



**SANDUSKY CITY COMMISSION
REGULAR SESSION AGENDA
AUGUST 22, 2022 AT 5 P.M.
CITY HALL, 240 COLUMBUS AVENUE**

INVOCATION	Steve Poggiali
PLEDGE OF ALLEGIANCE	
CALL TO ORDER	
ROLL CALL	D. Brady, S. Poggiali, D. Waddington, B. Harris, M. Meinzer, W. Poole, D. Murray
APPROVAL OF MINUTES	August 8, 2022
AUDIENCE PARTICIPATION	
PROCLAMATION:	Alzheimer's Month, Erica Parnisari
PUBLIC HEARING:	Floodplain Regulations Changes, Aaron Klein, Director of Public Works
COMMUNICATIONS	Motion to accept all communications submitted below
CURRENT BUSINESS	

CONSENT AGENDA ITEMS

ITEM A – Submitted by Michelle Reeder, Finance Director

ESTABLISH ONEOHIO OPIOID SETTLEMENT FUND

Budgetary Information: There will be no budgetary impact for the creation of this fund.

RESOLUTION NO. _____: It is requested a resolution accepting Opioid Settlement Funds and authorizing the Finance Director to establish a special fund designated as the "OneOhio Opioid Settlement Fund" for the City of Sandusky, Erie County, Ohio; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM B – Submitted by Nicole Grohe, CDBG Program Administrator

SUBRECIPIENT AGREEMENT FOR OHGO BE WELL PROGRAM

Budgetary Information: The City of Sandusky will award OHgo a total of \$24,000 for the OHgo Be Well Program for CV CDBG Program Year FY2020. This award shall be paid with CDBG grant monies and there will be no impact on the General Fund.

ORDINANCE NO. _____: It is requested an ordinance authorizing and directing the City Manager to enter into a subrecipient agreement with OHgo to assist with their remote food locker program and to expend an amount not to exceed \$24,000 from the FY2020 Community Development Block Grant (CDBG-CV) funds; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM C – Submitted by Nicole Grohe, CDBG Program Administrator

ERIE COUNTY BOARD OF HEALTH MOU FOR 506 E. MONROE STREET DEMO

Budgetary Information: The city will receive \$15,320 for the demolition and asbestos testing 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 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 a condemned residential structure located at 506 E. Monroe Street in the City of Sandusky; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM D – Submitted by Josh Snyder, Public Works Engineer

OPWC APPLICATION SUPERIOR STREET REHAB PROJECT

Budgetary Information: There is no cost to submit the application. Notification of award would be in December 2022. If awarded, the project would be constructed beginning early in 2024 and bid as part of the resurfacing program. If awarded, any matching funds required would be incorporated into the 2024 budget. The cost of the project is currently estimated at \$291,086. The City is planning to apply for \$175,000 (60%) of OPWC funds to leverage these funds, reducing the City's obligation to \$116,086 (40%), which would be drawn out of 2024 annual resurfacing funds.

RESOLUTION NO. _____: It is requested a resolution authorizing the submission of an application by the City Manager for financial assistance and to enter into a project agreement with the Ohio Public Works Commission in order to participate in the Ohio Public Works Commission's State Capital Improvement and/or Local Transportation Improvement Programs authorized by Chapter 164 (Aid to Local Government Improvements) of the Ohio Revised Code for the Superior Street Rehab Project; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM E – Submitted by Josh Snyder, Public Works Engineer

CHAPTER 1157 CODIFIED ORDINANCE UPDATE TO FLOODPLAIN DAMAGE REDUCTION

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

ORDINANCE NO. _____: It is requested an ordinance amending Part Eleven (Planning and Zoning Code), Title Five (Additional Zoning Requirements), Chapter 1157 (Flood Damage Reduction) of the Codified Ordinances of the City of Sandusky in the manner and way specifically set forth hereinbelow; and declaring that this ordinance shall take effect under suspension of the rule as contained in and in accordance with Section 13 of the City Charter.

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

AMEND ODOT ORDINANCE 22-103 TO CORRECT SCRIVENOR’S ERROR

Budgetary Information: There is no budgetary impact.

ORDINANCE NO. _____: It is requested an ordinance amending Ordinance 22-103, passed on May 23, 2022, to correct a scrivener’s error; giving consent for the Ohio Department of Transportation to remove snow and ice and use snow and ice control material on state highways inside the City corporation; authorizing and directing the City Manager to enter into an agreement with Ohio Department of Transportation; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

TEMPORARY EASEMENT WITH MHD CORPORATION FOR SANDUSKY BAY PATHWAY

Budgetary Information: The cost of the temporary easement is \$1.00 plus recording fees.

ORDINANCE NO. _____: It is requested an ordinance approving a temporary easement granted to the City by MHD Corporation for the Sandusky Bay Pathway as part of the Landing Project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM H – Submitted by James Stacey, Transit Administrator

AGREEMENT FOR STS WITH NEW STORY SCHOOLS

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

ORDINANCE NO. _____: It is requested an ordinance authorizing and directing the City Manager to enter into an agreement for transportation services between the City of Sandusky and New Story School for services related to the Sandusky Transit System for the period of August 23, 2022, through May 25, 2023; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM I – Submitted by Jonathan Holody, Community Development Director

APPROVING TAX INCENTIVE REVIEW COUNCIL RECOMMENDATIONS

Budgetary Information: Continuation of the Tax Increment Financing Districts will result in the City’s continued receipt of Tax Increment Financing revenue for use on public improvement projects.

RESOLUTION NO. _____: It is requested a resolution accepting and approving the City of Sandusky Tax Incentive Review Council’s (T.I.R.C.) recommendations regarding current taxation agreements; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

REGULAR AGENDA ITEMS

ITEM 1 – Submitted by Tom Horsman, Communication Manager

AGREEMENT WITH LAKE ERIE SHORES AND ISLANDS FOR GIANT ADIRONDACK CHAIR

Budgetary Information: The City split the cost of the chair 50/50 with Shores and Islands Ohio. The City’s share was \$806.25 and will be expended with Marketing funds. There is no additional cost to the City from this agreement.

ORDINANCE NO. _____: It is requested an ordinance authorizing and directing the City Manager to enter into an agreement with Lake Erie Shores and Islands relating to the replacement of an Adirondack chair at the Jackson Street Pier; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 2 – Submitted by Michelle Reeder, Finance Director

VARIOUS PURPOSE NOTES

APPROVAL OF FISCAL OFFICER’S CERTIFICATE

Budgetary Information: This various purpose note sale includes renewal of the 2021 Series Various Purpose Notes of \$7,290,000 that will mature on September 30, 2022. We will retire \$2,155,000 of the 2021 Note Issuance:

- **\$600,000** (retire \$400,000) for Bay Front Urban Revitalization
- **\$325,000** (retire \$325,000) for the Fire Department Ladder Truck
- **\$325,000** (retire \$100,000) for the City Hall Relocation Project
- **\$1,850,000** (retire \$100,000) for the design of The Landing Project
- **\$780,000** (retire \$400,000) Jackson Street Pier- Owen Sound Agreement
- **\$1,300,000** (retire \$650,000) for Jackson Street Pier- Mylander Trust
- **\$210,000** (retire \$30,000) for Sandusky Bay Pathway-Wightman Wieber Foundation
- **\$1,900,000** (retire \$150,000) Pathway Design

ORDINANCE NO. _____: It is requested an ordinance providing for the issuance and sale of \$5,135,000 notes in anticipation of the issuance of bonds, for the purpose of: (1) revitalizing the Bayfront Urban Revitalization Area by acquiring, clearing and improving certain properties in that area, undertaking the environmental clean-up and remediation of certain properties in that area; (2) paying for the costs of various improvements for “The Landing” as more further described and approved in Ordinance No. 18-127; (3) paying costs associated with the relocation of City Hall, including, but not limited to, those projects approved by Ordinance Numbers 18-119, 18-128 and 18-129 and Resolution No. 025-18R; (4) paying costs of various improvement to Jackson Street Pier; and (5) paying costs of the construction of and various improvements to the Sandusky Bay Pathway; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 3 – Submitted by Josh Snyder, Public Works Engineer

AWARD 2022 CDBG E. WATER STREET PARKING LOT PROJECT TO SMITH PAVING & EXCAVATING

Budgetary Information: The estimated cost of the project based on the lowest and best bid, legal advertisement, and recording fee is \$39,642. Asphalt and paving materials are estimated to cost \$59,517.37, totaling \$99,159.37 all coming from Community Development Block Grant (CDBG) funds. Labor for the asphalt paving, striping and landscape work will be performed by City forces, similar to the E. Market Grounds and Wayne Street public parking lots.

- 1. ORDINANCE NO. _____:** It is requested an ordinance authorizing and directing the City Manager to enter into a contract with Smith Paving & Excavating, Inc., of Norwalk, Ohio, for the 2022 Community Development Block Grant (CDBG) E. Water Street Public Parking Lot Improvement Project; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.
- 2. ORDINANCE NO. _____:** It is requested an ordinance authorizing and directing the City Manager to expend funds to Erie Materials, Inc., of Sandusky, Ohio, for asphalt and paving materials for the 2022 Community Development Block Grant (CDBG) E. Water Street Public Parking Lot Improvement Project; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 4 – Submitted by Aaron Klein, Director of Public Works

CHANGE ORDER #1 FOR JUSTICE CENTER ROOFTOP AIR HANDLING UNIT PROJECT WITH GUNDLACH

Budgetary Information: This Change Order #1 reflects an increase of \$13,425.00, which will revise the original total contract amount of \$57,975.00 to \$71,400.00 and will also be paid with Capital Funds.

ORDINANCE NO. _____: It is requested an ordinance authorizing and directing the City Manager to approve the first change order for work performed by Gundlach Sheet Metal Works, Inc., of Sandusky, Ohio, for the Justice Center Rooftop Air Handling Unit Project in the amount of \$13,425; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

PURCHASE & INSTALLATION OF TRAFFIC SIGN TRUCK BODY

Budgetary Information: The total cost of the custom-built Traffic Sign Truck Body shall not exceed \$66,800 and will be paid from American Rescue Plan Act Stimulus Funds.

ORDINANCE NO. _____: It is requested an ordinance authorizing and directing the City Manager to expend funds for the purchase and installation of an aluminum custom built traffic sign truck body from Kalida Truck Equipment, Inc., of Walbridge, Ohio, for the Streets & Traffic Division; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 6 – Submitted by Nicole Grohe, CDBG Program Administrator

ERIE COUNTY LAND REUTILIZATION MOU FOR DOGHOUSE BAR, 1002 W. JEFFERSON STREET

Budgetary Information: There will be no impact on the budget.

ORDINANCE NO. _____: It is requested an ordinance authorizing and directing the City Manager to enter into a Memorandum of Understanding (MOU) with the Erie County Land Reutilization Corporation for the demolition of a structure located at 1002 W. Jefferson Street, Sandusky; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

CITY MANAGER’S REPORT

OLD BUSINESS

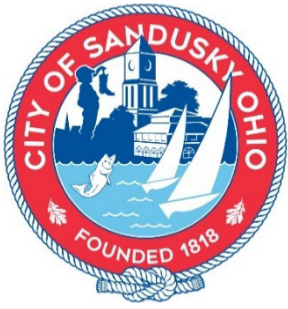
NEW BUSINESS

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

EXECUTIVE SESSION(S)

ADJOURNMENT

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



FINANCE DEPARTMENT

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5776

www.cityofsandusky.com

TO: Eric Wobser, City Manager
FROM: Michelle Reeder, Finance Director
DATE: August 10, 2022
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

Legislation authorizing and directing the City to create a special fund titled the OneOhio Opioid Settlement Fund.

BACKGROUND INFORMATION:

Ohio reached an \$808 million agreement with the three largest distributors of opioids. The state developed the OneOhio plan, a mechanism to ensure that any money from the negotiated settlement is distributed fairly to the communities hit the hardest by the opioid crisis. The settlement agreement allocates 30% to local governments, 55% to a foundation that will distribute funds to projects and 15% to the Office of the Ohio Attorney General as Counsel for the State of Ohio.

The Ohio Auditors office recommends that each participating subdivision accepting funds provide legislation that the local government share of the OneOhio Opioid Settlement funds be placed in a separate fund and used only for the approved purposes as required by the OneOhio MOU. The new fund will be created pursuant to Ohio Revised Code 5705.09(F).

BUDGETARY INFORMATION:

There will be no budgetary impact for the creation of this fund.

ACTION REQUESTED:

It is requested that the proper legislation be prepared to allow for the creation of a special revenue fund to be designated as the OneOhio Opioid Settlement Fund in accordance with Section 14 of the City Charter under suspension of the rules, as we are in the processing of receiving funds.

I concur with this recommendation:

Eric Wobser
City Manager

Michelle Reeder
Finance Director

CC: Brendan Heil, Law Director

RESOLUTION NO. _____

A RESOLUTION ACCEPTING OPIOID SETTLEMENT FUNDS AND AUTHORIZING THE FINANCE DIRECTOR TO ESTABLISH A SPECIAL FUND DESIGNATED AS THE "ONEOHIO OPIOID SETTLEMENT FUND" FOR THE CITY OF SANDUSKY, ERIE COUNTY, OHIO; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City Commission approved the material terms of the One Ohio Subdivision Settlement Pursuant to the One Ohio Memorandum of Understanding and consistent with the terms of the July 21, 2021 National Opioid Settlement Agreement and authorized participation in the proposed settlement and execution of the related participation forms by Ordinance No. 21-126, passed on August 9, 2021; and

WHEREAS, the City has been notified by the Ohio Attorney General that the first payment of funds from the OneOhio Settlement with the opioid distributors McKesson Corporation, Cardinal Health, Inc. and AmerisourceBergen Corporation is being distributed to eligible local governments including the City of Sandusky; and

WHEREAS, the State Auditor has recommended that each participating subdivision accepting funds from the OneOhio Subdivision Settlement with McKesson Corporation, Cardinal Health, Inc. and AmerisourceBergen Corporation provide legislation that the local government's share of the Ohio Settlement Funds will be placed in a separate fund and be used only for the approved purposes as required by the OneOhio MOU; 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 establish the fund as soon as possible as the City is in the process of receiving the settlement 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 Finance, 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 accepts the OneOhio Opioid Settlement Funds pursuant to the OneOhio MOU and authorizes and directs the Finance Director to place said funds in a separate fund identified as the "OneOhio

Opioid Settlement Fund” to be used only for the approved purposes required by the OneOhio MOU.

Section 2. This City Commission authorizes and directs the Finance Director to establish a special fund designated as the "OneOhio Opioid Settlement Fund" pursuant to and in accordance to the OneOhio MOU and Section 5705.09(F) of the Ohio Revised Code.

Section 3. The Finance Director is further authorized to do all things necessary and proper to manage the resources in the fund consistent with the provisions of the fund and the law.

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: August 22, 2022



PLANNING DEPARTMENT

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

To: Eric Wobser, City Manager

From: Nicole Grohe, Community Development Program Administrator

Date: August 10th, 2022

Subject: Commission Agenda Item – U.S. Department of Housing and Urban Development: CV FY2020 Community Development Block Grant (CDBG) – OHgo Subrecipient Agreement (OHgo Be Well Program)

Item for Consideration: Legislation for the approval of a Subrecipient Agreement between the City of Sandusky and OHgo for the OHgo Be Well Program.

Background Information: OHgo was awarded \$24,000 for the CV CDBG FY20 Program Year to implement the OHgo Be Well Program. This project will run concurrent with the FY22 Program Year from July 1, 2022 to June 30, 2023.

The OHgo Be Well Program helps fight food insecurity in Sandusky by providing food through a remote locker system.

Budgetary Information: The City of Sandusky will award OHgo a total of \$24,000 for the OHgo Be Well Program for CV CDBG Program Year FY2020. This award shall be paid with CDBG grant monies and there will be no impact on the General Fund.

Action Requested: It is requested that proper legislation be prepared to allow for the execution of the Agreement. It is further requested that this legislation be passed in accordance with Section 14 of the City Charter in order to expedite the execution of the Subrecipient Agreement to allow OHgo to implement this program and to expend the funds prior to the deadline of June 15, 2023.

Nicole Grohe
Community Development Program Administrator

I concur with this recommendation:

Jonathan Holody
Director of Community Development

Eric Wobser
City Manager

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

CERTIFICATE OF FUNDS

In the Matter of: OHgo Be Well Program- CDBG COVID funds

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

Account #241-4447-53000

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 8/10/2022

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A SUBRECIPIENT AGREEMENT WITH OHGO TO ASSIST WITH THEIR REMOTE FOOD LOCKER PROGRAM AND TO EXPEND AN AMOUNT NOT TO EXCEED \$24,000.00 FROM THE FY2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG-CV) FUNDS; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, pursuant to Title I of the Housing and Community Development Acts of 1974 and 1977, as amended, the City has applied for and received a Community Development Block Grant (CDBG) for certain community development activities; and

WHEREAS, in accordance with the Agreement, the City of Sandusky will award OHgo a total of \$24,000.00 for their Be Well Program to provide food for eligible clients by purchasing food under the rules and regulations of the Community Development Block Grant; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to expedite the execution of the Subrecipient Agreement and allow OHgo to implement this program and to expend the funds prior to the deadline of June 15, 2023; 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 Planning, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. This City Commission hereby approves and authorizes the execution of the Subrecipient Agreement with OHgo to assist with their Be Well Program in Sandusky, a copy of which is marked Exhibit "A" and is attached to this Ordinance and is specifically incorporated as if fully rewritten herein, together with such revisions or additions thereto as are approved by the Law Director as not being adverse to the City and as being consistent with the purpose thereof as set forth in the preamble hereto and authorizes the City Manager and/or Finance Director to expend funds in an amount **not to exceed** Twenty Four Thousand and 00/100 Dollars (\$24,000.00) from the FY2020 Community Development Block Grant (CDBG-CV) Funds to OHgo.

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: August 22, 2022

City of Sandusky
Department of Community Development
Public Services
Subrecipient Agreement

This agreement entered into as of _____, 2022, by and between the City of Sandusky (hereinafter referred to as "City"), 240 Columbus Avenue, Sandusky, Ohio acting through its City Manager and upon the advice of its Department of Community Development, and OHgo, (hereinafter referred to as "Subrecipient"), located at 3616 Plumbrook Cr. Sandusky, Ohio 44870.

WITNESSETH THAT:

WHEREAS, pursuant to Title I of the Housing and Community Development Acts of 1974 and 1977, as amended, the City has applied for and received a Community Development Block Grant (CDBG) for certain community development activities; and

WHEREAS, included in said application, or provided for and referred to in subsequent attachments to said application, the Subrecipient is to implement the Be Well Program;

WHEREAS, it is necessary that the City and the Subrecipient enter into an AGREEMENT for the implementation of said activity;

NOW, THEREFORE, the parties do hereby agree as follows:

1. Responsibility for Grant Administration

The City, acting through the Department of Community Development, is responsible for ensuring the administration of CDBG funds in accordance with all program requirements. The use of Subrecipients or Contractors does not relieve the City of its responsibility. The City is also responsible for determining the adequacy of performance under Subrecipient Agreements and procurement contracts and for taking appropriate action when performance problems arise.

2. Other Program Requirements

This AGREEMENT shall require the Subrecipient to carry out each activity in compliance with all Federal laws and regulations as further described in ATTACHMENT II – Certifications and Other Regulations, which is attached hereto and made a part thereof, as if fully rewritten, except that:

- a. The Subrecipient does not assume the City's environmental responsibilities; and
- b. The Subrecipient does not assume the City's responsibility for initiating the governmental review process under Executive Order 12372.

3. Scope of Services

The Subrecipient hereby agrees to utilize funds made available under the CDBG Program for the purpose of implementing the aforementioned activity as described in ATTACHMENT I Statement of Work, which is attached hereto and made a part thereof as if fully rewritten.

The Section 3 Act of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (as amended), requires that the Subrecipient certifies that the community development project provided for herein gives to the greatest extent feasible, priority to activities that benefit low-or moderate-income families or aids in the prevention or elimination of slums or blight.

