied for a zoning amendment to allow for transient rental use; and

WHEREAS, this request was heard by the Planning Commission at their April 27, 2022, meeting resulting in the Planning Commission's recommendation to **approve** the requested Zone Map Amendment for Parcel No. 57-04215.000 located at 709 Perry Street; and

WHEREAS, a public hearing on the applicant's request was held by this City Commission at their June 13, 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 rezone Parcel No. 57-04215.000, located at 709 Perry Street from "R2F" Two-Family Residential District to "RRB" Residential Business District; and

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

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

Section 1. This City Commission approves the requested rezoning and the Zone Map 96-01, as codified in Section 1121.03 of the Codified Ordinances of the City, is hereby amended to effect the rezoning of Parcel No. 57-04215.000, located at 709 Perry Street from "R2F" Two-Family Residential District to "RRB" Residential Business District as more fully described in Exhibits "A" and "B" which are attached to this Ordinance and specifically incorporated herein.

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

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

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

Section 5. That for the reasons set forth in the preamble hereto, this Ordinance shall take effect 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: June 13, 2022 (effective after 30 days)

TRANSFERRED

in Compliance with sections
319-202 and 322-02 of the
Ohio Revised Code

Fee: \$85.00

Exempt:

R.E. Transfer Fee: \$255.00

Richard H. Jeffrey

Erie County Auditor

Trans. Fees: : \$0.50

Date: Aug 09, 2021 by LJ

eFile#: 18901306

WARRANTY DEED

KNOW ALL PEOPLE BY THESE PRESENTS:

That SHORES & ISLANDS VACATION HOMES, LLC, an Ohio limited liability company, AKA
SHORES AND ISLANDS VACATION HOMES, LLC, an Ohio limited liability company,

the Grantor,

which claims title through a document recorded as RN 202103422, Erie County Recorder's Office, for valuable
consideration received to its full satisfaction of:

JOSEPH C. RITORTO III,

the Grantee,

whose Tax Mailing Address will be:

709 Perry Street
Sandusky, OH 44870

does give, grant, bargain, sell and convey unto the said Grantee and his heirs and assigns, the premises (herein
called "Premises") situated in the City of Sandusky, County of Erie and State of Ohio:

Known as being the southerly two-thirds (2/3) of Lot Number Fifty-nine (59) on Perry
Street in the Southwark Addition in said City. EXCEPTING THEREFROM the westerly
one hundred (100) feet thereof. be the same more or less, but subject to all legal
highways.

LH
Permanent Parcel No. 57-04215.000
Property Address: 709 Perry Street
Sandusky, OH 44870

To have and to hold the above-granted and bargained Premises, with the appurtenances thereunto
belonging, unto the said Grantee and his heirs and assigns, forever. And the said Grantor does for itself and its
successors and assigns covenant with the said Grantee, his heirs and assigns, that at and until the ensealing of these
presents, it is well seized of the Premises as a good and indefeasible estate in fee simple, and has good right to
bargain and sell the same in the manner and form as above written; and that the same are free and clear from all
encumbrances, whatsoever, except taxes and assessments, which are a lien, or which have not been certified to the
Auditor or have been certified but have not been placed on the duplicate or have been deferred, but are not yet due
and payable, except zoning restrictions, and except easements, restrictions, mineral leases, reserved mineral rights,
conditions, and covenants of record, and unrecorded easements, and that it will warrant and defend said Premises

HARTUNG TITLE ORDER # E 3068965

with the appurtenances thereunto belonging, unto the said Grantee, his heirs and assigns, forever, against all lawful claims and demands whatsoever, except those noted above.

EXECUTED this 9th day of August, 2021.

Writing Must Not Exceed Box Boundaries

SHORES & ISLANDS VACATION HOMES, LLC, AKA
SHORES AND ISLANDS VACATION HOMES, LLC

William E. Herzog
By: William E. Herzog, Member

STATE OF OHIO)

) SS:

COUNTY OF ERIE)

This is an acknowledgment. No oath or affirmation was given.

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named Shores & Islands Vacation Homes, LLC, aka Shores and Islands Vacation Homes, LLC, by and through William E. Herzog its duly authorized Member, who acknowledged that he did sign the foregoing warranty deed and that the same is his free act and deed individually and as such member and the free act and deed of said Limited Liability Company. I hereby state that either: (i) William E. Herzog is personally known to me or (ii) provided sufficient identification (driver's license, passport, etc.) to me.

9th IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Sandusky, Ohio, this day of August, 2021.