4. Time of Performance

This AGREEMENT shall take effect as of July 1, 2022 THROUGH AND INCLUDING June 15, 2023. All invoices for reimbursement shall be submitted by June 15, 2023 to be considered for payment.

5. Compensation

The City shall compensate the Subrecipient for all expenditures made in accordance with the aforementioned service activities (See Attachment I). Compensation shall be provided on a reimbursement basis during the term of the AGREEMENT not to exceed award amount of twenty-four-thousand dollars and no cents (\$24,000.00).

6. Ineligible Use of Funds

Funds are not authorized for employee food, beverages, entertainment and/or lobbying expenses.

7. Method of Payment

Subject to receipt of funds from the United States Treasury, the City agrees to reimburse the Subrecipient for authorized expenditures for which original vouchers and other similar documentation to support payment expenses are submitted by the Subrecipient under those generally accepted accounting principles and procedures approved by Sandusky and outlined in OMB circulars A-110 (www.whitehouse.gov/omb/circulars_a110/) and A-122 (www.whitehouse.gov/omb/circulars_a122_2004/). **Documentation shall be submitted to the City quarterly. Documentation for final payment shall be due by June 15, 2023.**

8. Project Progress Reporting

(a) During the term of this contract, the Subrecipient will submit a Project Progress Report to the City quarterly. The Subrecipient will submit the Project Progress Report to the City within 15 days of the close of each reporting period. For each period, the report will describe the status of the project with respect to each implementation task including, at a minimum, summary overview of the project status, the percentage of the project which has been completed, costs incurred, funds remaining, anticipated completion date and required CDBG supporting documentation (See Attachment 1). The report must also describe any significant problems encountered and/or any necessary modification of the project scope or implementation schedule.

(b) **The City will not honor claims for payment until the required Project Progress Report has been submitted to and approved by the City.**

9. Program Income

All income received from CDBG funded activities shall be considered program income and subject to the requirements set forth in OMB Circular A-110. Program income shall be retained by the Subrecipient during the project period and reported to the City with each draw request. The amount of the program income reported shall be deducted by the City for the calculations of the reimbursement. Any program income remaining in the possession of the Subrecipient, at the end of the program year, shall be returned to the City.

10. Reversion of Assets

Upon expiration of the AGREEMENT, the Subrecipient shall transfer to the City any CDBG funds on hand at the time of expiration and any account receivable attributable to the use of CDBG funds. It shall also ensure that any real property under the Subrecipient's control that was acquired or improved in whole or in part with CDBG funds in excess of \$24,000.00 is either:

- a. used to meet one of the three National Objectives of the CDBG Program until five (5) years after expiration of the AGREEMENT, or such longer period of time as determined appropriate by the City; or

- b. is disposed of in a manner that results in the City being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures on non-CDBG funds for acquisition of, or improvement to, the property. Reimbursement is not required after five years.

11. Subcontracting

None of the services covered by this AGREEMENT shall be subcontracted without the prior written approval of the City.

12. Compliance with Regulations

The Subrecipient will comply with the applicable uniform administrative requirements as described in ATTACHMENT II – Certifications and Other Regulations, which are attached hereto and made a part hereof as if fully rewritten. In addition, Playing by the Rules: A Handbook for CDBG Subrecipients on Administrative Systems (www.Hud.gov), is a component of supplemental program compliance regulations and are made a part hereof as if fully rewritten.

13. Faith-Based Organization

Where applicable, faith-based organizations may not use CDBG funds to support inherently religious activities such as worship or religious instruction. All eligible program beneficiaries must be served without regard to religion.

14. Proof of Status

The Subrecipient must submit upon signature of contract the following items: 1) Proof of 501(c)(3) status, 2) General Liability Insurance, 3) Directors and Officers Liability Insurance, 4) Current Form 990 or most recent audit, 5) annual budget and 6) DUNS number.

15. Liaison

The Development Manager for the City of Sandusky, is the City's liaison with the Subrecipient regarding all administrative and technical matters concerning this Contract.

16. Indemnification

- (a) The Subrecipient waives any and all claims and recourse against the City including the right of contribution, for loss or damage to persons or property arising from, growing out of, or in any way connected with or incidental to the Subrecipient's performance under this Contract.
- (b) Further, the Subrecipient will indemnify, hold harmless, and defend the City against any and all claims, demands, damages, costs, expenses, or liability arising out of the Subrecipient's performance of this Contract. In the event that the City is named as a codefendant in any action relating to activities to be performed by the Subrecipient under this Contract, the Subrecipient will notify the City of the action and will represent the City in the action unless the City undertakes to represent itself as a codefendant, in which case the City will bear its own litigation costs, expenses, and attorneys' fees.

17. Maintenance and Availability of Records

In connection with the AGREEMENT, the Subrecipient shall maintain all accounting and client records and documents, papers, maps, photographs, other documentary materials and any evidence pertaining to costs incurred for five (5) years. Subrecipients may follow their own practices as long as they provide for retention for five (5) years and access for audit and public examination. If any litigation, claim or audit is started, the records shall be retained beyond five (5) years.

Such records shall be furnished and available for inspection by the Department of Housing and Urban Development (HUD), the Comptroller General of the United States, or any authorized representative, and the City. Such records shall be available at the Subrecipient's office at all reasonable times during the contract period. If a claim, investigation or litigation is pending after what is assumed to be the final payment that, in effect, cancels the final

payment date. The retention period will not begin until final settlement of the claim, investigation or litigation, as referenced in OMB Circular A-110.

18. Contract Amendment

- (a) Changes in the contract may be requested by either the City or the Subrecipient and shall be incorporated in written amendments to the AGREEMENT.
- (b) However, the City will allow an amendment by the Subrecipient only if the Subrecipient clearly demonstrates that the modification is justified and will enhance the overall impact of the original project. The City will consider each request to determine whether the modification is substantial enough to necessitate reevaluating the AGREEMENT.
- (c) If the City determines that the proposed amendment represents a budgetary item of 30% or more and/or a change within the programmatic/service scope of the plan, the City will enact a public comment period of thirty (30) days and a public hearing convened at a location convenient and accessible to citizens for final approval.
- (d) If the City determines that the proposed amendment represents a budgetary item change of less than 30% which does not change the programmatic / service scope of the plan, the Community Development Manager will have the authority to approve or deny the proposed amendment to the AGREEMENT.

19. Termination and Suspension

The City may terminate this AGREEMENT as follows:

- a. Termination Due to Noncompliance with Agreement Terms. If the City determines that the Subrecipient has failed to comply with the general terms and conditions of this AGREEMENT, the project schedule, or any special conditions, and if upon notification of the defect the Subrecipient does not remedy the deficiency within a reasonable period to be specified in the notice, the City may terminate this Agreement in whole or in part at any time before the date of completion, or temporarily withholding cash payments pending correction of the deficiency; disallow all or part of the cost of the activity and/or action not in compliance; withhold further awards; and/or take other remedies that may be legally available.
- b. The City will promptly notify the Subrecipient in writing of the decision to terminate, the reasons for the termination, and the effective date of the termination; or
- c. Violates any provision of the Housing and Community Development Act of 1974 & 1977, as amended; or
- d. Violates any applicable regulations or terms and conditions of approval of the applications which the Secretary of HUD has issued or shall subsequently issue during the period of the AGREEMENT; or
- e. Termination and Modification Due to Loss of Funding. If, for any reason, the federal financial resources required by the City to fund the Subrecipient's project are withdrawn from the City, the City may unilaterally terminate or modify the terms of this Contract to reflect the loss of funding. If a termination or modification is required, the City will, to the extent permitted by available CDBG funds, compensate the Subrecipient for eligible work elements the Subrecipient has completed and for actual, necessary and eligible expenses incurred by the Subrecipient as of the revised termination date. The City will give the Subrecipient written notice of the effective date of the modification or termination of this AGREEMENT and, if a reduction in funding is required, will provide the Subrecipient with a modified project budget.

- f. **Effect of Termination.** In the event of termination due to the Subrecipient's failure to comply with the terms of this AGREEMENT, any costs incurred will be the responsibility of the Subrecipient. However, at its discretion, the City may approve requests by the Subrecipient for reimbursement of expenses incurred. The City's decision to authorize payment of these costs or to recover expended CDBG funds will be based on a consideration of the Subrecipient's extent to which the expenditure of those funds represented a good faith effort of the to comply with the terms of this AGREEMENT and on whether any failure to comply with the terms of this AGREEMENT was the result of circumstances beyond the Subrecipient's control.

20. Audit

The Subrecipient is encouraged to comply with the audit requirements set forth in OMB Circular A-133 (www.whitehouse.gov/omb/circulars/a133_compliance_supplement_2014). If the audit requirements of A-133 are not followed by the Subrecipient, the audit requirements of OMB Circular A-110 (www.whitehouse.gov/omb/circulars/a110/) must be followed.

IN WITNESS WHEREOF, the City and the Subrecipient have executed this AGREEMENT as of the date first above written.

City of Sandusky

Subrecipient

Eric Wobser
City Manager

OHGO

Date

Date

Brendan Heil
Law Director

Date

CITY FINANCE DIRECTOR'S CERTIFICATE

I hereby certify that the sum of \$24,000.00 being the amount needed to meet the obligations of the foregoing agreement is in the City Treasury to the credit of an appropriate fund duly appropriated for such purpose and not otherwise encumbered or in the process of collection.

ACCOUNT NUMBER: _____
FUNDS AVAILABLE: \$ _____

Michelle Reeder
Finance Director

Date

**ATTACHMENT I
STATEMENT OF WORK**

**SCOPE OF SERVICES
PROGRAM BUDGET
CDBG SUPPORTING DOCUMENTATION
CLOSEOUT PROCEDURES**

EXHIBIT "A"

**ATTACHMENT I
STATEMENT OF WORK**

SCOPE OF SERVICES

The Scope of Services provides the foundation for grantee monitoring of the Subrecipient performance in accomplishing planned objectives.

The OHGO is providing food for LMI eligible clients through the purchase of food for their Be Well Program.

The scope of services outlined above and in the OHGO's application have been approved.

Program Year Quarter	Projected Outcome of Individuals Serviced
1	60
2	60
3	60
4	60

EXHIBIT "A"

**ATTACHMENT I
STATEMENT OF WORK**

PROGRAM BUDGET

Description of Work	CDBG Funds Requested	Other Funds or In-Kind Contribution	Total Project Costs
Steel lockers	\$0	\$70,134	\$70,134
Software	\$0	\$250/mo	\$3,000
Food	\$24,000	\$60,000	\$84,000
Mailing/Marketing	\$0	\$8000	\$8,000
Operations	\$0	\$11,600	\$11,600
Total Project Expenditures	\$24,000	\$152,734	\$176,734

CDBG % of Total Budget: 13%

EXHIBIT "A"

ATTACHMENT I STATEMENT OF WORK

CDBG SUPPORTING DOCUMENTATION FORMS

CDBG supporting documentation must also be submitted with the Progress Project Reports and the Closeout Project Report in order for the Subrecipient to be reimbursed for authorized expenditures. The supporting documentation forms include, but are not limited to the following:

To Be Submitted:

Payroll documentation for employees administering the project
Time Distribution Records
Receipts for supplies and expenditures
Copies of promotional materials, etc.

ATTACHMENT I CLOSEOUT PROCEDURES

Closeout Procedures commence once the following have occurred:

- All costs to be paid with CDBG funds have been incurred, with the exception of closeout costs (e.g., audit) or contingent liability costs.
- The work to be financed with CDBG has been completed, including activities financed through escrow accounts, loan guarantees, or similar mechanisms.
- The other responsibilities of the Subrecipient under its agreement with the grantee have been met, or the grantee feels that there is no further benefit in keeping the Agreement open for the purpose of securing performance.

When the City has determined that these criteria have been met, or upon the expiration or termination of the Subrecipient Agreement, the City requires the Subrecipient to provide within 45 days the final versions of all financial, performance, and other reports that were a condition of the award. The City requires the Subrecipient to liquidate all obligations incurred under the CDBG award before the submission of the final financial status report. These reports may include but are not limited to:

- A final performance or progress report.
- A financial status report (including all program income, if applicable).
- A final inventory of property in the Subrecipient's possession that was acquired or improved with CDBG funds, if applicable.
- The amount of any unused CDBG funds.
- Other provisions appropriate to any special circumstances.

Continuing Subrecipient Responsibilities

As specified in 24 CFR 84.72 and 85.51, the closeout of a CDBG award to a Subrecipient does not affect:

- The grantee's right to disallow costs and/or recover funds on the basis of a later audit or other review.
- The Subrecipient's obligation to return funds due to the grantee from subsequent refunds, corrections, or other transactions.
- The Subrecipient's responsibilities for records retention.
- The CDBG property management and disposition requirements.
- Audit requirements.

EXHIBIT "A"

**ATTACHMENT II
CERTIFICATIONS & OTHER REGULATIONS**

**CONFLICT OF INTEREST
EQUAL OPPORTUNITY
DRUG-FREE WORKPLACE
CERTIFICATION REGARDING LOBBYING
ASSURANCES – NON-CONSTRUCTION PROGRAMS**

EXHIBIT "A"

ATTACHMENT II
CERTIFICATIONS & OTHER REGULATIONS

CERTIFICATION
CONFLICT OF INTEREST

Please read the following Conflict of Interest Statements excerpted from the Code of Federal Regulations at 24 CFR 570.611 and indicate your acceptance on the proceeding signature page.

(a) Applicability.

(1) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, shall apply.

(2) In all cases not governed by 24 CFR 85.36 and 24 CFR 84.42, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to § 570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to §§ 570.203, 570.204, 570.455, or 570.703(i)).

(b) Conflicts prohibited. The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

(c) Persons covered. The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.

(d) Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it has satisfactorily met the threshold requirement of paragraph (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.

(1) Threshold requirements. HUD will consider an exception only after the recipient has provided the following documentation:

- (i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
- (ii) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

(2) Factors to be considered for exceptions. In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d) (1) of this section, HUD shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effect of the following factors, as applicable:

- (i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;

- (ii) Whether an opportunity was provided for open competitive bidding or negotiation;
- (iii) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
- (iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question;
- (v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section;
- (vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
- (vii) Any other relevant considerations.

I have read the attached Conflict of Interest Statements excerpted from the Code of Federal Regulations at 24 CFR 570.611, and I agree to abide by the principles embodied therein.

OHgo

Date

EXHIBIT "A"

**ATTACHMENT II
CERTIFICATIONS & OTHER REGULATIONS**

**CERTIFICATION
EQUAL OPPORTUNITY**

The provider agrees to comply with:

- a. Title VI of the Civil Rights Act of 1964 that no person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal Financial Assistance by way of grant, loan, or contract and will immediately take any measures necessary to effectuate this Agreement.
- b. Section 109 of the Housing and Community Development Acts of 1974 and 1977, as amended, and in conformance with all requirements imposed by or pursuant to the Regulations of the Department of HUD (24CFR Part 570.601) issued pursuant to that Section, and in accordance with Equal Opportunity obligations of that Section, no person shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with community development funds.

EXHIBIT "A"

OHgo _____ Date _____

**ATTACHMENT II
CERTIFICATIONS & OTHER REGULATIONS**

**CERTIFICATION
DRUG-FREE WORKPLACE**

The applicant certifies it will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- b. Establishing an on-going drug-free awareness program to inform employees about:
 1. the dangers of drug abuse in the workplace;
 2. the grantee's policy of maintaining a drug-free workplace;
 3. any available drug counseling, rehabilitation and employee assistance programs; and
 4. the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a;
- d. Notifying the employee in the statement required by paragraph a., as a condition of employment under the grant, the employee will:
 1. abide by the terms of the statement; and
 2. notify the employer of any criminal drug statute conviction for the violation occurring in the workplace no later than five (5) days after such conviction;
- e. Notifying HUD within ten (10) days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction.
- f. Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is convicted;
 1. taking appropriate personnel action against such an employee, up to and including termination; or
 2. requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, State or local health, law enforcement or other appropriate agency;
- g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a) through (f) above.

OHgo

Date

**ATTACHMENT II
CERTIFICATIONS & OTHER REGULATIONS**

**CERTIFICATION
LOBBYING**

Certification for Contracts, Grants, Loans and Cooperative Agreements:

The undersigned certifies to the best of his knowledge and belief that:

1. No federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a members of congress, an officer or employee of congress or an employee of a member of congress in connection with awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement and the extension, renewal, amendment or modification of any federal contract, grant, loan or cooperative agreement.
2. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of congress or an employee of a member of congress in connection with this federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants and contracts under grants, loans and cooperative agreements) and that all Subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

OHgo

Date

ATTACHMENT II CERTIFICATIONS & OTHER REGULATIONS

CERTIFICATION ASSURANCES-NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal-awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

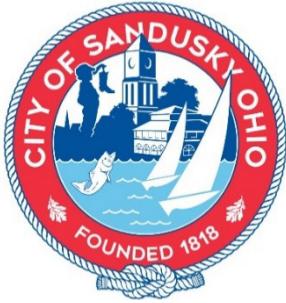
As the duly authorized representative of the applicant, I certify that the applicant:

- (1) Has the legal authority to apply for Federal Assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application
- (2) Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- (3) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organization conflict of interest, or personal gain.
- (4) Will initiate and complete the work within the time frame after receipt of approval of the awarding agency.
- (5) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 48-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for Merit System of Personnel Administration (5 CFR 900 subpart F).
- (6) Will comply with all Federal Statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964(PL 88-352) which prohibits discrimination on the basis of race, color or national origin: (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex: c Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps: (d) the Age Discrimination Act of 1975), as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age: (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relative to nondiscrimination on the basis of drug abuse: (f) the Comprehensive Alcohol Abuse and Alcoholism Preventing, Treatment and Rehabilitation Act of 1972 (P.L. 091-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism: (g) 523 and 527 of the Public Health Service Act of 1912 (42 U. S.C. 290 dd-3 and 290 ee-3) as amended, relating to confidentiality of alcohol and drug abuse patient records: (h) Title VII of the Civil Rights Act of 1968 (52 U.S.C. 3601 et seq.) as amended, relating to nondiscrimination in the sale, rental or financing of housing: (i) any other nondiscrimination provisions in the specific statutes under which applications for Federal assistance is being made: (j) the requirements of any other nondiscrimination statutes which may apply to the application.
- (7) Will comply, or has already complied with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for a fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired to projected purposes regardless of Federal participation in purchases.
- (8) Will comply, as applicable with provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

- (9) Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 374), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333). Regarding labor standards for federally assisted construction sub-agreements.
- (10) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition if \$10,000 or more
- (11) Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy 11424: (b) notification of violating facilities pursuant to EO 11738: c protection of wetlands pursuant to EO 11990: (d) evaluation of flood hazards in flood plains in accordance with EO 11988: (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (15 U.S.C. 1451 et seq.): (f) conformity of Federal actions to State (Clear Air0 implementation Plans under Section 176c of the Clear Air Act of 1955, as amended (41 U.S.C. 7401 et seq.): (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523): and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
- (12) Will comply with the Wild and Scenic Rivers Act of 1964 (16 U.S.C. 1271 et seq.) related to protecting components or potential components of the nation wild and scenic rivers system.
- (13) Will assist the awarding agency is assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470) EQ 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
- (14) Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- (15) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended and 7 U.S.C. 2131 et seq.), pertaining to the care, handling and treatment of warm blooded animals held for research, teaching or other activities supported by this award of assistance.
- (16) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
- (17) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133. Audits of Institutions of Higher Learning and other Non-profit institutions.
- (18) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

OHgo

Date



Community Development

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

TO: Eric Wobser, City Manager
FROM: Nicole Grohe, CDBG Program Administrator
DATE: August 9th, 2022
RE: Erie County Health Department MOU 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 August 1st, 2022. The intent of the MOU is to accept \$15,320 from the Erie County Health Department through the Ohio Lead Safe Home Fund for the demolition of one residential structure 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 May 23rd, 2022 the City Commission approved a contract to demolish one structure located at: 506 E. Monroe Street through Ordinance 22-100. In exchange for the demolition of this structure the Erie County Health Department will reimburse the city \$15,320.