Writing and Seal Must Not Exceed Box Boundaries



LINDSEY M. STURZINGER
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES
SEPTEMBER 19, 2024

Lindsey M. Sturzinger
Notary Public

This Instrument Prepared By:
Attorney John D. Frankel
WICKENS HERZER PANZA
414 Wayne Street
Sandusky, OH 44870-2709
14342-1263\2429503\esp

Title to the real estate described herein has not been examined by Wickens Herzer Panza and Wickens Herzer Panza makes no warranty, representation or opinion (either express or implied) as to the marketability or condition of the title to the subject real estate, the quantity of lands included therein, the location of the boundaries thereof, the existence of liens, unpaid taxes or encumbrances, or the conformity of this deed to agreements between the Grantor and Grantee.

County Auditor Property Map (subject property outlined in yellow)

709 Perry Street, Parcel No. 57-04215.000





DEPARTMENT OF COMMUNITY DEVELOPMENT

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

To: Eric Wobser, City Manager

From: Arin Blair, Chief Planner

Date: May 27, 2022

Subject: Commission Agenda Item – Memorandum of Understanding with Bird Rides, Inc.

ITEM FOR CONSIDERATION: Legislation to enter into a Memorandum of Understanding with Bird Rides, Inc. to allow the use of public space for the purposes of scooter rental services.

BACKGROUND INFORMATION: Bird Rides, Inc. seeks to operate an initial fleet of 75 electric scooters in Sandusky in the locations, hours of operation, and details specified in the MOU agreement.

A few of the key features of this service is that the electric scooters can be tracked at all times by the owner through their cell phone app that uses geographical positioning system software connected to each piece of equipment. Bird Rides will contract with a local operator who will collect all scooters at the end of their operating hours each evening, charge them overnight, and reset them each morning, with operating hours from 6:00 am to 11:00 pm. The Company will be responsible to ensure their users comply with all federal, state and local laws, including restrictions on speed limits and limited use areas.

The city will designate slow zones, parking zones, no-parking zones, transit zones, and geofencing to dictate where the scooters may be used within the city. In the case where a scooter is brought and left outside the allowed boundaries, the operator will place them back into the designated areas. Riders will be able to park the scooters within the public right of way, and the rental app will incentivize riders with discounts to park in designated areas.

Bird Rides will provide materials, videos, and signage to promote safe riding and educate riders on rider responsibilities to encourage safe and courteous riding and parking. They will also provide a live dashboard and downloadable data to Sandusky as necessary to assist with monitoring program usage. This ability to record and analyze trip data will help with overall mobility and transportation planning in the city.

BUDGETARY INFORMATION: If approved there would be no cost to the City. Bird Rides, Inc. will compensate the city with \$0.05 per each ride completed in the city, paid on a monthly basis.

ACTION REQUESTED: It is recommended that proper legislation be approved to enter into a Memorandum of Understanding with Bird Rides, Inc. and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order to immediately execute the license agreement and allow the Company to quickly conduct operations and add this transportation alternative and recreation activity to the City.

Arin Blair, AICP, Chief Planner

I concur with this recommendation:

Eric Wobser
City Manager

Jonathan Holody
Community Development Director

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH BIRD RIDES, INC., OF WEST HOLLYWOOD, CALIFORNIA, FOR THE USE OF PUBLIC SPACE FOR A SCOOTER RENTAL BUSINESS; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Bird Rides, Inc. desires to use public space for the operation of a electric scooter business in Sandusky; and

WHEREAS, Bird Rides, Inc. will provide a minimum of 75 electric scooters at launch to be made available to rent from 6:00 a.m. to 11:00 p.m. during the spring, summer, and fall months, and will contract with a local operator to collect all scooters at the end of the operating hours each evening, charge the scooters, and reset each morning; and

WHEREAS, Bird Rides, Inc. will provide materials, videos, and signage to promote safe riding and educate riders on rider responsibilities to encourage safe and courteous riding and parking and additional will provide a live dashboard and downloadable data to Sandusky as necessary to assist with monitoring program usage; and

WHEREAS, the agreement will commence on June 14, 2022 and expire on September 1, 2025, unless terminated in accordance with the agreement, and the City will receive \$0.05 for each ride completed within the City limits on a monthly basis; 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 license agreement to be effective on June 14, 2022, and allow Bird Rides, Inc. to begin operations and provide this alternative transportation and recreation activity to the City; and

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

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

Section 1. The City Manager is authorized and directed to enter into a Memorandum of Understanding with Bird Rides, Inc. of West Hollywood, California, for the use of public space for a scooter rental business, substantially in

the same form as Exhibit "1", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein, together with such revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with carrying out the objectives of this Ordinance.

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

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

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance 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: June 13, 2022

Memorandum of Understanding

This Memorandum of Understanding ("Agreement") dated this _____ day of _____, 2022, is between the City of Sandusky ("Sandusky") and Bird Rides, Inc.