BUDGET IMPACT: The city will receive \$15,320 for the demolition and asbestos testing 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 \$15,320 from the Erie County Health Department for the demolition of one demolition located at 506 E. Monroe Street. 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 Program Administrator

I concur with this recommendation:

Jonathan Holody, Director of Community Development 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 A CONDEMNED RESIDENTIAL STRUCTURE LOCATED AT 506 E. MONROE STREET 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 a structure within the City that has been condemned and is 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 #3 by Resolution No. 012-22R, passed on February 14, 2022, which included the asbestos abatement and demolition of one (1) residential condemned structure, ordered for demolition by the City's Housing Appeals Board and located at 506 E. Monroe Street; and

WHEREAS, the City Commission approved the awarding of a contract to Advanced Siegel Excavating of Edinburg, Pennsylvania, for work to be performed for the CDBG FY21 Demolition Project #3 by Ordinance No. 22-100, passed on May 23, 2022; and

WHEREAS, the total cost for the asbestos abatement and demolition of the structure located at 506 E. Monroe Street is \$15,320.00 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 one (1) condemned residential structure located at 506 E. Monroe Street, 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

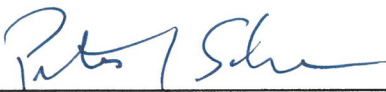
Passed: August 22, 2022

**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 a structures within Sandusky City that have been condemned and is 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 this residential structure 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
506 E. Monroe Street	\$15,320
Total	\$15,320

7. The ECBOH staff upon receipt and approval of all required records has agreed to reimburse the City using Ohio Lead Safe Home funds for the cost outlined above for the demolition of 506 E. Monroe. The staff will also confirm and record the removal and disposal of all lead and asbestos hazard.
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

08-01-2022

Date

Eric L. Wobser
Sandusky City Manager

Date



DEPARTMENT OF PUBLIC WORKS

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

To: Eric Wobser, City Manager

From: Joshua R. Snyder, P.E.

Date: August 9, 2022

**Subject: Commission Agenda Item –OPWC Application, Round 37
Superior Street Rehab Project**

ITEM FOR CONSIDERATION: A Resolution approving the submission of one application to participate in the Ohio Public Works Commission (OPWC) Round 37 State Capital Improvement Program (SCIP) and/or Local Transportation Improvement Program (LTIP) and to execute contracts as required. The application will provide for 60% of the repairs to improve the ride along Superior Street.

BACKGROUND INFORMATION: This concrete street has ridden poorly since at least year 2000. In general, the existing 56 year old, 8-inch reinforced concrete street is lacking areas that would be considered structural damage. However, what the street does have are warped concrete slabs, resulting in what is best described as, a sort of “horseback riding” experience while driving down it. Business owners claim patrons don’t want to come to them in their location due to the rough ride of this street. The specific area work would address on Superior Street is from Perkins Ave. to the Cul-de-sac, just South of Route 6. The affected area is zoned commercial and acting effectively as a business/industrial park roadway. The proposed work would mill/profile the high spots of the existing concrete, then a course of chip-interlayer would be placed to fill cracks and joints, an intermediate asphalt layer would be applied to further smooth out the variances in the road profile. Lastly, a surface course of asphalt would be applied.

BUDGETARY INFORMATION: There is no cost to submit the application. Notification of award would be in December 2022. If awarded, the project would be constructed beginning early in 2024 and bid as part of the resurfacing program. If awarded, any matching funds required would be incorporated into the 2024 budget. The cost of the project is currently estimated at \$291,086. The City is planning to apply for \$175,000 (60%) of OPWC funds to leverage these funds, reducing the City’s obligation to \$116,086 (40%), which would be drawn out of 2024 annual resurfacing funds.

ACTION REQUESTED: It is recommended that the authorization for preparation and submittal for OPWC Round 37 applications be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order to submit this application package to the OPWC District 5 Integrating Committee by the deadline of September 9, 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

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION BY THE CITY MANAGER FOR FINANCIAL ASSISTANCE AND TO ENTER INTO A PROJECT AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION (OPWC) IN ORDER TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AUTHORIZED BY CHAPTER 164 (AID TO LOCAL GOVERNMENT IMPROVEMENTS) OF THE OHIO REVISED CODE FOR THE SUPERIOR STREET REHAB PROJECT; AND DECLARING THAT THIS RESOLUTION TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Superior Street is a 56 year old 8-inch reinforced concrete street with sections of warped concrete slabs located in commercial zoned areas which effectively act as business / industrial park roadways and these sections are in need of improvements; and

WHEREAS, the Superior Street Rehab Project involves improvements on Superior Street from Perkins Avenue to the Cul-de-sac, just south of Route 6 and consists of milling the high spots of the existing concrete, a course of chip-interlayer to fill cracks and joints, an intermediate asphalt layer to further smooth out the variance on the road and lastly, a surface course of asphalt; and

WHEREAS, the current estimated cost for the Superior Street Rehab Project is \$291,086.00 and the City is requesting funds in the amount of \$175,000.00 (60%) and if awarded, the City's portion of the project will be \$116,086.00 (40%) and will be paid with annual resurfacing funds from the City's 2024 budget; and

WHEREAS, a certified copy of the legislation approving the project is required by the governing body of the applicant; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to submit the grant application package and Resolution to the OPWC District 5 Integrating Committee by the deadline of September 9, 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 **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter; and NOW, THEREFORE,

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

Section 1. This City Commission hereby approves the submission of an application for financial assistance with the Ohio Public Works Commission's State Capital Improvement and/or Local Transportation Improvement Programs as provided in Chapter 164 of the Ohio Revised Code for the Superior Street Rehab

Project and authorizes and directs the City Manager to file the application for assistance and authorizes and directs the City Manager and/or Finance Director to provide any necessary information and assurances and to execute appropriate project agreements if assistance is awarded by the Ohio Public Works Commission.

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.

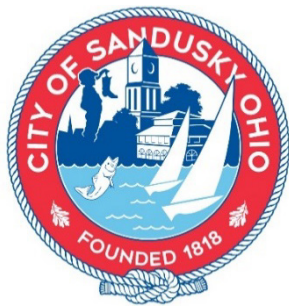
Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted 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: August 22, 2022



DEPARTMENT OF PUBLIC WORKS

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

To: Eric Wobser, City Manager

From: Joshua R. Snyder, P.E., Public Works Engineer

Date: August 9, 2022

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

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

BACKGROUND INFORMATION:

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

The City of Sandusky has been a participant in the National Flood Insurance Program (NFIP) since 1977, which discounts property insurance rates, because staff regulates development within the affected Special Flood Hazard (SFH) Areas within the City. Furthermore, as a member of the NFIP, the flood insurance cost for a given property stays uniform from insurer to insurer, so flood insurance "shopping" is not necessary. The last update to this ordinance was in late 2021.

Driving this update more specifically, is that our 2021 Ordinance needs terminology and definitions updated to coincide with FEMA's current model Floodplain Ordinance and preliminary updated floodplain map for Sandusky. Due to this updated mapping, hydrologic data and survey technologies along with the feedback gained about our geographic area, an updated map is forthcoming in September of 2022, with newly designated zones in areas of the City.

The Planning Commission approved the amendments to the Flood Damage Reduction Ordinance at their meeting on June 22, 2022.

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

ACTION REQUESTED: It is recommended that proper legislation be prepared and approved to allow the new building regulations, particularly the "Flood Protection Elevation" change, to take effect prior to the new FEMA floodplain map's effective date, to have our ordinance conform to current FEMA terminology, definitions and standards. These ordinance changes will coincide with the updated mapping that is slated to take effect on September 1, 2022.

I concur with this recommendation:

Eric Wobser, City Manager

Aaron Klein, PE, Director

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

**Planning Commission
June 22, 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, and Mike Zuilhof. Alec Ochs and Arin Blair represented the Community Development Department, Brendan Heil represented the Law Department, Aaron Kline and Josh Snyder represented the Public Works Department, and clerk Kristen Barone was also present.

Approval of minutes from May 25, 2022:

Mr. Miller moved to approve the minutes as presented and Mr. Poggiali seconded. All voting members were in favor of the motion.

New Business:

S&S Realty Ltd has submitted a site plan application for a building addition at 1935 Cleveland Road (parcel 57-01378.000).

Mr. Ochs stated that the applicant proposes to expand the kitchen by 240 sq. ft. The addition is to accommodate seasonal service to the existing patio during normal restaurant hours and the addition will result in no additional building or patio occupants. The total parking spaces shared between the mixed use development is 352 spaces. The addition will not take away any existing parking. Staff has determined that no additional parking is necessary. With no additional parking requirements, no additional landscaping is required. All area standards are satisfied as well as yard regulations. Staff recommends the approval of the proposed site with the condition that all applicable permits must be obtained through the Building Department, Engineering Department, and any other applicable agency prior to construction. Mr. Miller motioned to approve the application subject to staff's conditions and Mr. Poggiali seconded. All voting members were in favor of the motion and the application was approved.

The City of Sandusky has submitted a site plan application for renovation of the existing Sandusky Justice Center at 222 Meigs Street (parcel 56-64019.000).

Ms. Blair stated that since there is not an addition being added onto this building, it is unclear in the code on whether this needs to come to Planning Commission for approval, but since it is a high profile project that the City of Sandusky is doing, staff wanted to make sure that members of the Planning Commission are aware of the changes that are taking place. The staff report focuses on changes to the vehicle circulation and public access to the site. Mr. Ochs stated that the building will still house the police and court staff in their day-to-day operations. The court section of the building will operate during business hours, while the police will have 24-hour operations. The buildings use and occupancy will not change. The footprint of the building will remain the same size at approximately 38,000 sq. ft. The height will remain the same. The parking on the parcel is increasing from 183 spaces to 228 spaces. Staff has determined that no additional parking is necessary. Landscape standards are satisfied. With 10 trees and nearly 8,000 square feet of lawn area, the existing landscaped island, to remain in the main

public parking area, sufficiently covers the 10 landscaping requirement in the code. In this case, the requirement is 9 trees and 900 total square feet of landscaped island. The site plan also further beautifies the site with landscaping facing Meigs Street. All exterior lighting will be dark sky friendly. All area standards are satisfied. All yard regulations are satisfied. All use standards are satisfied. Staff recommends the approval of the proposed site plan with the condition that all applicable permits must be obtained through the Building Department, Engineering Department, and any other applicable agency prior to construction. Mr. Miller asked staff if there is a difference between dark sky friendly and dark sky compliant. He then asked if there is a dark sky code requirement. Ms. Blair stated there is not, but staff is aware that the Planning Commission prefers dark sky friendly lighting and relays that message to applicants. Mr. Miller asked where the Rec Department is located currently and will they be located at Meigs Street after that is renovated. Ms. Blair stated that that Rec Department has a temporary home with a three year lease at the former Mills School, with the possibility of extending that lease. Mr. Miller then stated that it looks like there is secured parking for staff and asked if staff could confirm that. Ms. Blair stated that is correct, there will be a fence outlining the staff parking lot and that is shown in the staff report in red and three staff entry points in that secured area. There will only be one public entry at the front of the building. Mr. Miller asked if anything was happening to the skate park area. Ms. Blair stated that the skate park will remain as is for now. Mr. Jackson stated that he notices there is just one entrance for the public into the whole building, but since the Police Department needs to be available to the public 24/7, how will they be able to get there. Mark Schmitzer and Timothy Larke with Red Barn Engineering, stated that once the public walks through the front door there will be a vestibule that leads to the police station, which will be open 24/7 and then a separate vestibule that leads to the court house, which will only be open during business hours. Mr. Schmitzer and Mr. Larke then reviewed the rest of the site plan with the commission. They stated that generally things are saying the same, but the police department radio antenna is being relocated from the courtyard to the southeast corner and will be freestanding in some landscaping. Also, the current horseshoe drive located long the police station will no longer be there but will be the secured parking lot that is shown in the site plan. Mr. McGory asked if the police department and court house will be remaining at Meigs Street during renovations or will they be operating somewhere else. Mr. Kline stated that the Police Department will remain at the building, but will be shifting around as needed during renovations. Staff is trying to see if there is somewhere the court house could be relocated temporarily. Mr. Zuilhof stated that on the site plan it looks like on the northern side of the building there is no longer a way to get from the southern parking to the northern parking lot from the eastern end of the lots like there is now, but instead people would have to turn around in the parking lots and land then go back out into the road if the one parking lot is full and they need to park in the other parking lot. Mr. Schmitzer and Mr. Larke stated that staff stated that the parking lot closest to the building rarely fills up and they wanted to separate the two lots for future planning purposes. Mr. McGory stated he believes the circular flow of the current parking lot is nice to have and it creates less congestion when you go to leave so that you are not running into someone coming into the parking lot. Mr. Kline stated that in 2016, 17, and 18 there was a detailed analysis done between the administration, courts, and police on the maximum number of spots needed and the layout far exceeds what is needed. The main reason the two northern parking lots are not connected is because they are trying to maintain a secondary access into the sailing club and Battery Park and the majority of users for the skate park use that northern parking lot, so staff wanted to avoid the conflict of the two uses. Mr. Zuilhof stated that eventually Battery Park will be redeveloped and there will be events there so it would be a shame to overkill on the secured parking

here and not have enough parking available for visitors. Mr. Zuilhof then stated that as far as lighting goes, he believes the only lighting rule there is, is that City owned property lighting will be shielded from upper stories, but he is not sure if that rule still exists or not, so he would be more comfortable if that was made a condition that they use dark sky friendly lighting, as that has been a condition for many other projects. Mr. Zuilhof stated that we need to keep in mind that a strong part of the concept for the Downtown Master Plan, which includes Battery Park, is that there will probably be a road going down Washington and along the water closer to the water and around probably connecting to Water Street, so as long as we keep this in mind and that Washington Street remains open. He then said that there was a study done probably about 25 years ago about roundabouts and having one at Meigs and Washington. So he is disappointed that is not being explored, as now would be the time to do it. Mr. Zuilhof then stated that there is an antenna collocation ordinance and asked if this is a larger antenna and if the City is subject to follow that ordinance. Mr. Schmitzer and Mr. Larke stated that they believe the antenna is 60 feet tall. Mr. Zuilhof stated that it might make more sense to collocate then instead of sticking in another mass that we might not need later. Mr. Heil stated that the City will follow all ordinances during this process. Mr. Schmitzer and Mr. Larke clarified that they are not relocating an old tower, they are replacing the old one and putting it in a new location. Mr. Zuilhof stated that then he believes that they need to consider using the old tower. Mr. Kline stated that they did go over that option with the former IT Director and it was determined that was not an option. Mr. Miller made a motion to approve the site plan application as presented and Mr. Poggiali seconded. Mr. Zuilhof stated that it is his understanding that staff may approve minor changes to this site plan. Ms. Blair stated that is correct. All voting members were in favor of the motion and the motion passed.

FEMA and NFIP Required Changes to Floodplain Regulations

Mr. Snyder stated that he is the Floodplain Administrator for the City of Sandusky. He then reminded the Planning Commission that months ago the floodplain ordinance was updated and then forwarded those changes onto FEMA. FEMA then came back with some revisions that includes their standard language and that was included in the Planning Commission packet for this month. He stated that the new map is effective September 1st and these changes need to be approved before then. If the changes are not approved, the City will be kicked out of the National Flood Insurance program. So those that pay flood insurance they would be at their own risk for getting different rates from different insurance companies. Right now those that pay flood insurance can get the same rate regardless of which insurance company they go through. Mr. Poggiali asked if Mr. Snyder can give an example of where zone AO is in the city. Mr. Snyder stated that the only place in the City of Sandusky that is in the AO zone is the mid of the chaussee. He stated that on the new mapping effective September 1st, there is a two foot freeboard requirement added to that zone, so when he is considering construction to occur in this zone, he needs to account for the base flood elevation plus the two foot run up. Mr. Jackson asked Mr. Snyder if he believes the changes that FEMA made are major or minor. Mr. Snyder stated in his opinion they are very minor. Mr. Zuilhof stated that they are technical changes. Mr. Snyder stated that is correct. Alicia Silverio with the Ohio Department of Natural Resources, added that the revisions that everyone has looked at are needed to meet the minimum Federal requirements, but if there are things that the City of Sandusky wants to add to those minimum requirements, they can certainly work with the City on that, but they cannot add anything that conflicts with the minimum Federal requirements. Mr. Jackson asked if those that have floodplain insurance already be affected by these changes. Mr. Zuilhof stated that from what he understands there is no downside to the residents by these changes, and the citizens will be able to continue to participate in the program. Ms. Silverio confirmed that is correct. Mr. Poggiali

asked for clarification on if the City did not approve these changes and removed from the program insurance costs would go up. Ms. Silverio stated there would not be flood insurance and disastrous assistance would be limited. Mr. Poggiali asked if people could get their own insurance. Ms. Silverio stated it would not be available. Mr. Poggiali then asked if it would be difficult for someone to get a loan on a property in a floodplain because they would require you to have insurance before getting a loan. Ms. Silverio stated that flood insurance is required where it is available, so if it is not available then it would not be required. However, lenders may choose not to approve loans in high risk areas where they are not sure they could recover their losses. Mr. Zuilhof moved to recommend approval of the changes to City Commission and Mr. Miller seconded. All voting members were in favor of the motion and the motion passed.

Findings and Recommendations on Transient Rental Property Regulation from the Planning Commission Subcommittee

Ms. Blair stated that the subcommittee continues to meet to discuss this topic but does not yet have a recommendation. Every time an idea is brought up more questions arise and that need to be looked into and they want to make sure they do this right and do not rush into anything. Mr. Zuilhof stated that they need to consider that the ordinance is good the way it is and that an option would be to not make any changes. Mr. McGory stated that he thinks it is not a good idea to let there be an unlimited amount of transient rentals so the question is do you limit it by numbers? He said that he also thinks there needs to be a plan forward for those that want to pursue transient rentals. Mr. Jackson said that it needs to be made more clear to the public how to go about it. Mr. Zuilhof stated that the simple answer is no, you cannot do it if your property is not zoned to do it and your property is not in the overlay district. A zoning change can be initiated by the Planning Commission, City Commission, or a property owner. The overlay district can only be initiated by the Planning Commission or City Commission. Anyone can petition a zoning change. Ms. Blair stated that to Mr. McGory's point, transient rentals are currently limited not by a number but by the six zoning districts where it is permitted as well as the overlay district. To Mr. Jackson's point, staff try to continuously improve how they communicate to the community where transient rental is permitted. There is a page on the City's website that explain this and that can be found at cityofsandusky.com/transientrental. One mechanism people can pursue when a property is not zoned to be able to do transient rental is submit a rezoning application to staff and then staff bring that to the Planning Commission and City Commission for approval. Mr. McGory stated that he has to believe that the overlay district in the Cove District was initiated by the property owners in that area. Mr. Zuilhof stated that is not what happened. Mr. Poggiali stated that he believes all of these comments have been considered in the subcommittee meetings and asked that the Planning Commission give them more time to keep looking into questions that have come up during these meetings and to make sure they are not missing anything.

Old Business:

Tabled on May 25, 2022: Ronda Jacksich has submitted an application for an amendment to the zoning map for 702 and 706 Perry St (parcels 57-03889.000 and 57-04347.000). The application is to rezone the parcels from "R1-40" Single-Family Residential to "RRB" Residential Business.

Mr. Zuilhof stated that the owner of the one property submitted an application for her property, but also included a neighbor's property on her application. It was brought up at the last meeting that Ms. Jacksich's neighbor needed to fill out an application for his own property or allow Ms. Jacksich to be authorized agent and represent him in wanting to rezone his property. Mr. Ochs stated that he has not received any additional information from the applicant or her neighbor regarding this matter. Mr. Heil stated that Planning Commission could remove this item from the table and approve the rezoning for

the property that the applicant owns, they could deny the application, or they could leave the application on the table. If the Planning Commission wanted to deny the application Ms. Jacksich could reapply for just her property if she would like. Mr. Zuilhof asked Mr. Heil if they could deny the application today or would they have to wait until next month. Mr. Heil stated they could do that today. Mr. McGory stated that he would like to leaving this on the table one more month and asking staff to reach back out to the applicant. Ms. Blair stated that staff did touch base with the applicant after the last meeting and asked her to provide what was being asked for, so she knows. Mr. Heil stated that it is Robert's Rules of order to wait until next month's meeting to make a decision but it is the Chairman's decision if he wants to make a decision today or not. Mr. Zuilhof moved to remove this item from the table. Mr. McGory stated he would like to hear from staff first on whether or not they feel comfortable with that and that they have communicated enough with the applicant so that she knows what was needed to move forward. Mr. Ochs stated that he did talk with the applicant immediately after the meeting and he felt that she understood what was needed from her to move forward. Ms. Blair stated that she would be comfortable with this since the applicant is able to apply again if she would like to for just her parcel. Mr. Heil reminded the committee that if the applicant has not followed through then the Planning Commission could make a decision on just the applicant's address tonight. Ms. Castile stated she would prefer to keep this item on the table until the transient rental regulations are established because she might do the extra work to make her application valid and then it's possible when/if the transient rental guidelines change, she may not be able to do this anyways. Mr. McGory stated that he does not see an issue with leaving this on the table to have staff reach out one more time and to give the applicant another chance to make her application valid. With no second on the motion to take this item off the table, the motion failed and the item remained on the table.

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 (tabled at last meeting).

Mr. Zuilhof moved to remove this item from the table and with no second on the motion, the motion failed and the item remained on the table.

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 (tabled at last meeting).

Mr. Zuilhof moved to remove this item from the table and with no second on the motion, the motion failed and the item remained on the table. Some residents in the audience asked if this item would be up for discussion at the next meeting. Mr. Zuilhof stated that if this item was removed from the table at this meeting, it would be heard at the next meeting, but it was not. If it is removed from the table at the July meeting then it will be heard at the August meeting.

Other Business:

Adjournment:

Mr. Miller moved to adjourn the meeting and Ms. Castile seconded. The meeting ended at 6:37pm.

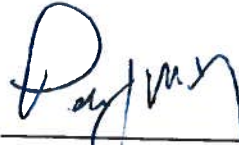
Next Meeting:

July 27, 2022

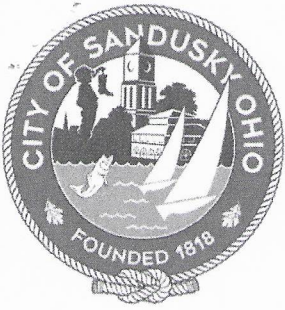
Approved:



Kristen Barone, Clerk



Pete McGary, Chairman



Planning Commission

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

June 29, 2022

At the June 22, 2022 Planning Commission meeting, the Planning Commission recommended approval to the City Commission for the proposed amendment to the City of Sandusky Planning and Zoning Code Chapter 1157 (Floodplain Administration), as recommended by ODNR on behalf of FEMA.

Pete McCory,
Planning Commission Chairman

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART ELEVEN (PLANNING AND ZONING CODE), TITLE FIVE (ADDITIONAL ZONING REQUIREMENTS), CHAPTER 1157 (FLOOD DAMAGE REDUCTION) OF THE CODIFIED ORDINANCES OF THE CITY OF SANDUSKY IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW: AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT UNDER SUSPENSION OF THE RULES AS CONTAINED IN AND IN ACCORDANCE WITH SECTION 13 OF THE CITY CHARTER.

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

WHEREAS, the City Commission approved Ordinance No. 21-159, passed on November 8, 2021, primarily to update terminology and definitions to coincide with FEMA's current model Floodplain Ordinance; and

WHEREAS, the proposed changes are necessary for additional terminology and definitions updates to coincide with FEMA's current model Floodplain Ordinance and to update Sandusky's floodplain map which is forthcoming in September of 2022, with newly designated zones in areas of the City; and

WHEREAS, the Planning Commission approved the amendments to the Flood Damage Reduction Ordinance at their June 22, 2022, meeting; and

WHEREAS, a public hearing on the proposed amendments was held by this City Commission at their August 22, 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 Amendments to Chapter 1157 (Flood Damage Reduction) of the Codified Ordinances; 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. Part Eleven (Planning and Zoning Code), Title Five (Additional Zoning Requirements), Chapter 1157 (Flood Damage Reduction) of the Codified Ordinances of the City of Sandusky is hereby amended as follows:

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

**CHAPTER 1157
FLOOD DAMAGE REDUCTION**

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

CROSS REFERENCES

Flood control bonds; public capital improvement - see Ohio Const., Art. VIII, Sec. 21
National Insurance Program Compliance - see Ohio R.C. 307.37
County Commission flood control aid to governmental units - see Ohio R.C. 307.77
Levees - see Ohio R.C. 717.01
Participation in National Flood Insurance Program - see Ohio R.C. 1506.04
Construction permits and prohibitions for dams, dikes and levees - see Ohio R.C. 1521.06
Reduction of assessed valuation for establishing reservoirs - see Ohio R.C. 1521.09
Floodplain management - see Ohio R.C. 1521.13
Review of flood plain management ordinances - see Ohio R.C. 1521.18
Manufactured home parks - see Ohio R.C. 4781.26
Notification of flood - see Ohio R.C. 4781.33
Compliance with Flood Plain Management Rules - see Ohio R.C. 4781.29
Recreation vehicle parks - see Ohio R.C. 3729.04
Health, Safety and Sanitation - see GEN. OFF. Ch. 521

1157.01 GENERAL PROVISIONS.

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

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

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

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with

flooding and generally undertaken at the expense of the general public;

- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (8) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (10) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (12) Meet community participation requirements of the National Flood Insurance Program.

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

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

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

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

- (1) Flood Insurance Study (~~FIS~~) Erie County, Ohio and Incorporated Areas and Flood Insurance Rate Map (~~FIRM~~) Erie County, Ohio and Incorporated Areas both effective as of the most current FEMA map

~~release~~ **September 1, 2022.**

- (2) Other studies and / or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the **100-year or one percent** 1% annual chance floodplain, floodways or delineation of other areas of special flood hazard.
- (3) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio, which has been approved by the City of Sandusky as required by Section 1157.04(c) Subdivisions and ~~Large Scale~~ **Other New** Developments.

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

(g) Abrogation and Greater Restrictions. These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. ~~These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.~~ **These regulations are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.**

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

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

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

(j) Severability. Should any section or provision of these regulations be

declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

~~{Ord. 21-159. Passed 11-8-21.}~~

1157.02 DEFINITIONS.

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

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

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

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

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

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

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

(g) Coastal High Hazard Area: ~~means an area of special flood hazard, as identified by the Federal Emergency Management Agency, along the open coast at Lake Erie and any other area subject to high velocity wave action from storms or seismic sources along Lake Erie and its bays~~ **An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms or seismic sources. A coastal high hazard area is identified on a community's FIRM by the designation of zone VE.**

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

- (i) Enclosure Below the Lowest Floor: See “Lowest Floor.”
- (j) Executive Order 11988 (Floodplain Management): Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
- (k) Federal Emergency Management Agency (FEMA): The agency with the overall responsibility for administering the National Flood Insurance Program.
- (l) Fill: A deposit of earth material placed by artificial means.
- (m) Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters, and/or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (n) Flood Hazard Boundary Map (FHBM): Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.
- (o) Flood Insurance Rate Map (FIRM): An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- (p) Flood Insurance Risk Zones: Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:
 - (1) Zone A: Special flood hazard areas inundated by the **100-year or** one percent (1%) annual chance ~~(fka: 100-year)~~ flood **in any given year**; base flood elevations are not determined.
 - (2) Zones A1-30 and Zone AE: Special flood hazard areas inundated by the **100-year or** one percent (1%) annual chance ~~(fka: 100-year)~~ flood **in any given year**; base flood elevations are determined.
 - (3) Zone AO: Special flood hazard areas inundated by the **100-year or** one percent (1%) annual chance ~~(fka: 100-year)~~ flood **in any given year**; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
 - (4) Zone AH: Special flood hazard areas inundated by the **100-year or** one percent (1%) annual chance ~~(fka: 100-year)~~ flood **in any given year**; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
 - (5) Zone A99: Special flood hazard areas inundated by the **100-year or** one percent (1%) annual chance ~~(fka: 100-year)~~ flood to be protected from the **100-year or** one percent (1%) annual chance ~~(fka: 100-year)~~ flood by a Federal flood protection system under construction; no base flood elevations are determined.
 - (6) Zone B and Zone X (shaded): Areas of **500-year or** two-tenths

percent (.2%) annual chance ~~(fka: 500-year)~~ flood; areas subject to the **100-year or** one percent (1%) annual chance ~~(fka: 100-year)~~ flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

- (7) Zone C and Zone X (unshaded): Areas determined to be outside the **500-year or** two-tenths percent (.2%) annual chance ~~(fka: 500-year)~~ floodplain.
- (8) Zone V: Coastal special flood hazard area subject to a **100-year or** one percent (1%) annual chance ~~(fka: 100-year)~~ flood from velocity hazard (wave action); base flood elevations are not determined.
- (9) Zone VE: and V1-30: Coastal special flood hazard area subject to a **100-year or** one percent (1%) annual chance flood event from velocity hazard (wave action); base flood elevations are determined.

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

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

(s) Flood Protection Elevation: The Flood Protection Elevation, or FPE, is the base flood elevation ~~plus zero (0) feet of freeboard~~. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

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

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

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

(v) Historic Structure: Any structure that is:

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

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

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

- (1) Letter of Map Amendment (LOMA): A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
- (2) Letter of Map Revision (LOMR): A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
- (3) Conditional Letter of Map Revision (CLOMR): ~~A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria.~~ **A comment by FEMA regarding a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.** A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

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

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

(aa) Manufactured Home Park: As specified in the Ohio Administrative Code 4781-12-01(K), a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.
Mean sea level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

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

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

For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of the initial FIRM [July 5, 1977], and includes any subsequent improvements to such structures.

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

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

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

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

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

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

(jj) Start of Construction: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include

excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

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

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

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

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

(nn) Variance: A grant of relief from the standards of these regulations.

(oo) Violation: The failure of a structure or other development to be fully compliant with these regulations.

~~(Ord. 21-159. Passed 11-8-21.)~~

1157.03 ADMINISTRATION.

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

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

- (1) Evaluate applications for permits to develop in special flood hazard

areas.

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

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

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

- (1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or

proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

- (2) Elevation of the existing, natural ground where structures are proposed.
- (3) Elevation of the lowest floor, including basement, of all proposed structures.
- (4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- (5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:

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

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

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

- (1) Review.

- A. After receipt of a complete application, the Floodplain

Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1157.03(d) has been received by the Floodplain Administrator.

- B. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

(2) Approval.

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. ~~If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.~~ **If the Floodplain Administrator is satisfied that the development proposed in the floodplain development application conforms to the requirements of this ordinance, the Floodplain Administrator shall issue the permit. All floodplain development permits shall be conditional upon the commencement of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.**

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

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

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

- (3) For new or substantially improved nonresidential structures that have been floodproofed in lieu of elevation, where allowed, the applicant shall supply a completed Floodproofing Certificate for Non-Residential Structures completed by a registered professional engineer or architect together with associated documentation.

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

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

- (1) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than two thousand five hundred dollars (\$2,500).
- ~~(2) The City of Sandusky is exempt from permitting itself in the instance of maintenance projects of the publicly owned shoreline. Specific projects may include revetment replacement, outfall repair/replacement, sheet piling repair/replacement, tree and vegetation removal or the installation of plantings. Emergency and catastrophic events MAY be exempted from this requirement at the discretion of the Floodplain Administrator.~~

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

(j) Local, State and Federal Development.

- (1) Development that is funded, financed, undertaken, or preempted by state agencies shall comply with minimum NFIP criteria.
- (2) Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a 100-year floodplain, a state agency shall require the applicant to demonstrate to the satisfaction of the agency that the development will comply with minimum NFIP criteria and any applicable local floodplain management resolution or ordinance as required by Ohio Revised Code Section 1521.13. This includes, but is not limited to:
 - A. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Commerce and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 4781-12.
 - B. Major utility facilities permitted by the Ohio Power Siting Board

under Section 4906 of the Ohio Revised Code.

- C. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- (3) Development activities undertaken by a federal agency and which are subject to Federal Executive Order (EO) 11988 – Floodplain Management.
 - A. Each federal agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget request reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of EO 11988.

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

- (1) Requirement to Submit New Technical Data.
 - A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - 1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - 2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - 3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - 4. Subdivision or ~~large-scale~~ **other new** development proposals requiring the establishment of base flood elevations in accordance with Section 1157.04(c).
 - B. It is the responsibility of the applicant to have technical data, required in accordance with Section 1157.03~~(j)~~**(k)(1)**, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

1. Proposed floodway encroachments that increase the base flood elevation; and
2. Proposed development which increases the base flood elevation by more than one foot in **riverine** areas where FEMA has provided base flood elevations but no floodway.

D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1157.03~~(j)~~**(k)(1)(A)**.

(2) Right to Submit New Technical Data.

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the City Manager of Sandusky, and may be submitted at any time.

(3) Annexation / Detachment.

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

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

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

larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.

- (3) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1157.05, Appeals and Variances.
- (4) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.

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

(1) Zone A:

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

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

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

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

(3) Zones B, C, and X:

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

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

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

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

~~(Ord. 21-159. Passed 11-8-21.)~~

1157.04 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

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

(a) Use Regulations.

- (1) Permitted Uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by City of Sandusky

are allowed provided they meet the provisions of these regulations.

(b) Water and Wastewater Systems. The following standards apply to all water supply, sanitary sewerage and waste disposal systems **in the absence of any more restrictive standard provided under not otherwise regulated by the** Ohio Revised Code:

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

(c) Subdivisions and ~~Large~~ Other New Developments.

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

(d) Residential Structures. The requirements of this Section apply to new construction of residential structures and to substantial improvements of residential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1157.03 (~~4~~)(**m**).

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring **(1157.04(d)(1))** and construction materials resistant to flood damage **(1157.04(d)(2))** are satisfied.

- (2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- (3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. In zone AO areas, where no flood protection elevation data exists, the structure shall have the lowest floor, including basement, elevated at least two (2) feet above the highest adjacent natural grade.
- (5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow ~~unimpeded movement of flood waters~~ **the automatic equalization of hydrostatic pressure** may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - A. Be used only for the parking of vehicles, building access, or storage; and
 - B. be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - C. have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1157.04(d).
- (8) In AO or AH Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to

guide floodwaters around and away from the structure.

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

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

(f) Accessory Structures. Structures that are 600 square feet or less which are used for parking and storage only are exempt from elevation or dry floodproofing standards within zones A, A1-30, AE, AO, and AH designated on the community's FIRM. **Such structures must meet the following standards:**

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

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

- (1) They shall not be located on sites in special flood hazard areas for

more than 180 days, or

- (2) They must be fully licensed and ready for highway use, or
- (3) ~~They must meet all standards of Section 1157.04(d)(5)(C).~~ **They must be placed on the site pursuant to a floodplain development permit issued under Section 1157.03(c) and 1157.03(d) and must meet all of the standards of Section 1157.04(d).**

(h) Gas or Liquid Storage Tanks.

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

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

(1) Development in Floodways,

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

community, explaining the impact of the proposed action on their property; and

5. Concurrence of the City Manager of Sandusky and the Chief Executive Officer of any other communities impacted by the proposed actions.

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

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

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

- A. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
- B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water,

must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.

- C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with City of Sandusky specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
- D. The applicant shall meet the requirements to submit technical data in Section 1157.03(k)(1)(A)(3) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

(4) Development Standards for Coastal High Hazard Areas [and MoWA Areas]. The requirements of Section ~~1157.03 (k)~~ **1157.04(i)(4)** apply to development in coastal high hazard areas designated zone V or VE on the community's effective FIRM [and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1157.03(km)]. ~~[OPTIONAL: The requirements of Section 1157.03 (k) also apply to development in Moderate Wave Action areas, within zone AE between a Limit of Moderate Wave Action and the landward limit of zone V or VE designated on the community's effective FIRM, or between a Limit of Moderate Wave Action and the offshore limit of the community's jurisdiction where zone V or VE is not designated on the community's effective FIRM.]~~

- A. All new construction and substantial improvements shall be elevated on pilings or columns that may be armored as necessary to withstand Lake Erie ice forces so that:
 - 1. The bottom of the lowest horizontal structural member supporting the lowest floor (excluding the pilings or columns) is elevated to or above the flood protection elevation, and
 - 2. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
 - a. Water loading values shall be those associated with the base flood.
 - b. Wind loading values shall be those defined according to American Society of Civil Engineers 7-13 Minimum design loads and associated criteria for buildings and other structures, or current

version adopted by Ohio Board of Building Standards.

- c. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Section ~~1157.03 (k)(1) (A)~~ **1157.04(i)(4)(A)(2)(a&b)**.
- B. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.
1. For the purpose of Section ~~1157.03 (k)(1)(A)~~ **1157.04(i)(4)(B)**, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot.
 2. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or where so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet all of the following conditions:
 - a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values shall be those associated with the base flood. Wind loading values shall be those defined according to American Society of Civil Engineers 7-16 Minimum design loads and associated criteria for buildings and other structures, or equivalent standard.
 3. All space enclosed by breakaway walls, open wood lattice-work, or insect screening below the lowest floor shall be used solely for parking of vehicles, building access, or storage.
- C. The use of fill or redistributed existing fill, placed after the initial identification of Zones V, VE or V1-30 on the

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

- D. Alteration of sand dunes that will increase potential flood damage is prohibited.
- E. Placement or substantial improvement of manufactured homes must comply with Section ~~1157.04 (d)~~ **1157.04(i)(4)(A) through (E)**.
- F. Recreational vehicles must either:
 - 1. Be on site for fewer than 180 consecutive days;
 - 2. Be fully licensed and ready for highway use; or
 - 3. Comply with Section ~~1157.04 (d)~~ **1157.04(i)(4)(A) through (E)**.

~~(Ord. 21-159. Passed 11-8-21.)~~

1157.05 APPEALS AND VARIANCES.

(a) Appeals Board Established.

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

(b) Powers and Duties.

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

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

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

- (2) Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal hearing, give notice in writing to parties in interest, and decide the appeal within a reasonable time after the hearing.

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

(1) Application for a Variance.

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

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

- A. The danger that materials may be swept onto other lands to the injury of others.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- D. The importance of the services provided by the proposed facility to the community.
- E. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.

- F. The necessity to the facility of a waterfront location, where applicable.
- G. The compatibility of the proposed use with existing and anticipated development.
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Variances shall only be issued upon:

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

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

(3) Other Conditions for Variances.

- A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1157.05(d)(2)(A) to (K) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- C. Any applicant to whom a variance is granted shall be given

written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

- (e) Appeal to the Court. Those aggrieved by the decision of the Appeals Board may appeal such decision to the Erie County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.
(Ord. 21-159. Passed 11-8-21.)

1157.06 ENFORCEMENT.

(a) Compliance Required.

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

(b) Notice of Violation.

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

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

(c) Violations and Penalties.

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

(Ord. 21-159. Passed 11-8-21.)

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 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: August 22, 2022



DEPARTMENT OF PUBLIC WORKS

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

To: Eric Wobser, City Manager

From: Aaron Klein, Director of Public Works

Date: August 10, 2022

Subject: Commission Agenda Item – Amending Ordinance 22-103

ITEM FOR CONSIDERATION: Requesting legislation to amend Ordinance 22-103, passed on May 23, 2022, to correct a scrivener's error in Section 2 of the Ordinance.

BACKGROUND INFORMATION: The City Commission approved agreements giving consent to the Ohio Department of Transportation to perform services on State highways inside the City corporation including certain maintenance and/or repair by Ordinance No. 22-102, and to remove snow and ice and use snow and ice control material by Ordinance No. 22-103, both passed on May 23, 2022. The City was notified by the Ohio Department of Transportation that a scrivener's error was made on Ordinance No. 22-103, Section 2, consenting to the maintenance and/or repair and should have stated consent to remove snow and ice and use snow and ice control material on State highways inside the City Corporation.