AGREEMENT

- 1) Scope: This Agreement and its terms apply to any proposed deployment of Stand-up electric scooter sharing systems within Sandusky's jurisdictional boundaries. Neither party shall deploy a Stand-up electric scooter sharing system in Sandusky's jurisdiction in violation of this Agreement.
- 2) Electric Scooter Rules: Stand-up electric scooters shall be governed by the rules applying to low speed micromobility devices and are to be ridden on streets, and where available, in bike lanes and bike paths. Stand-up electric scooters are to stay to the right of streetlanes and to offer the right of way to bicycles in bike lanes and on bike paths. Users of Stand-up electric scooters shall be 18 or older. Pursuant to O.R.C. 4511.514, Bird Rides, Inc. shall prohibit the electric scooter systems scooters to be operated at speeds greater than 20 MPH. Bird Rides, Inc. shall pay a penalty of \$500 per violation of this term. Users of Stand-up electric scooters who violate these provisions may be fined by Sandusky consistent with fines for low speed micromobility devices.
- 3) Term: This Agreement shall commence on June 14, 2022 and expire on September 1, 2025, unless terminated as set forth in paragraph 17 of this Agreement.
- 4) Maintenance and Loss of Fleet: Bird Rides, Inc. shall ensure that its electric scooter system is in good working condition and maintained in an aesthetically pleasing appearance. Sandusky shall not be responsible for monitoring the electric scooter system. Bird Rides, Inc. shall assume the risk of loss as to the electric scooters from any and all causes, including but not limited to theft, loss or mysterious disappearance of the same.
- 5) Designated Zones: Sandusky may designate and change slow zones, parking zones, no-parking zones, transit zones, and geofencing at any time. Bird Rides, Inc. shall ensure that electric scooters that are parked outside of these designated areas are placed back into the designated areas within a reasonable amount of time. Bird Rides, Inc. shall ensure that the electric scooters incentivize riders to park in the designated areas. Bird Rides, Inc. shall rebalance the distribution of the electric scooter system within a reasonable time of Sandusky's request.
- 6) Prohibited Commercial Activities: Bird Rides, Inc. is expressly prohibited from any commercial activities that may be deemed in competition with City sponsored endeavors.
- 7) Contact Information: Bird Rides, Inc. shall provide easily visible contact information, including toll-free phone number and/or e-mail address on each Stand-up electric scooter for members of the public to make relocation requests or to report other issues with devices.
- 8) Hours and Dates of operation: Stand-up electric scooters will be made available to rent from 6 a.m. to 11 p.m.(local time). Bird Rides, Inc. shall remove the electric scooter systems nightly. If Bird Rides, Inc. permits the operation of electric scooter systems outside of the hours above, Bird Rides, Inc. shall pay to Sandusky a penalty of \$500.00 per violation of this term. Bird Rides, Inc. shall operate the rental of the electric scooter systems during the spring, summer, and fall months. Bird Rides, Inc. shall remove the scooter systems from the public right of ways during the winter months. Bird Rides, Inc. shall also remove the scooter systems from the public right of ways during any snow or ice event.
- 9) Fleet Launch: Bird Rides, Inc. shall provide a minimum of 75 vehicles at launch.
- 10) Safety Education: Bird Rides will provide materials, videos, signage to promote safe riding and educate riders on rider responsibilities and encourage safe and courteous riding and parking.
- 11) Data sharing: Bird Rides, Inc. will provide data to Sandusky as necessary to assist with monitoring program usage, which includes but is not limited to Sandusky's ability to download live and historical trip and data usage.
- 12) Advertising: If Bird Rides, Inc. advertises, the advertisements must be approved in writing by Sandusky prior to being placed or affixed to any City property. Bird Rides, Inc. may place or affix advertisements to its stand up electric scooter systems. Bird Rides, Inc. shall promptly notify Sandusky regarding any material changes to its domestic advertising policy which would result in third party advertisements being affixed to any stand up electric scooter systems within Sandusky's jurisdiction. The City may remove any advertisements that violate the terms of this provision or upon termination of this Agreement for any reason. Bird Rides, Inc. is expressly forbidden to engage in marketing or advertisement of any form identifying Bird Rides, Inc. as being a partner,

subsidiary, or agent of Sandusky.