BUDGETARY INFORMATION: There is no budgetary effect.

ACTION REQUESTED: It is recommended that proper legislation amending Ordinance 22-103 to correct a scrivener error 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 immediately amend Ordinance No. 22-103, Section 2, to reflect the agreement approved by Ordinance 22-103 is for removing snow and ice and use snow and ice control material.

I concur with this recommendation:

Eric Wobser
City Manager

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 22-103, PASSED ON MAY 23, 2022, TO CORRECT A SCRIVENER'S ERROR; GIVING CONSENT FOR THE OHIO DEPARTMENT OF TRANSPORTATION TO REMOVE SNOW AND ICE AND USE SNOW AND ICE CONTROL MATERIAL ON STATE HIGHWAYS INSIDE THE CITY CORPORATION; AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH OHIO DEPARTMENT OF TRANSPORTATION; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, pursuant to Section 5501.41 of the Ohio Revised Code, the Director of the Ohio Department of Transportation may, upon consent of the legislative authority of the municipal corporation, remove snow and ice and use snow and ice control material on State Highways within the corporate limits of the municipal corporation; and

WHEREAS, pursuant to Section 5535.16 of the Ohio Revised Code, the Ohio Department of Transportation or a political subdivision may provide snow and ice removal on the roads under the control of the State or any political subdivision; and

WHEREAS, the City of Sandusky consented to the maintenance of State Route 2 within the corporate limits of the City that may include but is not limited to snow plowing, drainage repair, guardrail and pavement patching and crack sealing by the Ohio Department of Transportation by Ordinance 8203-C, passed on March 27, 1978, and further agreed to annually pay the Ohio Department of Transportation for said services; and

WHEREAS, portions of State Highway Nos. State Route 2 and State Route 2 Ramps at US6 (west junction) lie within the City of Sandusky, Erie County upon which ODOT is willing to perform snow and ice removal and apply snow and ice control material for the City as long as an agreement is entered into; and

WHEREAS, in September of 2018, ODOT proposed a new modification to the agreement whereby the City will perform snow and ice control on a section of S.R. 101 instead of the previous section location on Cleveland Road and the agreement was approved by City Commission on October 9, 2018, by Ordinance No. 18-191; and

WHEREAS, ODOT proposed to separate Snow Removal and Maintenance and/or Repair into two (2) separate agreements and the Snow Removal services is summarized as follows:

Snow Removal:

Since 2018, the City has accepted responsibility for snow and ice control of State Route 101 south of the City's corporation limits totaling 0.2 miles of two- and four-lane roadways, including the State Route 2 overpass. In turn, ODOT will perform snow and ice control for the portions of State Route 2 that are in the City limits.

WHEREAS, the agreement will commence on the date of the last signature on the agreement and shall expire on the last date of the current biennium unless terminated and may be renewed in writing for additional two (2) year terms; and

WHEREAS, this City Commission consented for the Ohio Department of Transportation to perform services on State highways inside the City corporation including certain maintenance and/or repair by Ordinance No. 22-102, and to remove snow and ice and use snow and ice control material by Ordinance No. 22-103, both passed on May 23, 2022; and

WHEREAS, the City was notified by the Ohio Department of Transportation that a scrivener's error was made on Ordinance No. 22-103, Section 2, consenting "to the maintenance and/or repair" and should have stated consent "to remove snow and ice and use snow and ice control material" on State highways inside the City Corporation; and

WHEREAS, this Ordinance is not intended to and shall not supersede any section of the Ohio Revised Code pertaining to the responsibilities of the City and ODOT regarding any other maintenance and repair or responsibilities pertaining to the roads under their respective jurisdictions; and

WHEREAS, the work proposed to be authorized under this Ordinance shall be restricted to the removal of snow and ice and the use of snow and ice control material on the agreed upon State Highways but shall not include the removal of snow and ice and the use of snow and ice control material on driveways, parking areas, and intersecting roads and streets; 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 amend Ordinance No. 22-103, Section 2, consenting to remove snow and ice and use snow and ice control material on State highways inside the City Corporation; 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 hereby amends Ordinance No. 22-103, passed on May 23, 2022, to correct a scrivener's error in Section 2, with amended language appearing in bold print below, and approves the form of the Agreement with the Ohio Department of Transportation for the removal and control of snow and ice on State Route 2 in the City of Sandusky, a copy of which is marked Exhibit "A", and attached to this Ordinance and is specifically incorporated as if fully rewritten herein, together with such revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with carrying out the terms of this Ordinance, and authorizes and directs the City Manager to sign the Agreement on behalf of the City.

Section 2. This City Commission hereby declares to be in the public interest that the consent of said City be, and such consent is hereby given to ODOT, if an agreement is entered into, for ODOT to **remove snow and ice and use snow and ice control material** on any State Highway listed in the agreement in accordance with the standard practices of ODOT and that the City reimburse ODOT for this work.

Section 3. That the Commission Clerk is hereby directed to furnish the Director of ODOT, with a certified copy of this Ordinance immediately upon execution.

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.

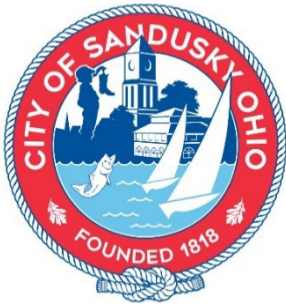
Section 6. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take

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

Passed: August 22, 2022



DEPARTMENT OF PUBLIC WORKS

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

To: Eric Wobser, City Manager

From: Aaron Klein, Director of Public Works

Date: August 12, 2022

Subject: Commission Agenda Item – Easement for Parcel 57-05871.000 with MHD Corporation

Items for Consideration: Legislation approving a Temporary Easement Agreement with MHD Corporation (“MHD”) for construction of portions of the Sandusky Bay Pathway as part of The Landing project on Parcel 57-05871.000.

Background Information: Per ordinance 18-127, the City contracted with Environmental Design Group (EDG) to complete pathway alignments, final engineering, landscape architectural design, environmental permitting, and acquisition services for certain sections of The Landing project, which included sections of the Sandusky Bay Pathway. After preferred alignment alternatives were approved, EDG and their subconsultant OR Colan & Associates (ORC) have worked with landowners on acquisition services. The first request has been for donations of temporary and/or permanent easements. Many like MHD Corporation are very supportive of the pathway and have agreed to grant the necessary easement.

Through approval of City Commission at the June 27, 2022 meeting, Ordinance 22-121, a similar temporary easement agreement was approved with MHD for Parcel Number 57-02922.000, of which, the temporary easement agreement being presented is identical. Since the portion of the Sandusky Bay Pathway along this property will be constructed in the Cleveland Road right of way, the City only needs a temporary easement for construction activities.

Budgetary Information: The cost of this easement was \$1.00 plus recording fees.

Action Requested: It is requested that the proper legislation be prepared approving a Temporary Easement Agreement with MHD Corporation, and that the legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter in order to approve the Temporary Easement granted for the Sandusky Bay Pathway and The Landing Project, which was recorded on April 27, 2022.

I concur with this recommendation:

Eric L. Wobser
City Manager

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

CERTIFICATE OF FUNDS

In the Matter of: MHD Easement- Recording fee

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 #110-7060-53000

By: _____

Michelle Reeder

Michelle Reeder

Finance Director

Dated: 8/12/2022

ORDINANCE NO. _____

AN ORDINANCE APPROVING A TEMPORARY EASEMENT GRANTED TO THE CITY BY MHD CORPORATION FOR THE SANDUSKY BAY PATHWAY AS PART OF THE LANDING PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City Commission declared their support for The Landing Park Project by Resolution No. 005-18R, passed on January 22, 2018; and

WHEREAS, the City Commission authorized and directed the City Manager to enter into an agreement for professional design services with Environmental Design Group, LLC, of Akron, Ohio, to complete pathway alignments, final engineering, landscape architectural design, environmental permitting, and acquisition services for certain sections of The Landing Project, which included sections of the Sandusky Bay Pathway, by Ordinance No. 18-127, passed on June 25, 2018; and

WHEREAS, this City Commission approved a temporary easement granted to the City by MHD Corporation for the Sandusky Bay Pathway as part of the Landing Project located on Cleveland Road, Parcel No. 57-02922.000, by Ordinance No. 22-121, passed on June 27, 2022; and

WHEREAS, MHD Corporation is the owner of another property located on Cleveland Road, Parcel No. 57-05871.000, and has granted the City a Temporary Easement necessary for the construction of portions of the Sandusky Bay Pathway as part of The Landing Project on this parcel; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to approve the Temporary Easement granted to the City for the Sandusky Bay Pathway and The Landing Project, which was recorded on April, 27, 2022; and

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

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

Section 1. This City Commission approves a Temporary Easement granted to the City by MHD Corporation for the purpose of utilizing for the construction of portions of the Sandusky Bay Pathway as part of The Landing Project, a copy of which is attached and marked Exhibit "1" 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 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: August 22, 2022

TRANSFER NOT NECESSARY

TRANSFERRED

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

Fee: \$0.00

Exempt: X

R.E. Transfer Fee: \$0.00

Richard H. Jeffrey

Erie County Auditor

Trans. Fees: : \$0.00

Date: Apr 27, 2022 by LJ

eFile#: 20926281

LPA RE 807-D

Rev. 10/2017

TED

LPA

TEMPORARY EASEMENT

MHD Corporation AKA M.H.D. Corp, an Ohio corporation, the Grantor(s), as a
GIFT/DONATION, does grant to City of Sandusky, an Ohio municipal corporation, the Grantee, the
temporary easement(s) to exclusively occupy and use for the purposes mentioned in Exhibit A the
following described real estate:

PARCEL(S): 57-05871.000 - T

City of Sandusky - Landing Park Pathway Project

SEE EXHIBIT A ATTACHED

Erie County Current Tax Parcel No. 57-05871.000

Prior Instrument Reference: Deed Volume 559, Page 343 & Deed Volume 520, Page 324, Erie
County Recorder's Office.

To have and to hold the temporary easement(s), for the aforesaid purposes and for the anticipated
period of time described below, unto the Grantee, its successors and assigns.

The duration of the temporary easement(s) granted to the Grantee is 12 months immediately
following the date on which the work described above is first commenced by the Grantee, or its duly
authorized employees, agents, and contractors.

The temporary easement(s) interest granted is being acquired by Grantee for a public purpose,
namely the establishment and construction of a public pathway.

Exhibit "1"

In Witness Whereof MHD Corporation AKA M.H.D. Corp. an Ohio corporation has caused its name to be subscribed by Jeffrey A. Hoffman, its President, and its duly authorized agent on the 26th day of April, 2022.

MHD Corporation AKA M.H.D. Corp, an Ohio corporation

By: Jeffrey A. Hoffman

Title: President

State of Ohio, County Of Erie ss:

Be It Remembered, that on the 26th day of April, 2022, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Jeffrey A. Hoffman who acknowledged being the President and duly authorized agent of MHD Corporation AKA M.H.D. Corp. an Ohio corporation, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity. No oath or affirmation was administered to Jeffrey A. Hoffman, President, and duly authorized agent of MHD Corporation AKA M.H.D. Corp. an Ohio corporation, 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.



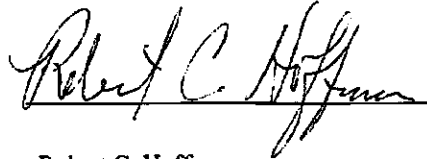
JOSEPH E ALMADY
Notary Public
In and for the State of Ohio
My Commission Expires
August 22, 2023

Notary Public

My Commission expires: 8/22/2023

In Witness Whereof MHD Corporation AKA M.H.D. Corp. an Ohio corporation has caused its name to be subscribed by Robert C. Hoffman, its Vice President, and its duly authorized agent on the 26th day of April, 2022.

MHD Corporation AKA M.H.D. Corp, an Ohio corporation



By: Robert C. Hoffman

Title: Vice President

State of Ohio, County Of Erie ss:

Be It Remembered, that on the 26th day of April, 2022, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Robert C. Hoffman who acknowledged being the Vice President and duly authorized agent of MHD Corporation AKA M.H.D. Corp. an Ohio corporation, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity. No oath or affirmation was administered to Robert C. Hoffman, Vice President, and duly authorized agent of MHD Corporation AKA M.H.D. Corp. an Ohio corporation, 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.



JOSEPH E ALMADY
Notary Public
In and for the State of Ohio
My Commission Expires
August 22, 2023



Notary Public

My Commission expires:

8/22/2023

This document was prepared by or for the City of Sandusky on forms approved by the Office of the Attorney General State of Ohio.

**Environmental
DesignGroup**

Exhibit A

April 15, 2022

QSA

**CITY OF SANDUSKY
MHD CORPORATION
TEMPORARY
EASEMENT**

Situated in the State of Ohio, County of Erie, and the City of Sandusky, being part of Outlot 4 in Darling's Survey East of Sycamore Line of the City of Sandusky, and also being part of lands described to MHD Corporation as recorded in Volume 520 page 324 and being more fully described as follows:

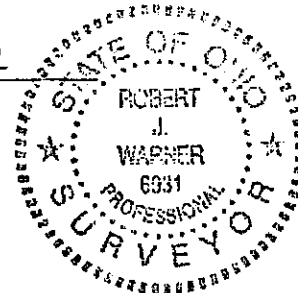
Beginning from a point at the northwesterly corner of parcel number 57-05871.000 said point being on the northeasterly line of Cleveland Road (S.R. 6);

1. Thence N 46° 51' 07" W along the westerly line of the grantor, 74.49 feet;
2. Thence S 59° 01' 09" E, 231.32 feet;
3. Thence S 55° 28' 11" E, 86.24 feet to the grantor's south line;
4. Thence S 31° 24' 53" W along the grantor's south line, 5.91 feet to the northeasterly line of said Cleveland Road;
5. Thence N 60° 03' 45" W along the said northeasterly line of Cleveland Road, 244.58 feet to the Place of Beginning and containing 0.0835 acres of land more or less.

This easement description and basis of bearing are based on a survey as provided by Contractors Design Engineering, LTD. to Environmental Design Group for this project.

The above described easement lies within Erie County Auditor Parcel Number 57-05871.000

Robert J. Warner 4-15-2022
Robert J. Warner P.S. 6931.



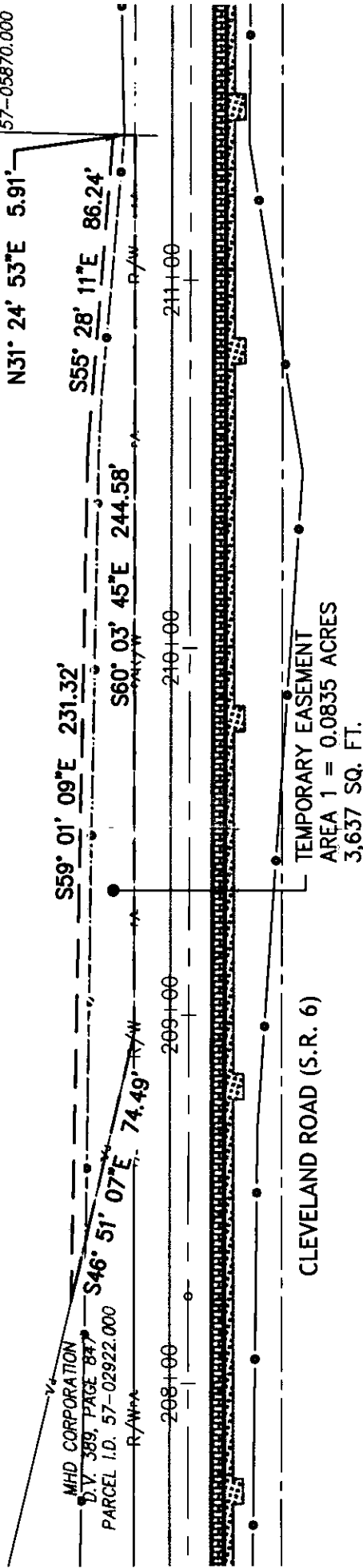
The community impact people.

Page 1 of 1

MHD CORPORATION
PARCEL I.D. 57-05871.000

KASPER
FAMILY
LIMITED
PARTNERSHIP
PARCEL I.D.
57-05870.000

MHD CORPORATION
D.V. 389, PAGE 849
PARCEL I.D. 57-02922.000



LEGEND

- 30' PARK, TRAIL, GREENWAY,
RECREATION EASEMENT AREA
(UNLESS NOTED OTHERWISE)
- TEMPORARY EASEMENT AREA

CITY OF SANDUSKY - LANDING PARK
MHD CORPORATION EASEMENTS
SITUATED IN THE CITY OF SANDUSKY,
COUNTY OF ERIE, STATE OF OHIO

PROJ. NO.: 16-0259-050
DRAWN: HD
CHECK: AT
DATE: 08-02-2019
REV:





DEPARTMENT OF COMMUNITY DEVELOPMENT

Division of Transit

222 Meigs Street
Sandusky, Ohio 44870
419.621.8462
www.ci.sandusky.oh.us

TO: Eric Wobser, City Manager

FROM: James A. Stacey III, Transit Administrator

DATE: August 15, 2022

SUBJECT: Agreement for Transportation Services – New Story Schools

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

BACKGROUND INFORMATION: The Sandusky Transit System (STS) will provide transportation services to the New Story Schools effective immediately upon City Commission approval. The City and New Story Schools agreed that a staff member (provided by the school) must be present to accompany the students during transportation to provide supervision.

This contract is in effect for the calendar school year, August 23, 2022 to May 25, 2023 at a negotiated rate of \$9.00 per student passenger trip. This agreement may be extended for two (2) additional terms (August – May) upon written agreement.

Guaranteed Dial-a-Ride Service
Individual One-Way Trip \$ 9.00

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

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

ACTION REQUESTED: It is requested legislation be adopted allowing the City Manager to enter into a contract for transportation services with New Story Schools. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter to allow the agreement to be executed immediately and begin providing services on the commencing date of August 23, 2022.

James A. Stacey III

Transit Administrator

I concur with this recommendation:

Eric Wobser

City Manager

Jonathan Holody

Director of Planning

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR TRANSPORTATION SERVICES BETWEEN THE CITY OF SANDUSKY AND NEW STORY SCHOOLS FOR SERVICES RELATED TO THE SANDUSKY TRANSIT SYSTEM FOR THE PERIOD OF AUGUST 23, 2022, THROUGH MAY 25, 2023; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, New Story Schools desires to have participating students transferred to and from Norwalk, Ohio, to their school located in Sandusky, Ohio, during the school year; and

WHEREAS, in collaboration with Huron County, Huron County Transit will transport students to the grounds of the Erie County Board of Developmental Disabilities where they will be picked up by the Sandusky Transit System and dropped off at New Story Schools, and conversely, the Sandusky Transit System will transport the same students back to the Erie County Board of Developmental Disability to board a Huron County Transit Vehicle back to their original destination; and

WHEREAS, the Sandusky Transit System will provide transportation services for participating students of New Story Schools and these services will be coordinated between the New Story Schools and the Sandusky Transit System; and

WHEREAS, the Sandusky Transit System will receive \$9.00 per individual one-way trip for the period of August 23, 2022, through May 25, 2023, with the option to be extended for two (2) additional terms (August – May) upon mutual written agreement; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to execute the agreement and begin providing services on the commencing date of August 23, 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 Sandusky Transit System, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. The City Manager be and hereby is authorized to execute an Agreement with New Story Schools for transportation services related to the

Sandusky Transit System for the period from August 23, 2022, through May 25, 2023, substantially in the same form as reflected in Exhibit "1" which is attached to this Ordinance and specifically incorporated as if fully rewritten herein together with such revisions or additions as are approved by the Law Director as not being substantially adverse to the City and being consistent with the objectives and requirements of this Ordinance and with carrying out the City's public purposes.