- 13) Compensation: Bird Rides, Inc. shall pay on a monthly basis to Sandusky \$0.05 for each ride completed in Sandusky's jurisdiction.
- 14) Indemnification: Bird Rides, Inc. agrees to indemnify, defend and hold harmless Sandusky and its employees, agents and affiliates from and against all actions, damages or claims brought against Sandusky (and/or its employees, agents, and affiliates) arising out of Bird Rides, Inc.'s negligence or willful misconduct, except that Bird Rides, Inc.'s indemnification obligation shall not extend to claims of Sandusky's employees', agents' or affiliates' negligence or willful misconduct. Bird Rides, Inc.'s indemnification obligations shall survive for a period of four (4) years after expiration of this Agreement. Bird Rides, Inc. shall be released from its indemnification obligations under this section if the loss or damage was caused by Sandusky's negligent construction or maintenance of public infrastructure.
- 15) Insurance: Bird Rides, Inc. shall provide Sandusky with proof of insurance coverage exclusively for the operation of Stand-up electric scooters including: (a) Commercial General Liability insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$2,000,000.00 aggregate; (b) Automobile Insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$1,000,000.00 aggregate; (c) where Bird Rides, Inc. employs persons within Sandusky, Workers' Compensation coverage of no less than the statutory requirement; and (d) property damage insurance with a limit of no less than \$100,000.00. Sandusky shall be named as an additional insured.
- 16) Notices: All notices and communications to Sandusky from Bird Rides, Inc. shall be made in writing (includes electronic communications) and sent to the address below.
- 17) Termination: Either party may terminate this Agreement at any time and without cause upon (30) days prior written notice.
- 18) Independent Contractor Status: In carrying out their responsibilities, the parties shall remain independent contractors, and nothing herein shall be interpreted or intended to create a partnership, joint venture, employment, agency, franchise or other form of agreement or relationship.
- 19) Use of Independent Business Logistics Providers: The parties acknowledge that Bird Rides, Inc. may utilize independent business logistics providers to facilitate local operations. Bird's use of these logistics providers does not constitute a transfer or assignment of this Agreement, and Bird Rides, Inc. remains responsible for all obligations and requirements under this Agreement. Bird Rides, Inc. shall ensure that, if independent business logistics providers are utilized, the providers perform their obligations within a reasonable amount of time. In the case that the independent business logistics providers fail to perform obligations under that agreement within a reasonable amount of time, Bird Rides, Inc. shall be responsible for fulfilling those obligations.
- 20) Choice of Law and Venue: This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio and the parties agree that any dispute arising out of the interpretation or operation of this Agreement shall be determined in a Court of competent jurisdiction located within the State of Ohio and County of Erie.
- 21) Compliance with Federal, State, and Local Law, Orders, Guidance, Rules, and Regulations: Bird Rides, Inc. shall ensure that it and all employees, agents, contractors, and any other persons subject to their direction and control connected to the electric scooter fleet in Sandusky's jurisdiction shall strictly comply with all federal, state, and local laws, orders, instructions, requirements, guidance and any other safeguards, including but not limited to those relating to any and all communicable diseases, including COVID 19. Bird Rides, Inc. shall be solely responsible for ensuring the activities covered by this Agreement will be operated, run, managed, and conducted in a manner consistent with all applicable federal, state, and local laws, orders, instructions, requirements, guidance, and any other safeguards, including those related to COVID 19, and will coordinate with the Erie County Health Department to ensure the same.
- 22) Merger: This Agreement constitutes the entire agreement between the Parties and supersedes all prior agreements or understandings.
- 23) General Conditions: Bird Rides, Inc. shall comply with all Federal, State, and Local laws and ordinances, in effect now and in the future. Bird Rides, Inc. shall submit a completed Regional Income Tax Registration Form at the time of the execution of this Agreement.

IN WITNESS WHEREOF, the Parties have hereunto subscribed their names to duplicates hereof on the day and year last aforesaid.

The City of Sandusky

Bird Rides, Inc.

Recommended By:

Signature _____

Print Name: Eric Wobser _____

Title: City Manager _____

Email:

Date:

Address:

Signature: _____

Print Name: _____

Title: _____

Email:

Date:

Address:

Approved By:

Signature _____

Print Name: Brendan L. Heil _____

Title: Law Director _____

Date:

Signature: _____

Print Name: _____

Title: _____

Email:

Date:

EXHIBIT "1"



FIRE DEPARTMENT

600 West Market Street
Sandusky, Ohio 44870

419.627.5822

Fire Prevention 419.627.5823

Fax 419.627.5820

www.ci.sandusky.oh.us

TO: Eric Wobser, City Manager

FROM: Mario D'Amico III, Fire Chief

DATE: May 24, 2022

RE: Commission Agenda Item

ITEM FOR CONSIDERATION: Requesting legislation for the approval of the submission of a grant application for the 2022 American Rescue Plan Act (ARPA) First Responder Wellness, Recruitment, Retention & Resiliency Grant, Division of The Ohio Department of Public Safety.