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: August 22, 2022

TRANSPORTATION AGREEMENT

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

Term: The services performed under this agreement will be for the calendar school year commencing August 23, 2022, and continuing through May 25, 2023, and may be extended for two (2) additional terms (August – May) upon mutual written agreement of the parties.

Scope of Service: STS will provide transportation services approved by New Story Schools for program participants needing transportation on a daily basis. This contract is in collaboration with Huron County Transit to travel students to and from Norwalk, Ohio and Sandusky, Ohio. STS will meet the students on the grounds of Erie County Board of Developmental Disabilities where students will disembark Huron County Transit vehicle and board a Sandusky Transit System vehicle in route to New Story Schools. Conversely, STS will provide transportation for the same students from New Story Schools back to Erie County Board of Developmental Disabilities to board a Huron County Transit vehicle heading back to the original destination.

Operating Days: Service will be available every day classes are in session except on national holidays or any school sanctioned off day. Any emergency scheduled day off must be communicated verbally to STS staff a minimum of one (1) hour prior to the pickup times listed within.

Fare and Payment Schedule: New Story Schools will be billed monthly for the service outlined below:

Guaranteed Dial-a-Ride Service	
Individual One-Way Trip	\$9.00

STS guarantees transportation be made available to the New Story Schools for trips scheduled without advanced notice at the agreed times. Morning Transportation: STS must be present to receive students at 7:20 a.m. EST on the grounds of Erie County Board of Developmental Disabilities to head to New Story Schools. Afternoon Transportation: STS must be present to load students from New Story Schools at 1:30 p.m. EST to transport students to Erie County Board of Developmental Disabilities.

Individual One-Way Trip: A one-way trip is defined as a one-way trip to and from the predetermined destination. The predetermined destination is listed as either to New Story Schools from the Erie County Board of Developmental Disabilities or to Erie County

Board of Developmental Disabilities from New Story Schools. No deviations from these predetermined destinations shall be made without amending the original Agreement.

STS Responsibilities

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

New Story Schools Responsibilities

1. Passenger Information: The following information must be provided for each individual: name; date of birth; address; telephone number; and any special accommodations that may be necessary for the comfort and convenience of passenger. Additions or deletions to information may be communicated to STS in writing or by telephone or fax.
2. Payment for Services: Payment for transportation services provided to New Story Schools shall be made by the 20th day of the month following the provisions of service.

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

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

- The quality or extent of general public services furnished by STS does not meet the needs of New Story Schools.

- The actual cost of providing service significantly increases above the originally agreed upon rates and terms.

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

CITY OF SANDUSKY

NEW STORY SCHOOLS

Eric Wobser, City Manager

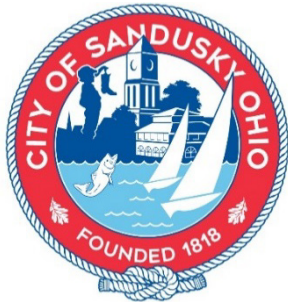
Jill Blanchard, Director

Date: _____

Date: _____

Approved As to Form:

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



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, Director of Community Development

Date: August 12, 2022

Subject: Commission Agenda Item –Tax Incentive Review Council and Community Reinvestment Area Housing Council Recommendations

Items for Consideration: Legislation approving the recommendations of the Tax Incentive Review Council and the Community Reinvestment Area Housing Council related to certain Enterprise Zone, Community Reinvestment Area and Tax Increment Financing agreements.

Background Information: The City of Sandusky operates Enterprise Zone, Community Reinvestment Area and Tax Increment Financing programs to support economic development activities in the community. These programs must be reviewed each year by a local Tax Incentive Review Council (TIRC) and Community Reinvestment Area Housing Council (CRAHC) in accordance with State Law.

The Sandusky TIRC and CRAHC met on March 1, 2022. On August 12, 2022, the City of Sandusky received a letter from TIRC Chairman Richard Jeffrey recommending the continuation of all active Enterprise Zone, Community Reinvestment Area and Tax Increment Financing agreements. State Law requires the local legislative body to accept, reject or modify the recommendations of the TIRC within 60 days.

Budgetary Information: Continuation of the Tax Increment Financing Districts will result in the City's continued receipt of Tax Increment Financing revenue for use on public improvement projects.

Action Requested: It is requested that the proper legislation be prepared approving the recommendations of the TIRC and CRAHC related to certain Enterprise Zone, Community Reinvestment Area and Tax Increment Financing agreements. It is further requested that this legislation be passed in accordance with Section 14 of the City Charter to expedite passage in order to remain in compliance with the Ohio Revised Code.

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

RESOLUTION NO. _____

A RESOLUTION ACCEPTING AND APPROVING THE CITY OF SANDUSKY TAX INCENTIVE REVIEW COUNCIL'S (T.I.R.C.) RECOMMENDATIONS REGARDING CURRENT TAXATION AGREEMENTS; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City of Sandusky's Tax Incentive Review Council met on March 1, 2022, to review the City's tax increment financing agreements, enterprise zone agreements and community reinvestment area abatements and the Chairman of the T.I.R.C., the County Auditor, has submitted the T.I.R.C.'s recommendations to this City Commission on August 12, 2022, a copy of which is marked Exhibit "A" attached to this Resolution and specifically incorporated as if fully rewritten herein; and

WHEREAS, pursuant to O.R.C. Section 5709.85(E), this City Commission is required to hold a meeting within sixty (60) days of receipt of the T.I.R.C.'s recommendations and vote to accept, reject, or modify all or any portion of the T.I.R.C.'s recommendations and to forward a copy of this Resolution together with the Commission's recommendations to the Erie County Auditor's Office; 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 to ensure compliance with the statutory timeline in the O.R.C. Section 5709.85(E); 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, 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 accepts and approves the City of Sandusky Tax Incentive Review Council's recommendations as set forth in Exhibit "A" which is attached to this Resolution and is specifically incorporated as if fully rewritten herein.

Section 2. The Clerk of the City Commission be and is hereby directed to certify a copy of this Resolution together with any modifications, if any, to the Erie County Auditor.

Section 3. 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 4. 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 5. 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: August 22, 2022

RICHARD H. JEFFREY

ERIE COUNTY AUDITOR

247 Columbus Avenue, Suite Sandusky, Ohio 44870-2635
419) 627-7746 ecao.@eriecounty.oh.gov

August 8, 2022

Sandusky City Commission
240 Columbus Ave
Sandusky, OH 44870

The Tax Incentive Review Council (TIRC) and Community Reinvestment Area Housing Council (CRAHC) for the City of Sandusky, Ohio met on Wednesday, March 1, 2022 in the Erie County Commission Chambers, 2900 Columbus Avenue, Sandusky, Ohio. The following Council members were in attendance:

- Richard Jeffrey, Erie County Auditor (Chair)
- Eric Wobser, City Manager, City of Sandusky
- Michelle Reeder, Finance Director, City of Sandusky
- Steve Poggiali, City Commissioner, City of Sandusky (sitting in for City Commissioner Dennis Murray)
- Mike Zuilhof, Planning Commissioner, City of Sandusky

Also in attendance were:

- Kristen Barone, Administrative Assistant, City of Sandusky
- Jonathan Holody, Community Development Director, City of Sandusky
- Wes Poole, City Commissioner, City of Sandusky
- Sharon Johnson, member of the general public
- Tim Schwanger, member of the general public
- Toni Fritz, Erie County Auditor's Office
- Zach Rospert, Erie County Regional Planning
- John Rogers, Erie County Auditor's Office

Chairman Jeffrey called the meeting to order at 2:15 P.M.

ELECTION OF VICE CHAIR:

S.Poggiali made a motion to nominate M. Reeder for Vice Chair and E.Wobser seconded the motion. All voting members were in favor of the motion.

CONSIDERATION OF MARCH 10, 2021 MEETING MINUTES:

The minutes of the March 10, 2021 meeting were reviewed. On a motion by M.Zuillhof and second by M.Reeder, the minutes were unanimously approved as presented.

The chairman informed everyone the first items to be voted on fell under the TIRC; therefore, the members eligible to vote included E.Wobser, M.Reeder, S.Poggiali, and R.Jeffrey. He further stated for the Community Reinvestment Area those eligible to vote included E.Wobser, M.Reeder, M.Zuillhof, and R.Jeffrey.

ENTERPRISE ZONE AGREEMENTS:

300 E. Water Street Properties, LLC:

J.Holody stated this agreement provided a 75% abatement for ten years, expiring on December 31st, 2028. The project included the renovation and adaptive reuse of a 2,400 square foot, former residential condominium unit and commercial space into a larger commercial condominium unit. The total project investment exceeded the required levels at \$360,000. The property is now occupied by Water Street Financial. The project has exceeded the job creation requirements with five new jobs at the site. Staff recommends continuing the agreement.

There was a motion by M.Reeder, and a second by S. Poggiali, to accept the recommendation. All voting members were in favor of the motion.

Bay Boat Storage:

J.Holody stated this agreement provided a 75% abatement for ten years, expiring on December 31st, 2030. The project included the construction of a heated indoor marina storage building measuring 60,000 square feet at 1531 First Street. The project was estimated to cost \$1.5M and create three new full time jobs. Construction on the project was completed in August 2020. By the end of 2020, the company had exceeded investment and job creation requirements. Staff recommends continuing the agreement.

There was a motion by E. Wobser and a second by S.Poggiali, to accept the recommendation. All voting members were in favor of the motion.

Chris Andrews, LLC (dba Ohio Truck Sales):

J.Holody stated this agreement provided a 75% abatement for ten years, expiring on December 31st, 2028. The project included the construction of new storage and industrial space measuring nearly 14,000 square feet at 1801 George Street. The project was estimated to cost \$1.4M and create ten new full time jobs. Construction on the project was completed in early 2019. As of December 31st, 2020, the company had invested over \$3.3M and added 148 full time employees as a result of the project. Staff recommends continuing the agreement.

There was a motion by S.Poggiali and a second by M.Reeder to accept the recommendation.

Resident Tim Schwanger stated that he read in the paper that the company is building a bigger facility across the bridge and asked if the company is committed to keeping the 147 jobs in Sandusky. J.Holody responded that the requirement for the Enterprize Zone Tax Abatement is to create ten jobs and they are well in access of that. He is not aware of their plans for elsewhere.

All voting members were in favor of the motion.

Feick Building LLC:

J.Holody stated that this agreement provided a 75% abatement for ten years expiring on December 31st, 2031. The project did not start construction by the end of last year and in early 2022 the Enterprise Zone Agreement was amended by the Sandusky City Commission to reflect the new project scope and schedule. That scope includes an \$8M investment for the construction of retail space as well as 42 apartments. Job creation includes a minimum of 12 new jobs with additional jobs being created during the construction of the project. While the project is still under construction, staff recommends continuing the agreement.

There was a motion by S.Poggiali and a second by M.Reeder to accept the recommendation. All voting members were in favor of the motion.

Gundlach Sheet Metal Works, Inc:

J.Holody stated that this agreement provided a 75% abatement for ten years, expiring on December 31st, 2028. The project included the construction of 6,250 square feet of new warehouse space at 910 Columbus Avenue. The project was estimated to cost \$1M and create four and a half new full time jobs. The project was completed in the fall of 2018. As of December 31st, 2020, the company had exceeded the investment and job creation requirements.

There was a motion by M.Reeder and a second by S.Poggiali to accept the recommendation. All voting members were in favor of the motion.

Huntley Building, LLC:

J.Holody stated that this agreement provided a 75% abatement for ten years, expiring on December 31st, 2028. The project included the renovation of a commercial building measuring 30,000 square feet. The project was estimated to cost \$2.5M and create ten new full time jobs. Now completed, the building is referred to as the "Marketplace at Cooke." It houses multiple food, beverage and entertainment tenants. The total investment exceeded \$2.8M and currently have 16 full time employees. Staff recommends continuing the agreement.

There was a motion by M.Reeder and a second by S.Poggiali to accept the recommendation. All voting members were in favor of the motion.

Market Street Collective, LLC:

J.Holody stated that this agreement provided a 75% abatement for ten years, expiring on December 31st, 2030. The project includes renovation of the 11,000 square foot Cardinal Grocery Store at 317 E. Washington Street into a modern food hall at a total cost of \$2M. The project is required to create eight new full time jobs. Construction has not yet begun. They report delays due to the COVID-19 Pandemic. The company has requested to amend the Enterprize Zone Agreement to reflect a new timeline. Staff is currently reviewing that and will likely bring that to the Sandusky City Commission for their consideration. Staff recommends continuing the agreement and continue to watch the project closely. The developer states that they will be starting construction this year.

There was a motion by M.Reeder and a second by S.Poggiali to accept the recommendation.

R.Jeffrey asked Mr. Holody if he has any idea when the project will start. J.Holody responded that the developer states the project will start in the spring and be completed by the end of the year. They have submitted building plans, have made commitments with two tenants, and have applied for a liquor license, so they are showing signs of moving forward.

All voting members were in favor of the motion.

Renaissance Too, LLC:

J. Holody stated that this agreement provided a 75% abatement for ten years, expiring on December 31st, 2030. The project included the renovation of both 125 and 131 E. Water Street. The total committed investment is \$1.45M and the creation of 12 full time jobs. The company has reported to have invested \$3.4M and has a total of 15 new full time jobs. Staff recommends continuing the agreement.

There was a motion by S.Poggilai and a second by M.Reeder to accept the recommendation.

M.Reeder stated that in last year's report it was stated that they had four full time jobs and said that he may want to double check that. J.Holody stated that last year the two buildings were reported separately, but the parcels have since been combined and so there is now only one agreement for both buildings, but they are still above the requirements.

All voting members were in favor of the motion.

Resort School, LLC:

J.Holody stated that this agreement provided a 75% abatement for ten years, expiring on December 31st, 2030. The project included the construction of a five story building at 250 E. Market Street. The mixed use project was estimated to cost \$13.6M and create ten new full time jobs. Construction was completed in late 2020 at a total cost of just over the amount estimated. The

company is still gathering employment figures for this location, but the indication is that they are at or above the requirement. Staff recommends continuing the agreement.

There was a motion by M.Reeder and a second by S.Poggilai to accept the recommendation.

Resident Tim Schwanger asked R.Jeffrey if the valuation issue resolved that was mentioned in last year's meeting minutes. R.Jeffrey responded that the issue has been resolved. It was a timing issue. The company was using a different cutoff date, but even so, the numbers were still very close. S.Poggiali asked if anyone knows if they have any issue occupying the residential units. J.Holody responded he believes they are doing well. E.Wobser stated they are doing a little bit of long term rental but also doing some transient rental there as well. M.Zuilhof stated that there is a strong demand for housing. There needs to be more properties, more residents, and a higher population. S.Poggiali asked M.Zuilhof if he was concerned about the absorption rate. M.Zuilhof responded that he is not. It is easy to underestimate the value of living downtown. Resident Sharon Johnson stated this is the first she is hearing that the school has been turned into vacation rentals. R.Jeffrey responded that the transient rentals are taking place in the apartments in the upper units, not the school on the first floor. E.Wobser stated he believes it was 6 or 8 out of the 80 units were used for transient rentals. He said that use is permitted at that location. Sharon Johnson then asked if staff knows how many students are occupying those units. J.Holody stated that he could ask for that information. Sharon Johnson asked if staff do not already have that information. M.Zuilhof stated he does not believe the company is required to disclose that information as part of the agreement. W.Poole stated that if it is the company's choice not to disclose that information, that is public information. Staff can ask the company the question. He said he agrees that we should encourage building downtown, but how much the City contributes versus the contractor matters. S.Poggiali stated that he thinks you can tell the place is doing well based on the occupancy. If the occupancy rate is 95% then they are probably doing well with the investment. He said he is not aware that the agreement stated that they had to rent to people for a specific length of time. W.Poole stated that there was not a percent of occupancy provided and that is what is being asked. Sharon Johnson stated that if the company wants to keep that information private, they should not have applied for a tax abatement. They are being provided tax dollars and therefore the occupancy there should be public record. R.Jeffrey advised everyone to not jump to conclusions as the question was not even asked at this point. He said any time he has asked them a question, they responded. M.Reeder stated she wanted to clarify that the requirements were to invest near \$13.6M and create ten full time jobs, so there is no requirement as far as residency number.

All voting members were in favor of the motion.

S&S Realty, LTD (Holiday Inn Express – Phase I):

J.Holody stated that this agreement provided a 75% abatement for ten years, expiring on December 31st, 2025. The project included the construction of a new five story Holiday Inn featuring 73 rooms. The project was estimated to cost \$6M and create 30 full time employees. The project was completed in 2016. Staff recommends continuing the agreement.

There was a motion by S.Poggiali and a second by M.Reeder to accept the recommendation. All voting members were in favor of the motion.

S&S Realty, LTD (Holiday Inn Express – Phase II):

J.Holody stated that this agreement provided a 75% abatement for ten years, expiring on December 31st, 2029. The project included the construction of a five story building adding 66 rooms to the site. The project was estimated to cost \$5.7M and create 15 new jobs. The project was completed and they are reporting 7 full time jobs. So they are a little short on the employment requirement, but given the labor market and economic situation, staff expects that to increase this year. Staff recommends continuing the agreement.

There was a motion by S.Poggiali and a second by M.Reeder to accept the recommendation. All voting members were in favor of the motion.

RMJD, LLC (Ahner Commercial):

J.Holody stated that this agreement provided a 75% abatement for ten years, expiring on December 31st, 2032. The project included the renovation of the former YMCA building on Perkins Avenue at a total cost of \$150,000. The company committed to creating 7 new full time employment positions at the site. As of December 31, 2021, the company reportedly has invested \$75,000 and created six full time employees. While they have yet reached their committed investment and employment numbers, staff recommends continuing the agreement, and looking closely at this project next year to see where they are at.

There was a motion by M.Reeder and a second by S.Poggiali. All voting members were in favor of the motion.

Everwild Spirits, LLC

J.Holody stated that this agreement provided a 75% abatement for ten years, expiring on December 31st, 2032. The project included the renovation of an existing building into a craft bourbon distillery and tasting room. The project was estimated to cost \$1.3M and create three full time and eight part time jobs. As of December 31, 2021, the project was still under construction. Staff recommends continuing the agreement.

There was a motion by S.Poggiali and a second by M.Reeder. All voting members were in favor of the motion.

Name One Yellowstone, LLC

J.Holody stated that this agreement provided a 75% abatement for ten years, expiring on December 31st, 2031. The project included the renovation of 333 E. Washington into a nine unit transient rental building. The project is still under construction and delayed due to COVID-19

related difficulties. The EZ agreement may need to be amended to reflect the new project timeline. Staff recommends continuing the agreement.

Mr. Wobser stated that there is a grand opening at this location this Friday at 11:30, for anyone that wants to attend.

There was a motion by S.Poggiali and a second by M.Reeder. All voting members were in favor of the motion.

TAX INCREMENT FINANCING (TIF) AREAS:

Chesapeake:

J.Holody stated that this 30-year Tax Increment Financing District was created in 2004 to fund private redevelopment projects and/or municipal improvements including, but not limited to, land acquisition, relocation, demolition, parks, streets, utilities, public buildings. In 2021, revenues totaled \$543,939 and expenses totaled \$527,837. Expenses included tax expenses and project costs associated with the Jackson Street Pier project. The fund balance at the end of 2021 was \$328,841. Staff recommend continuation of the agreement.

There was a motion by S.Poggiali and a second by M.Reeder to accept the recommendation. All voting members were in favor of the motion.

Cleveland Road:

J.Holody stated that this 30-year Tax Increment Financing District was created in 2018 to fund public infrastructure improvements such as trails, paths, parks, streets, sidewalks, water and sewer lines, and acquisition of real estate. The Sandusky Schools receive 10% of all annual revenues. In 2021, revenues totaled \$665,171 and expenses totaled \$371,326. Expenses included debt service payments on public improvements related to the Sports Force Parks. The fund balance at the end of 2021 was \$293,854. Staff recommend continuation of the agreement.

There was a motion by S.Poggiali and a second by M. Reeder to accept the recommendation. All voting members were in favor of the motion.