BACKGROUND INFORMATION: House Bill 169 of the 134th General Assembly appropriated a total of \$75 million to provide grants to support communities that have experienced adverse impacts to First Responder personnel during the COVID-19 pandemic and Governor Mike DeWine designated the Ohio Department of Public Safety (ODPS) / the Ohio Emergency Management Agency (OEMA) to administer this portion of American Rescue Plan Act (ARPA) funding. This funding is intended for recruiting new firefighters, hiring fire fighters up to and above pre-pandemic levels, providing incentives to retain firefighters and to provide firefighters with wellness checks. If awarded, this funding would be used for 3 firefighter positions and for wellness checks for all current firefighters for year 2023 and 2024.

BUDGETARY INFORMATION: There is no budgetary impact as no matching funds are required for this grant.

ACTION REQUESTED: It is requested that the proper legislation be prepared to allow for the approval of the submission of the grant application for the 2022 American Rescue Plan Act (ARPA) First Responder Wellness, Recruitment, Retention & Resiliency Grant, Division of The Ohio Department of Public Safety. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter in order to submit the application by the June 17, 2022 deadline.

Approved:

I concur with this recommendation:

Mario D'Amico III, Fire Chief

Eric Wobser, City Manager

Cc: John Orzech, Assistant City Manager; Michelle Reeder, Finance Director; Brendan Heil, Law Director

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO FILE AN APPLICATION WITH THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR FUNDING THROUGH THE AMERICAN RESCUE PLAN ACT (ARPA) FIRST RESPONDER WELLNESS, RECRUITMENT, RETENTION & RESILIENCY GRANT PROGRAM FOR THE SANDUSKY FIRE DEPARTMENT; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, House Bill 169 of the 134th General Assembly appropriated a total of \$75 million to provide grants to support communities that have experienced adverse impacts to First Responder personnel during the COVID-19 pandemic and Governor Mike DeWine designated the Ohio Department of Public Safety (ODPS) / the Ohio Emergency Management Agency (OEMA) to administer this portion of American Rescue Plan Act (ARPA) funding and as such, all funding is subject to ARPA guidelines and the final rule for Coronavirus State & Local Fiscal Recovery Funds; and

WHEREAS, the purpose of this ARPA wellness and resilience funding is to address the negative impacts of the coronavirus pandemic and the funds can be used to address the mental and behavioral health impacts of the coronavirus pandemic on First Responder personnel, as well as staffing challenges brought on or made worse by the pandemic; and

WHEREAS, if awarded, this funding would be used for three (3) firefighter positions and for wellness checks for all current firefighters for the years 2023 and 2024; 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 file the application with the Ohio Department of Public Safety by the submission deadline of June 17, 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 Fire Department, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter; and NOW, THEREFORE

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

Section 1. The City Manager is hereby authorized and directed to file an application on behalf of the City of Sandusky with the Ohio Department of Public Safety for funding through the American Rescue Plan Act (ARPA) First Responder Wellness, Recruitment, Retention & Resiliency Grant Program for the Sandusky

Fire Department, a copy of which is on file in the Sandusky Fire Department, and authorizes and directs the City Manager to execute any grant agreements and lawfully expend funds consistent with the application should they be awarded.

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: June 13, 2022



FIRE DEPARTMENT

600 W. Market Street
Sandusky, Ohio 44870

419.627.5822

Fire Prevention 419.627.5823

Fax 419.627.5823

www.cityofsandusky.com

To: Eric Wobser, City Manager

From: Mario D'Amico III, Fire Chief

Date: June 1, 2022

Subject: Commission Agenda Item – Purchase of a U.S. Cargo Explore Ranger Trailer ULAFTX

ITEM FOR CONSIDERATION: Legislation authorizing the purchase of a U.S. Cargo Explore Ranger Trailer ULAFTX for use by the Sandusky Fire Department from Gingerich Trailer Sales, LTD of Millersburg, Ohio.

BACKGROUND INFORMATION: The City of Sandusky Fire Department and the Erie County Emergency Management Agency shared the use of a 2007 International Diamond Spec 7400SBA Cabin Chassis Tractor and Trailer for responding to emergency situations. With the Erie County Emergency Management Agency reorganizing the County's response and operation of the Erie County Hazmat Team, both pieces were determined to be unnecessary and no longer needed for use. Previous legislation was presented to City Commission for review and approval of disposing and sale of the 2007 International Diamond Spec 7400SBA 4x2 Cabin Chassis Tractor, via Ordinance 22-064.

The Fire Department has a need for a smaller trailer to house all the technical rescue equipment, such as, trench, rope and confined space rescues. The City of Sandusky issued a Request for Proposals (RFP) to purchase an enclosed trailer for use by the Sandusky Fire Department for technical rescue emergency response equipment.

On Friday, May 13, 2022, four (4) proposals were received for the Multi-purpose Trailer for Sandusky Fire Department. A review committee comprised of the Sandusky Fire Chief and the Engineering Staff reviewed all proposals and determined that Gingerich Trailer Sales, LTD of Millersburg, Ohio submitted the lowest and best proposal based on price, quality of the trailer and production time.

BUDGETARY INFORMATION: The total cost for the purchase of the trailer shall not exceed \$12,360.00 which will be paid out of the EMS Fund. Funds received from the sale of the 2007 International Diamond Spec 7400SBA 4x2 Cabin Chassis Tractor will offset the cost of the trailer purchase.

ACTION REQUESTED: It is recommended that proper legislation be prepared to purchase a U.S. Cargo Explore Ranger Trailer ULAFTX from Gingerich Trailer Sales, LTD of Millersburg, Ohio 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 the order to be placed and put in for production to begin to assure delivery in 8-10 weeks.

Approved:

I concur with this recommendation:

Mario D'Amico III, Fire Chief

Eric Wobser, City Manager

cc: John Orzech, Assistant City Manager; Cathy Myers, Commission Clerk; Michelle Reeder, Finance Director; Brendan Heil, Law Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE A U.S. CARGO EXPLORE RANGER TRAILER FROM GINGERICH TRAILER SALES, LTD OF MILLERSBURG, OHIO, FOR THE SANDUSKY FIRE DEPARTMENT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Erie County Emergency Management Agency has recently reorganized the response and operation of the Erie County Hazmat Team and as part of this reorganization, is moving all hazardous materials response equipment owned by the County to a trailer housed at the Emergency Management Office; and

WHEREAS, due to the reorganization, the City no longer needed the 2007 International Diamond Cabin Chassis Tractor (2,026 mileage), which was used to haul the County's trailer and due to their reorganization; and

WHEREAS, this City Commission approved the disposal and sale of the 2007 International Diamond Cabin Chassis Tractor by Ordinance No. 22-064, passed on March 28, 2022; and

WHEREAS, the Fire Department has a need for an trailer to house all their technical rescue equipment such as trench, rope and confined space rescues and a Request for Proposals (RFP) was issued for the purchase an enclosed trailer; and

WHEREAS, on May 13, 2022, four (4) proposals were opened and evaluated by a selection committee and based upon price, quality of the trailer and production time, the proposal from Gingerich Trailer Sales, LTD of Millersburg, Ohio, was selected as lowest and best; and

WHEREAS, the total cost for the U.S. Cargo Explore Ranger Trailer is \$12,360, and will be paid with EMS Funds and funds received from the sale of the 2007 International Diamond Cabin Chassis Tractor; 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 and the trailer scheduled for production to assure delivery in 8-10 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 Fire 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. The City Manager is authorized and directed to purchase a U.S. Cargo Explore Ranger Trailer from Gingerich Trailer Sales, Ltd of Millersburg, Ohio,

for the Fire Department at an amount **not to exceed** Twelve Thousand Three Hundred Sixty and 00/100 Dollars (\$12,360.00).

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

Section 3. This 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 reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter upon its passage, and its due authentication by the President, and the Clerk of the City Commission of the City of Sandusky, Ohio.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: June 13, 2022

CERTIFICATE OF FUNDS

In the Matter of: Fire Department US Cargo Trailer

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.

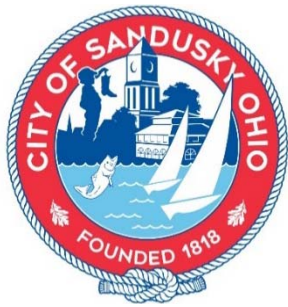
Account #431-1330-54090

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 6/1/2022



CITY COMMISSION

240 Columbus Avenue
Sandusky, Ohio 44870

419.627.5850

www.cityofsandusky.com

TO: City Commission

FROM: Cathy A. Myers
Commission Clerk

DATE: March 16, 2022

SUBJECT: 2022 Replacement Pages for Codified Ordinances for the City of Sandusky

ITEM FOR CONSIDERATION: It is requested the City Commission authorize the adoption of an Ordinance approving current replacement pages to the Codified Ordinances and internet containing updated City legislation through February 14, 2022, and certain relevant State law through November 4, 2021, with Walter H. Drane Company.

The City of Sandusky completes a codification process each year in order to bring our Code of Ordinances up to date. Additionally, state laws which have been changed or newly adopted are incorporated into this update.

BUDGETARY INFORMATION: The cost of the revisions for the Codification supplements and updating the Code on the internet for the 2022 replacement pages will be taken from the contractual services line item in the Commission and Clerk's budget (50%), sewer funds (25%), and water funds (25%). This item is appropriated each year.