Downtown:

J.Holody stated that this 30-year Tax Increment Financing District was created in 2018 to fund public infrastructure improvements such as trails, paths, parks, streets, sidewalks, water and sewer lines, and acquisition of real estate. The Sandusky Schools receive 10% of all annual revenues. In 2021, revenues totaled \$62,818 and expenses totaled \$7,588. Expenses included property tax expenses and a payment to the School District. The fund balance at the end of 2021 was \$85,969. Staff recommend continuation of the agreement.

There was a motion by M.Reeder and a second by S.Poggiali.

S.Poggiali asked what the boundaries are for this TIF. E.Wobser responded that there isn't a boundary but it is a collection of parcels that include the City Hall complex, the Hogrefe complex, the Marketplace complex, the Feick Building, the BGSU building, the Battery Park parcels, and a few others. Mr. Holody stated that he could get Mr. Poggiali the list. Resident Tim Schwanger asked if someone could clarify if there was money coming from those projects that were going into the TIF or is there money from the TIF going into the projects. Mr. Poggiali stated that when they pay their taxes that money goes into the TIF.

All voting members were in favor of the motion.

2021 COMMUNITY REINVESTMENT AREA REVIEW:

Buckeye Community Twenty-Two, LP (Rieger Place):

J.Holody stated that this agreement provided a 75% abatement for ten years, expiring on December 31st, 2024. The project consisted of the renovation of the Rieger Place building into retail units and 37 income restricted senior housing units. The total investment of \$6.1M and the job creation of two and a half full time employees have exceeded the project requirements. Staff recommends continuing the agreement.

There was a motion by M.Reeder and a second by M.Zuilhof to accept the recommendation. All voting members were in favor of the motion.

SandCity, LLC:

J.Holody stated that this agreement provided a 75% abatement for ten years, expiring on December 31st, 2029. The project consisted of the renovation of three historic buildings on Columbus Avenue into a mixed use development. The project has exceeded the required investment of \$11.4M. Marous is still gathering the employment figures, but the indication is that they have exceeded the amount committed. Staff recommends continuing the agreement.

There was a motion by M.Zuilhof and a second by M.Reeder to accept the recommendation. Resident Tim Schwanger stated that in last year's report it states that there was a job creation of 25 full time employees. So does that include employees that relocated from the old City Hall building on Meigs Street? Mr. Holody responded no, those were jobs that were newly created at that location. Wes Poole asked if there is a list of the newly created jobs that they could view. J.Holody stated that he could ask the recipient to provide that. E.Wobser stated that there is more than just City Hall employees in those buildings. There is Vita, Firelands Credit Union, and also some apartment units in those buildings.

All voting members were in favor of the motion.

Tier 3 LLC:

J.Holody stated that this agreement provided a 75% abatement for ten years, expiring on December 31st, 2026. The project consisted of the renovation of the building at 223 W. Water Street, which is the building that Hotel Kilbourn is in. The project has exceeded the required

investment of \$1.4M and job creation of 25 full time employees. Staff recommends continuing the agreement.

There was a motion by M.Reeder and a second by M.Zuilhof to accept the recommendation. All voting members were in favor of the motion.

Zeller Gaming Enterprises, LLC:

J.Holody stated that this agreement provided a 75% abatement for five years, expiring on December 31st, 2022. The project consisted of the renovation of the building at 142 Columbus Avenue, which is the building that Barra is in. The project has exceeded the required investment and job creation requirements. The building is behind on property taxes, so staff is monitoring that closely. Staff recommends continuing the agreement.

There was a motion by M.Reeder and a second by M.Zuilhof to accept the recommendation. All voting members were in favor of the motion. R.Jeffrey stated that he heard that there has been some change in ownership and may that has something to do with them being behind on property taxes. The treasurer will reach out to them to see why they are behind.

OTHER BUSINESS:

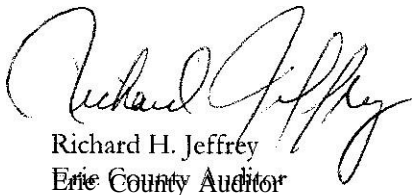
R. Jeffrey reminded staff to look into putting the same people on both the CRA Housing Council and the TIRC, so that they do not have to worry about making sure there are enough members for a quorum.

ADJOURNMENT:

S.Poggiali moved to adjourn the meeting and M. Reeder seconded. All were in favor and the meeting ended at 3:11pm.

Please feel free to contact the undersigned with any questions regarding these recommendations.

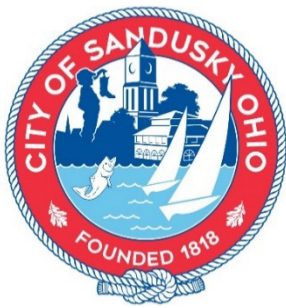
Sincerely,



Richard H. Jeffrey
Erie County Auditor

Chairman of the Tax Incentive Review Council

cc: Zachary Rospert, Financial Planner, Erie County Regional Planning



CITY MANAGER

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

To: Eric Wobser, City Manager

From: Tom Horsman, Communications Manager

Date: August 10, 2022

Subject: Agreement with Lake Erie Shores and Islands Ohio for a giant "Lake Erie Love" Adirondack chair on the Jackson Street Pier

ITEM FOR CONSIDERATION: Requesting legislation for approval of entering into an agreement with Lake Erie Shores and Islands Ohio for a giant Adirondack chair on the Jackson Street Pier.

BACKGROUND INFORMATION: For a few years, the City displayed a giant blue "Lake Erie Love" branded Adirondack chair at various locations along Sandusky's waterfront. In June 2022, the City and Shores and Islands Ohio worked with the vendor of the chair to determine the extent of repairs needed to fix deterioration that had occurred on the chair. The vendor of the chair determined it was not salvageable, and the City and Shores and Islands Ohio agreed to purchase a new chair for placement on the Jackson Street Pier.

The proposed agreement with Lake Erie Shores and Islands Ohio outlines the City's responsibilities to maintain insurance liability coverage for the chair and to provide maintenance to the chair when necessary.

BUDGETARY INFORMATION: The City split the cost of the chair 50/50 with Shores and Islands Ohio. The City's share was \$806.25 and will be expended with Marketing funds. There is no additional cost to the City from this agreement.

ACTION REQUESTED: It is requested that legislation be approved for the City Manager to enter into the agreement with Shores and Islands Ohio for a giant Adirondack chair on the Jackson Street Pier. It is further requested that this legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order for the agreement to be immediately executed as the Adirondack chair is estimated to be delivered on August 23, 2022.

I concur with this recommendation:

Eric Wobser, City Manager

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

CERTIFICATE OF FUNDS

In the Matter of: Shores & Islands Adirondack chair agreement

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 #110-7020-53001

By: _____

Michelle Reeder

Finance Director

Dated: 8/10/2022

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH LAKE ERIE SHORES AND ISLANDS RELATING TO THE REPLACEMENT OF AN ADIRONDACK CHAIR AT THE JACKSON STREET PIER; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, for a few years, the City has displayed a giant blue “Lake Erie Love” branded Adirondack chair at various locations along Sandusky’s waterfront; and

WHEREAS, the chair has deteriorated and in June 2022, it was determined the chair was not salvageable due to the extent of the repairs needed and the City and Lake Erie Shores and Islands agreed to purchase a new chair for placement at the Jackson Street Pier; and

WHEREAS, the proposed agreement outlines the City’s responsibilities to provide maintenance and insurance liability coverage for the chair; and

WHEREAS, the total cost of the Adirondack chair is \$1,612.50 of which \$806.25 (50%) will be paid by Lake Erie Shores and Islands and the remaining \$806.25 (50%) will be paid by the City with Marketing 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 for the agreement to be immediately executed as the Adirondack chair is estimated to be delivered on August 23, 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 Recreation, 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 an agreement with Lake Erie Shores and Islands for the maintenance and liability of the replacement Adirondack chair to be placed at the Jackson Street Pier, substantially in the same form as reflected in Exhibit "A" which is attached to this Ordinance and specifically incorporated as if fully rewritten herein together with such revisions or additions as are approved by the Law Director as not being

substantially adverse to the City and being consistent with the objectives and requirements of this Ordinance and with carrying out the City's public purposes.

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: August 22, 2022

SHORES&ISLANDS_{OHIO}

ADIRONDACK CHAIR AGREEMENT

This Adirondack Chair Agreement (the "Agreement") is made and entered into as of the _____, 2022, between the CITY OF SANDUSKY (hereinafter referred to as "City"), a Municipal Corporation and political subdivision duly organized and validly existing under the Constitution, its Charter and the laws of the State of Ohio and LAKE ERIE SHORES AND ISLANDS ("hereinafter referred to as LESI"), an Ohio Corporation.

WITNESSETH

WHEREAS, LESI and the City has each paid 50% of the purchasing cost of a giant Adirondack chair, that will be given to the City on a temporary, gifted basis. The chair will be located at the Jackson Street Pier/Mylander Pavilion - 229 W. Shoreline Dr., Sandusky Ohio 44870. Further information follows.

NOW THEREFORE, in consideration of the covenants contained herein, the parties hereto agree as follows:

Section 1.

- a. **Liability.** The City will covenant and agree to provide and to keep in force during the entire period of display of comprehensive general liability insurance, naming LAKE ERIE SHORES AND ISLANDS additional insured covering the chair and its appurtenances on an occurrence basis, with minimum limits of liability in the amount of \$1,000,000.00 per occurrence for bodily injury, personal injury or death of any person or damage to property arising directly or indirectly out of City's use of the chair.
- b. **Repair, Maintenance, and Replacement.** The repair, maintenance, and replacement of any portion of the chair, its attached sign, and any other components necessary in the secure placement of the chair, shall be the obligation of the City. The chair and sign listed herein have a stated useful life of 10 years. The City will work in coordination with LESI in the event that the chair requires repair during the useful life of the project. The City will rely on the professional opinion of its engineer(s) on this project in making a determination of necessity of replacement with the useful life of the project. Nothing in this Agreement shall bind LESI for the cost of maintenance or repairs of the project during the useful life of the improvement. Further, nothing in this Agreement shall be construed to bind the City to maintaining the approved design of the improvement in perpetuity. If following the expiration of the useful life of the chair, the City desires to replace it, it shall be free to do so by returning the chair and sign to LESI without further obligation to LESI.
- c. **Mediation.** The Parties will attempt in good faith to resolve any dispute or claim arising out of or in relation to this Agreement through negotiations between a representative of each of the Parties with authority to settle the relevant dispute. If the dispute cannot be settled amicably by the Parties, the Parties agree to utilize mediation prior to the commencement of any other legal remedy.

Section 2. Authority to Sign.

- a. LESI and the City both represent that this Agreement has been formally approved by formal action of the duly authorized representatives of both parties.

Section 3. Assignment or Transfer.

- a. The City agrees that this agreement is not transferable or assignable without the express written approval of an authorized representative of LESI.

Section 4. Choice of Law.

- a. This Agreement shall be governed and interpreted in accordance with the laws of the State of Ohio and the parties hereto agree that any dispute or other matter 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.

Section 5. Binding Agreement.

- a. This Agreement shall be binding on the City and LESI and their respective successors and assigns

Section 6. Amendments.

- a. This Agreement may only be amended by written instrument executed by all parties.

Section 7. Miscellaneous.

- a. Relationship. This Agreement does not create an Employer/Employee relationship.
b. Indemnification. The parties to this agreement expressly agree that neither party shall indemnify the other for any actions, disputes, loss, or other matter arising out of this Agreement.

IN WITNESS WHEREOF the parties hereto, by and through their duly authorized representatives, have executed this Agreement on behalf of the corporate entities identified herein, on the date first written above.

LAKE ERIE SHORES AND ISLANDS

By: _____

Title: _____

Printed Name: _____

THE CITY OF SANDUSKY

By: _____

Title: _____

Printed Name: _____



FINANCE DEPARTMENT

240 Columbus Avenue
Sandusky, Ohio 44870

419.627.5776

www.cityofsandusky.com

TO: Eric L. Wobser, City Manager
FROM: Michelle Reeder, Finance Director
DATE: August 10, 2022
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

City Commission approval of an Ordinance and Fiscal Officer's Certificate for the issuance and sale of up to \$5,135,000 in Various Purpose Improvement Notes.

BUDGETARY INFORMATION:

This various purpose note sale includes renewal of the 2021 Series Various Purpose Notes of \$7,290,000 that will mature on September 30, 2022. We will retire \$2,155,000 of the 2021 Note Issuance:

- **\$600,000** (retire \$400,000) for Bay Front Urban Revitalization
- **\$325,000** (retire \$325,000) for the Fire Department Ladder Truck
- **\$325,000** (retire \$100,000) for the City Hall Relocation Project
- **\$1,850,000** (retire \$100,000) for the design of The Landing Project
- **\$780,000** (retire \$400,000) Jackson Street Pier- Owen Sound Agreement
- **\$1,300,000** (retire \$650,000) for Jackson Street Pier- Mylander Trust
- **\$210,000** (retire \$30,000) for Sandusky Bay Pathway- Wightman Wieber Foundation
- **\$1,900,000** (retire \$150,000) Pathway Design

ACTION REQUESTED:

It is requested that the City Commission accept the Fiscal Officer's Certificate and approve the ordinances in accordance with Section 14 of the City Charter under suspension of the rules. The need for immediate action is to allow the City adequate time to find a buyer of the new notes prior to the maturity of the current notes on September 20, 2022.

The City's Bond Counsel, Squire Patton Boggs (US) LLP, prepared the Ordinances.

I concur with this recommendation:

Eric Wobser
City Manager

Michelle Reeder
Finance Director

CC: Eric Wobser City Manager, Brendan Heil Law Director

FISCAL OFFICER'S CERTIFICATE

To the City Commission of the
City of Sandusky, Ohio:


As fiscal officer of the City of Sandusky, I certify in connection with your proposed issue of \$5,135,000 notes (the Notes) to be issued in anticipation of the issuance of bonds (the Bonds) for the purpose of: for the purpose of: (1) revitalizing the Bayfront Urban Revitalization area by acquiring, clearing and improving certain properties in that area, undertaking the environmental clean-up and remediation of certain properties in that area, constructing road improvements and related utility and infrastructure improvements in that area, and otherwise improving that area; (2) paying the costs of various improvements for "the Landing" as more further described and approved in Ordinance No. 18-127; (3) paying costs associated with the relocation of City Hall, including, but not limited to, those projects approved by Ordinance Numbers 18-119, 18-128 and 18-129 and Resolution Number 025-18R; (4) paying costs of various improvements to Jackson Street Pier; and (5) paying costs of the construction of and various improvements to the Sandusky Bay Pathway (collectively, the improvement), that:

1. The estimated life or period of usefulness of each improvement is at least five years. For internal accounting purposes of the City, the allocation of that principal amount among those Projects is as set forth in the attached table.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code and based on the fiscal officer's certificates previously signed with respect to each of these Projects, is as set forth in the attached table. To the extent that notes in anticipation of the Bonds will have been outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years has been deducted and taken into account in setting forth the estimated maximum maturities of the Bonds with respect to each of those Projects as set forth in the attached table.

3. The maximum maturity of the Notes with respect to each of these Projects is as set forth in the attached table, which maximum maturity in each instance is based on the date of the original note issued for such Project.

Dated: August 17, 2022



Finance Director
City of Sandusky, Ohio

City of Sandusky, Ohio
Various Purpose Improvement Notes, Series 2021

Project No.	Date of Original Issue	Purpose	Amount of Original Issue	2022 Principal Amount	Maximum Bond Maturity	Original Maximum Bond Maturity	Maximum Note Maturity
1	06/28/2004	Bayfront Urban Revitalization	\$2,700,000	\$200,000	11 years	25 years	June 28, 2024
2	10/03/2018	“The Landing” Improvements	\$2,000,000	\$1,750,000	20 years	20 years	October 3, 2038
3	10/03/2018	City Hall Relocation	\$ 546,000	\$ 225,000	9 years	15 years	October 3, 2033
4	10/01/2020	Jackson Street Pier	\$2,130,000	\$1,030,000	25 years	25 years	October 1, 2040
5	10/01/2020	Pathway	\$2,140,000	\$1,930,000	20 years	20 years	October 1, 2040

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$5,135,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF: (1) REVITALIZING THE BAYFRONT URBAN REVITALIZATION AREA BY ACQUIRING, CLEARING AND IMPROVING CERTAIN PROPERTIES IN THAT AREA, UNDERTAKING THE ENVIRONMENTAL CLEAN-UP AND REMEDIATION OF CERTAIN PROPERTIES IN THAT AREA, CONSTRUCTING ROAD IMPROVEMENTS AND RELATED UTILITY AND INFRASTRUCTURE IMPROVEMENTS IN THAT AREA, AND OTHERWISE IMPROVING THAT AREA; (2) PAYING THE COSTS OF VARIOUS IMPROVEMENTS FOR “THE LANDING” AS MORE FURTHER DESCRIBED AND APPROVED IN ORDINANCE NO. 18-127; (3) PAYING COSTS ASSOCIATED WITH THE RELOCATION OF CITY HALL, INCLUDING, BUT NOT LIMITED TO, THOSE PROJECTS APPROVED BY ORDINANCE NUMBERS 18-119, 18-128 AND 18-129 AND RESOLUTION NUMBER 025-18R; (4) PAYING COSTS OF VARIOUS IMPROVEMENTS TO JACKSON STREET PIER; AND (5) PAYING COSTS OF THE CONSTRUCTION OF AND VARIOUS IMPROVEMENTS TO THE SANDUSKY BAY PATHWAY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, pursuant to Ordinance No. 21-129 passed August 23, 2021, notes in anticipation of the issuance of bonds were issued to pay costs of, *inter alia*, the following improvements:

(i) \$600,000 principal amount of notes were issued for the purpose of revitalizing the Bayfront Urban Revitalization Area by acquiring, clearing and improving certain properties in that Area, undertaking the environmental clean-up and remediation of certain properties in that Area, constructing road improvements and related utility and infrastructure improvements in that Area, and otherwise improving that Area (Project No. 1), in accordance with the Urban Renewal Plan, the Act, the Grant (as such terms are defined in Ordinance No. 09-073 passed on September 14, 2009) and Section 20 of Article VIII of the Ohio Constitution; and

(ii) \$1,750,000 principal amount of notes were issued for the purpose of purpose of paying the costs of various improvements for “the Landing” as more further described and approved in Ordinance No. 18-127 (Project No. 2); and

(iii) \$325,000 principal amount of notes were issued for the purpose of paying costs associated with the relocation of City Hall, including, but not limited to, those projects approved by Ordinance numbers 18-119, 18-128 and 18-129 and Resolution Number 025-18R (Project No. 3); and

(iv) \$2,080,000 principal amount of notes were issued for the purpose of paying costs of various improvements to Jackson Street Pier (Project No. 4); and

(v) \$2,110,000 principal amount of notes were issued for the purpose of paying costs of the construction of and various improvements to the Sandusky Bay Pathway (Project No. 5); and

WHEREAS, the notes issued in the anticipation of bonds for Project No. 1, Project No. 2, Project No. 3, Project No. 4 and Project No. 5 were issued as part of a consolidated issue, dated September 30, 2021 and maturing on September 30, 2022, in the aggregate principal amount of \$7,290,000, pursuant to Section 133.30(B) of the Revised Code (that consolidated issue hereinafter referred to as the “Outstanding Notes”); and

WHEREAS, this City Commission finds and determines that the City should retire \$2,155,000 aggregate principal amount of the Outstanding Notes with funds available to the City, for internal accounting purposes attributed to each project as follows: Project No. 1, \$400,000; Project No. 2, \$100,000; Project No. 3, \$100,000; Project No. 4, \$1,050,000 and Project No. 5, \$180,000 (along with an additional \$325,000 to pay off other projects in full); and

WHEREAS, this City Commission finds and determines that the City should retire the remaining outstanding principal amount of the Outstanding Notes with the proceeds of the Notes described in Section 3 and that for internal accounting purposes the principal amount of each Project to be funded as part of the Notes described in Section 3 is allocated as follows; and

<u>Project No.</u>	<u>Principal Amount</u>
1 (Bayfront Urban Revitalization)	\$200,000
2 (“The Landing” Improvements)	1,750,000
3 (City Hall Relocation)	225,000
4 (Jackson Street Pier)	1,030,000
5 (Pathway)	1,930,000

WHEREAS, the Director of Finance, as fiscal officer of this City, has certified to this City Commission that the estimated life or period of usefulness of each of Projects 1 through 5 is at least five years, and that the estimated maximum maturity of the bonds for each Project and the maximum maturity of the notes for each Project, to be issued in anticipation of the bonds, are as follows; and

<u>Project No.</u>	<u>Maximum Maturity of Bonds - years</u>	<u>Maximum Maturity of Notes</u>
1 (Bayfront Urban Revitalization)	11	June 28, 2024
2 (“The Landing” Improvements)	20	October 3, 2038
3 (City Hall Relocation)	9	October 3, 2033
4 (Jackson Street Pier)	25	October 1, 2040
5 (Pathway)	20	October 1, 2040

WHEREAS, an emergency exists in that, for the immediate preservation of the public peace, property, health and safety, it is necessary that this ordinance be immediately effective in order to issue and sell the Notes in order to enable the City to timely retire the Outstanding Notes and thereby preserve its credit, and by reason thereof, this ordinance shall take effect forthwith upon its passage, NOW, THEREFORE,

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$5,135,000 (the Bonds) for the purpose of Project No. 1, Project No. 2, Project No. 3, Project No. 4 and Project No. 5.