ACTION REQUESTED: It is recommended an Ordinance be passed approving the 2022 replacement pages. It is further requested this legislation take immediate effect in full accordance with Section 14 of the City Charter in order to immediately approve the replacement pages and provide internet access to the updates as soon as possible.

cc.: Michelle Reeder
Brendan Heil
Eric Wobser

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE SANDUSKY CODIFIED ORDINANCES; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various Ordinances of a general and permanent nature have been passed by the City Commission which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before this City Commission; and

WHEREAS, the 2022 replacement pages contain updated City legislation current through February 14, 2022 and certain relevant State law updates current through November 4, 2021; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to immediately approve the replacement pages to the Sandusky Codified Ordinances and provide internet access to the updates as soon as possible; and

WHEREAS, in order to provide for the immediate preservation of the public peace, health, welfare and safety for the reason that there exists an imperative necessity for the earliest publication and distribution of current replacement pages to the officials and residents of the City of Sandusky, so as to facilitate administration, daily operation and avoid practical and legal entanglements, it is necessary to declare this Ordinance to be an emergency measure to take effect immediately upon its adoption and due authentication; and NOW, THEREFORE,

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

Section 1. The Ordinances of the City of Sandusky, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2022 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

Section 2. The following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law:

Traffic Code

301.183	Low-Speed Micromobility Device. (Added)
301.22	Pedestrian. (Amended)

Traffic Code (continued)

301.51	Vehicle. (Amended)
303.082	Private Tow-Away Zones. (Amended)
331.211	Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. (Amended)
331.37	Driving Upon Sidewalks, Street Lawns or Curbs. (Amended)
335.02	Permitting Operation Without Valid License; One License Permitted. (Amended)
335.021	Ohio Driver's License Required for In State Residents. (Amended)
335.04	Certain Acts Prohibited. (Amended)
335.09	Display of License Plates or Validation Stickers; Temporary License Placard. (Amended)
371.13	Operation of Personal Delivery Device on Sidewalks and Crosswalks. (Added)
371.14	Low-Speed Micromobility Devices. (Added)
373.10	Motorized Bicycle Operation. (Amended)
373.12	Electric Bicycles. (Amended)

General Offenses Code

509.07	Making False Alarms. (Amended)
513.01	Drug Abuse Control Definitions. (Amended)
513.17	Sale of Dextromethorphan. (Added)
517.01	Gambling Definitions. (Amended)
517.02	Gambling. (Amended)
517.06	Methods of Conducting a Bingo Game; Prohibitions. (Amended)
517.08	Raffles. (Amended)
517.09	Charitable Instant Bingo Organizations. (Amended)
517.11	Bingo or Game of Chance Records. (Amended)
517.13	Bingo Exceptions. (Amended)
517.14	Instant Bingo Conduct by a Veteran's or Fraternal Organization. (Amended)
517.15	Skill-Based Amusement Machines. (Amended)
517.16	Electronic Instant Bingo; Prohibited Conduct. (Added)
525.13	Interfering with Civil Rights. (Amended)
529.01	Liquor Control Definitions. (Amended)
529.07	Open Container Prohibited. (Amended)
533.08	Procuring; Engagement in Sexual Activity for Hire. (Amended)
533.09	Soliciting. (Amended)
533.091	Loitering to Engage in Solicitation. (Amended)
533.10	Prostitution. (Amended)
537.02	Vehicular Homicide and Manslaughter. (Amended)
537.20	Hazing Prohibited. (Added)
541.04	Criminal Mischief. (Amended)
541.05	Criminal Trespass. (Amended)
541.051	Aggravated Trespass. (Amended)
545.03	Property Exceptions as Felony Offense. (Amended)

General Offenses Code (continued)

- 545.09 Passing Bad Checks. (Amended)
- 549.02 Carrying Concealed Weapons. (Amended)
- 555.06 Railroad Vandalism. (Amended)

Section 3. The complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances, a copy of which is on file in the office of the Clerk of the City Commission.

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

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

Section 6. That for the reasons set forth in the preamble hereto, this Ordinance 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

CERTIFICATE OF FUNDS

In the Matter of: Walter Drane- Codified Ordinances

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

Account #110-7200, 110-7210, 110-7900, 612-5900-53000, 613-5900-53000

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 6/8/2022



ADMINISTRATIVE SERVICES

240 Columbus Ave.
Sandusky, Ohio 44870

To: Eric Wobser, City Manager

From: Cody Browning, IT Manager

Date: June 1st, 2022

Subject: **Commission Agenda Item – MTR Implementation**

ITEM FOR CONSIDERATION: Requesting legislation authorizing the City Manager to expend funds for an upgraded subscription license from Selectus Consulting LLC of Marysville, OH, through Ohio STS 534378 to supply, install, and configure a Managed Threat Response (MTR) solution.

BACKGROUND INFORMATION: In February 2022, the Cybersecurity and Infrastructure Security Agency (CISA) issued a “Shields Up” warning that all local government agencies should be extra cautious about potential hacking attempts from Russia as tensions with the country rise, particularly during the Russian-Ukraine conflict. The City of Sandusky has seen a significant rise in breach attempts on our network within the last two months, with new attempts being recorded every day. The proposed MTR service will provide the City of Sandusky with ongoing 24/7 monitoring and response experts who will proactively hunt for and validate potential threats and incidents. They use all available information to determine the scope and severity of threats and apply the appropriate action for valid threats. In addition, they initiate actions to remotely disrupt, contain, and neutralize threats and provide advice for addressing the root cause of recurring incidents.

BUDGETARY INFORMATION: The total cost of the license subscription with the Managed Threat Response solution is \$36,707.05 for 12 months, with \$18,353.76 being paid by the General Fund, \$9,176.87 by the Water Fund and \$9,176.87, by the Sewer Fund.

ACTION REQUESTED: It is recommended that the proper legislation be prepared authorizing the City Manager to expend funds for an upgraded subscription license from Selectus Consulting LLC of Marysville, OH, through Ohio STS 534378 to supply, install and configure a Managed Threat Response solution. It is requested that this legislation take effect in full accordance with Section 14 of the City Charter, to expedite the upgrade so the additional security measures can be in place at the earliest opportunity and provide further protection to the City’s network.

I concur with this recommendation:

Eric Wobser, City Manager

Cody Browning, IT Manager

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS FOR AN UPGRADED SUBSCRIPTION LICENSE FOR SOPHOS FULLGUARD PLUS FOR FIREWALL SECURITY AND INTERCEPT-X WITH EDR FOR ENDPOINT PROTECTION WITH A MANAGED THREAT RESPONSE (MTR) SOLUTION FROM SELECTUS CONSULTING, LLC, OF MARYSVILLE, OHIO, THROUGH THE STATE OF OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES COOPERATIVE PURCHASING PROGRAM; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City Commission approved the expenditure of funds for Subscription Licensing for Sophos Fullguard Plus for Firewall Security and Intercept-X with EDS for Endpoint Protection from Selectus Consulting, LLC, of Marysville, Ohio, through the State of Ohio Department of Administrative Services Cooperative Purchasing program by Ordinance No. 20-132, passed on September 14, 2020,

WHEREAS, the Sophos cloud-based solution provides a secure network and endpoints against most advanced cyber threats, automated and active-adversary breaches, ransomware, malware, exploits, data exfiltration and phishing attacks and more importantly respond when abnormal activity is detected; and

WHEREAS, in February of 2022, the Cybersecurity and Infrastructure Security Agency (CISA) issued a “Shields Up” warning that all local government agencies should be extra cautious about potential hacking attempts and the City has seen a significant rise in breach attempts on our network within the last two (2) months, with new attempts being recorded every day; and

WHEREAS, it is desired to upgrade the City’s current network security with a Managed Threat Response (MTR) solution that will provide ongoing 24/7 monitoring and response experts who will proactively hunt for and validate potential threats and incidents, determine the scope and severity of threats, and apply the appropriate action for valid threats and in addition, initiate actions to remotely disrupt, contain, and neutralize threats and provide advice for addressing the root cause of recurring incidents; and

WHEREAS, the cost for the upgraded subscription license with MTR for twelve (12) months is \$36,707.05 of which \$18,353.76 will be paid with General Funds, \$9,176.87 will be paid with Water Funds and \$9,176.87 will be paid with Sewer Funds; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to expedite the upgrade so the additional security measures can be in place at the earliest opportunity and provide further protection to the City’s network; 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 Information Technology 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. The City Manager is authorized and directed to expend funds for an upgraded subscription license for Sophos Fullguard Plus for Firewall Security and Intercept-X With EDR for Endpoint Protection with a Managed Threat Response (MTR) solution from Selectus Consulting, LLC, of Marysville, Ohio, through the State of Ohio Department of Administrative Services Cooperative Purchasing Program, Contract #534378, at an amount **not to exceed** Thirty Six Thousand Seven Hundred Seven and 05/100 Dollars (\$36,707.05) for a twelve (12) month subscription.

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: June 13, 2022

CERTIFICATE OF FUNDS

In the Matter of: Selectus Consulting LLC – Managed Threat Services

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

Account #110-7080-53001, 612-5900-53001, 613-5900-53001

By: 

Michelle Reeder

Finance Director

Dated: 6/8/2022