Section 2. The Bonds shall be dated approximately October 1, 2023, shall bear interest at the now estimated rate of 5.0% per year, payable on June 1 and December 1 of each year, commencing December 1, 2023, until the principal amount is paid, and are estimated to mature in twenty annual principal installments each of which installment represents the aggregate of all principal payments for that year as if a separate issue of bonds were issued for each Project with the following number of principal installments for each Project, with principal installments on each separate issue being in such amounts that the total principal and interest payments on that issue in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year:

<u>Project No.</u>	<u>Number of Principal Installments</u>
1 (Bayfront Urban Revitalization)	11
2 ("The Landing" Improvements)	20
3 (City Hall Relocation)	9
4 (Jackson Street Pier)	25
5 (Pathway)	20

The first principal installment is estimated to be made on December 1, 2023.

Section 3. It is necessary to issue and this City Commission determines that notes in the aggregate principal amount of \$5,135,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire, together with other funds available to the City, the Outstanding Notes (as defined in the preambles hereto). The Notes shall bear interest at a rate not exceeding 4.5% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Finance Director in the certificate awarding the Notes in accordance with Section 6 (the Certificate of Award). The Notes shall be dated the date of issuance and shall mature not earlier than five months from the date of issuance nor later than one year from the date of issuance, as determined by the Finance Director in the Certificate of Award.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United

States of America as determined by the Finance Director in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the St. Paul, Minnesota corporate trust office or other designated office of U.S. Bank National Association, or at the office of a bank or trust company designated by the Finance Director in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Finance Director if agreed to by the Finance Director and the original purchaser.

Section 5. The Notes shall be signed by the Ex-Officio Mayor and the Finance Director, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Finance Director, provided that no such denomination shall be less than \$100,000. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Finance Director will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Finance Director that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Finance Director and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this ordinance. As used in this section and this ordinance:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes “immobilized” in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a

book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Finance Director may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Finance Director does not or is unable to do so, the Finance Director, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Finance Director is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in

connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. The Notes shall be sold at not less than 97% of par plus accrued interest at private sale by the Finance Director in accordance with law and the provisions of this ordinance. The Finance Director shall, in accordance with that officer's determination of the best interests of and financial advantages to the City and its taxpayers and based on conditions then existing in the financial markets, consistently with the provisions of Section 3, establish the interest rate or rates to be borne by the Notes and their maturity, sign the Certificate of Award referred to in Section 3 evidencing that sale, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Ex-Officio Mayor, the City Manager, the Finance Director, the Law Director, the Clerk of the City Commission (including within the meaning of each such office for purposes of this ordinance any person serving in an interim or acting capacity with respect to such office) and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements, paying agent agreement, note purchase agreement and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this ordinance. The Finance Director is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the special fund established for those proceeds, and those proceeds are appropriated thereto and shall be used for the purpose for which the Notes are being issued. Any portion of the proceeds from the sale of the Notes representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes

shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued in the indicated installments without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, and (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The City hereby represents that the Outstanding Notes (the Refunded Obligation) were designated or deemed designated, and qualified, as a “qualified tax-exempt obligation” under Section 265(b)(3) of the Code. The City hereby covenants that it will redeem the Refunded Obligation from proceeds of, and within 90 days after issuance of, the Notes, and represents that all other conditions are met for treating the amount of the Notes not in excess of the principal amount of the Refunded Obligation outstanding immediately prior to the redemption of the Refunded Obligation as “qualified tax-exempt obligations” without necessity for further designation and as not to be taken into account under subparagraph (D) of Section 265(b)(3) of the Code pursuant to subparagraph (D)(ii) of Section 265(b)(3) of the Code.

The amount of the Notes (such amount being the issue price of the Notes less accrued interest, if any, as determined under the Code) in excess of the principal amount of the Refunded Obligation that is outstanding immediately prior to the redemption of the Refunded Obligation, if any, is hereby designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Notes are issued, (i) have not issued and will not issue tax-exempt obligations designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code, including the aforesaid amount of the Notes, in an aggregate amount in excess of \$10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the aforesaid amount of the Notes, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code to the extent that the amount of the refunding obligations does not exceed the outstanding principal amount of the refunded obligations) in an aggregate amount exceeding \$10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Notes as “qualified tax-exempt obligations.”

Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Notes as “qualified tax-exempt obligations,” it has not formed or participated in the formation of, or benefitted from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

The Finance Director as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificate of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Each covenant made in this Section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax

purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Notes.

Section 11. This City Commission hereby retains the firm of Squire Patton Boggs (US) LLP pursuant to an engagement letter which has been delivered to the City by that firm in order to furnish legal services in connection with the issuance of the Notes and other matters related thereto and hereby authorizes the Finance Director to pay such fees and out-of-pocket expenses of such law firm in rendering such services as are approved by the Finance Director and the Law Director. That engagement letter, and the execution thereof by the Finance Director, the Law Director, or any one of them, is hereby authorized, ratified and approved. That engagement letter, and the execution thereof by the Finance Director, the Law Director, or any one of them, is hereby authorized, ratified and approved. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, municipality or other political subdivision, or of this City, or the execution of public trusts.

Section 12. This City Commission hereby retains the firm of Sudsina & Associates, LLC in order to furnish financial advisory services in connection with the issuance and sale of the Notes and other matters related thereto and hereby authorizes the Finance Director to pay such fees and out-of-pocket expenses of such financial advisory firm in rendering such services as are approved by the Finance Director and the Law Director. In rendering those financial advisory services, as an independent contractor and in a financial advisory relationship with the City, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, municipality or other political subdivision, or of this City, or the execution of public trusts.

Section 13. If, in the judgment of the Finance Director, the filing of an application for a rating on the Notes by one or more nationally recognized rating agencies is in the best interest of and financially advantageous to this City, the Finance Director is authorized to prepare and submit such application, to provide

to each such agency such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating, from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. Any actions heretofore taken in conformance herewith are hereby ratified, confirmed and approved.

The expenditure of the amounts necessary to secure those ratings and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Finance Director is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 14. The Clerk of the City Commission is directed to deliver a certified copy of this ordinance to the County Auditor.

Section 15. This City Commission determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. 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 17. 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 18. 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: August 22, 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: August 9, 2022

Subject: Commission Agenda Item – Award the 2022 Community Development Block Grant (CDBG) E. Water St. Public Parking Lot Improvement Project to Smith Paving and Excavating and Expend Funds to Erie Materials for the Asphalt and Paving Materials.

ITEM FOR CONSIDERATION: Legislation awarding a contract to Smith Paving and Excavating of Norwalk, Ohio for the 2022 Community Development Block Grant (CDBG) E. Water St. Public Parking Lot Improvement Project and authorization to expend funds to Erie Materials, Inc. of Sandusky, Ohio, for the asphalt and paving materials to complete the project.

BACKGROUND INFORMATION: This 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. Resolution 037-22R authorized City staff to take this project out for re-bid. Currently this lot is home to 51 public parking spaces and is only accessible from East Water Street. The following bids for concrete work were received on Thursday August 4, 2022 at a formal public bid opening:

Smith Paving and Excavating, Inc. Norwalk, OH 100% Bid Bond	Bid	\$39,642
DL Smith Concrete, LLC Norwalk, OH 100% Bid Bond	Bid	\$51,130
The Kreimes Company, Inc. Sandusky, OH 10% Letter of Credit	Bid	\$50,265

The engineer’s estimate for the base bid was \$46,789.56.

The contractual schedule for completion of construction is June 1, 2023.

BUDGETARY INFORMATION: The estimated cost of the project based on the lowest and best bid, legal advertisement, and recording fee is \$39,642. Asphalt and paving materials is estimated to cost \$59,517.37, totaling \$99,159.37 all coming from Community Development Block Grant (CDBG) funds. Labor for the asphalt paving, striping and landscape work will be performed by City forces, similar to the E. Market Grounds and Wayne Street public parking lots.

ACTION REQUESTED: It is recommended that proper legislation be prepared to award a contract to Smith Paving and Excavating, LLC of Norwalk, Ohio for the East Water Street Public Parking Lot Improvement Project in an amount not to exceed \$39,642 and authorization to expend funds to Erie Materials, Inc., of Sandusky, Ohio, for the asphalt and paving materials in the amount of \$59,517.37 be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order for the contractor to complete the concrete work in a timely manner so City crews can complete the asphalt portion of the project prior to the asphalt plant closing for the season, which is typically in November.

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

CERTIFICATE OF FUNDS

In the Matter of: Smith Paving & Excavating Contract-E. Water Street Public Parking Lot paving

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

Account #241-4447-53000

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 8/17/2022

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 2022 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) E. WATER STREET PUBLIC PARKING LOT IMPROVEMENT PROJECT; AND DECLARING THAT THIS ORDINANCE 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 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 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 subsequently repealed the Resolution and declared the necessity for the City to proceed with a revised project, specifications and engineer's estimate by Resolution No. 037-22R, passed on June 13, 2022; and

WHEREAS, the City only bid out the concrete portion of the work, and will subcontract the milling of the existing pavement surface, and have City crews perform the asphalt paving work and striping; and

WHEREAS, upon public competitive bidding as required by law three (3) 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 the concrete portion of this project based on bids is \$39,642.00 and the estimated cost of asphalt and paving materials is \$59,517.37 for a total cost of \$99,159.37 which will be paid with Community Development Block Grant (CDBG) funds; labor for the asphalt pavement, striping and landscape will be performed by City crews; and

WHEREAS, approval to expend funds to Erie Materials, Inc., of Sandusky, Ohio, for the asphalt and paving materials for the 2022 Community Development Block Grant (CDBG) E. Water Street Public Parking Lot Improvement Project is being requested in companion legislation; 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 contractor to complete the concrete work in a timely manner so City crews can complete the asphalt portion of the project prior to the asphalt plant closing for the season, which is typically in November; 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 2022 Community Development Block Grant (CDBG) E. Water Street Public Parking Lot Improvement Project in an amount **not to exceed** Thirty Nine Thousand Six Hundred Forty Two and 00/100 Dollars (\$39,642.00) 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

PAGE 3 - ORDINANCE NO. _____

CLERK OF THE CITY COMMISSION

Passed: August 22, 2022

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS TO ERIE MATERIALS, INC., OF SANDUSKY, OHIO, FOR ASPHALT AND PAVING MATERIALS FOR THE 2022 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) E. WATER STREET PUBLIC PARKING LOT IMPROVEMENT PROJECT; AND DECLARING THAT THIS ORDINANCE 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 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 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 subsequently repealed the Resolution and declared the necessity for the City to proceed with a revised project, specifications and engineer's estimate by Resolution No. 037-22R, passed on June 13, 2022; and

WHEREAS, the total estimated cost for asphalt materials for the 2022 Community Development Block Grant (CDBG) E. Water Street Public Parking Lot Improvement Project is \$59,517.37 which will be paid with Community Development Block Grant (CDBG) Funds; labor for the asphalt pavement, striping and landscape will be performed by City crews; and

WHEREAS, approval to enter into a contract with Smith Paving & Excavating, Inc. of Norwalk, Ohio, for the concrete portion of the work for the 2022 Community Development Block Grant (CDBG) E. Water Street Public Parking Lot Improvement Project is being requested in companion legislation; 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 City crews to purchase the asphalt materials needed and complete the project prior to the asphalt plant closing for the season, which is typically in November; 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 and/or Finance Director is authorized and directed to expend funds for asphalt and paving material to be used for the 2022 Community Development Block Grant (CDBG) E. Water Street Public Parking Lot Improvement Project at an amount **not to exceed** Fifty Nine Thousand Five Hundred Seventeen and 37/100 Dollars (\$59,517.37) to be paid to Erie Materials, Inc., of Sandusky, Ohio.

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

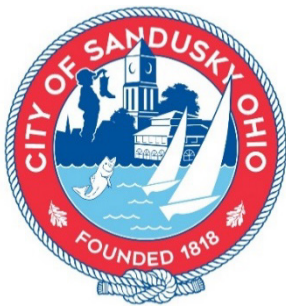
Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City's Commission and any of its committees that resulted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

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: August 22, 2022



DEPARTMENT OF PUBLIC WORKS

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

To: Eric Wobser, City Manager

From: Aaron M. Klein, P.E.

Date: August 10, 2022

Subject: Commission Agenda Item- Change Order #1 with Gundlach Sheet Metal Works, Inc. for the Justice Center Rooftop Air Handling Unit Replacement project

ITEM FOR CONSIDERATION: Requesting legislation for approval of Change Order #1 for the Justice Center Rooftop Air Handling Unit Replacement project.

BACKGROUND INFORMATION: Several months ago, an existing rooftop air handling unit at the future Justice Center had failed to continue cooling the IT room, judge's office, court room, and detectives' offices. Specifications and bids were developed for a replacement unit that was awarded to Gundlach Sheet Metal Works, Inc. (Gundlach) of Sandusky, OH, at the May 23, 2022 City commission meeting via ordinance 22-101.

When Bowen completed the design of the new facility, it was determined that the supply fan for the new unit would need to be increased from 5 horsepower to 10 horsepower to ensure it could supply air throughout the serviced rooms. Additionally, the manufacturer now only supplies units with "Greenspeed Intelligence" with digital condenser fan controls to comply with Department of Energy requirements for 2023. This change occurred after the original advertisement of the project. Finally, these modifications will require upgraded wiring modifications since the unit was increased from 150 amps to 175 amps. All of these modifications amount to a cost increase of \$13,425.00 for parts and labor. Finally, the material delivery is now between 26 and 30 weeks, extending the completion date of the project to March 31, 2023.

BUDGETARY INFORMATION: This Change Order #1 reflects an increase of \$13,425.00, which will revise the original total contract amount of \$57,975.00 to \$71,400.00 and will also be paid with Capital Funds.

ACTION REQUESTED: It is requested that legislation be prepared to allow for the approval of Change Order #1 for the Justice Center Rooftop Air Handling Unit Replacement project. It is further requested that this be passed in accordance with Section 14 of the City Charter so that the contractor can place the order for certain materials that have long lead times and ensure the unit is operational prior to summer of 2023.

I concur with this recommendation:

Eric Wobser, City Manager

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

CITY OF SANDUSKY, OHIO
DEPARTMENT OF PUBLIC WORKS

Project: Justice Center Rooftop Air Handling Unit Replacement
Construction Change Order No.: 1

CONTRACT: 2987
ORDINANCE NO. 22-101

Contractor: Gundlach Sheet Metal Works Inc.
910 Columbus Ave
Sandusky, Ohio 44870

STREET OR LOCATON OF WORK: 222 Meigs Street, Sandusky, OH 44870

Order is hereby issued and accepted for the following additions to or deductions from the quantities as specified in the original contract.

Bid Item No.	ODOT Item No.	Plan Quantity	Actual Quantity	Difference in Quantity	Unit	Description	Unit Price	Bid Price	Actual Price	Total ADD/DED
T/E			August 31, 2022	212	days	Time Extension: Delay in delivery of material to 26-30 weeks. Revised Completion Date - March 31, 2023				
E/W						Supply fan from 5 hp to 10 hp, this increases from 150 A to 175 A, Compliance with new DOE 2023 requirements for "Greenspeed Intelligence" and digital condenser fan control			\$ 4,125.00	\$ 4,125.00
E/W						Supply fan increases from 150A to 175A service, and additional controls: wiring modifications from existing 1/0 to upgraded 2/0			\$ 9,300.00	\$ 9,300.00

Explanation: Change order & Contingency reflects work performed in the field.

Total Difference \$ 13,425.00

Accepted: _____ Date: _____, 2022
Contractor

Accepted: _____ Date: _____, 2022
City Engineer

Original Contract Price = \$ 57,975.00
Contract Price after CO1 = \$ 71,400.00
% Increase = 23.2%
Original Budget/Estimate = \$ 57,975.00
% Increase = 23.2%

CERTIFICATE OF FUNDS

In the Matter of: Gundlach Rooftop Unit- Change Order

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

Account #431-6503-55990

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 8/10/2022

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST CHANGE ORDER FOR WORK PERFORMED BY GUNDLACH SHEET METAL WORKS, INC. OF SANDUSKY, OHIO, FOR THE JUSTICE CENTER ROOFTOP AIR HANDLING UNIT PROJECT IN THE AMOUNT OF \$13,425.00; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

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

WHEREAS, this City Commission declared the necessity for the City to proceed with the Justice Center Rooftop Air Handling Unit Project by Resolution No. 023-22R, passed on April 11, 2022; and

WHEREAS, the City Commission approved the awarding of the contract to Gundlach Sheet Metal Works, Inc. of Sandusky, Ohio, for work to be performed for the Justice Center Rooftop Air Handling Unit Project by Ordinance No. 22-101, passed on May 23, 2022; and

WHEREAS, this First Change Order reflects increased horsepower to the supply fan as determined in the final design plans for the Justice Center, “Greenspeed Intelligence” upgrade with digital condenser fan controls that will comply with the Department of Energy requirements for 2023, and an extension to the completion date from August 31, 2022, to March 31, 2023, due to material delivery estimated between 26 and 30 weeks; and

WHEREAS, the original contract with Gundlach Sheet Metal Works, Inc. of Sandusky, Ohio, was \$57,975.00, and with the addition of this First Change Order in the amount of \$13,425.00, the final contract cost is \$71,400.00 and will be paid with Capital 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 order certain materials that have long lead times and ensure the unit is operational prior to the summer of 2023; 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 hereby authorized and directed to approve this First Change Order for work performed for the Justice Center Rooftop Air handling Unit Project in an amount **not to exceed** Thirteen Thousand Four Hundred Twenty Five and 00/100 Dollars (\$13,425.00) resulting in the final contract cost of Seventy One Thousand Four Hundred 00/100 Dollars (\$71,400.00) with Gundlach Sheet Metal Works, Inc. of Sandusky, Ohio, and to extend the completion date from August 31, 2022, to March 31, 2023.

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: August 22, 2022



DEPARTMENT OF PUBLIC WORKS

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

To: Eric Wobser, City Manager

From: Scott Kromer, Streets & Utilities Superintendent

Date: August 12, 2022

Subject: Commission Agenda Item – Purchase and Installation of an Aluminum Custom Built Traffic Sign Truck Body to be installed on a 2022 Ford F-450 Chassis for the Streets & Traffic Division

ITEM FOR CONSIDERATION: Legislation authorizing the purchase and installation of a custom built Traffic Sign Truck Body from Kalida Truck Equipment, Inc. of Walbridge, Ohio for the Streets & Traffic Division.

BACKGROUND INFORMATION: Through previous legislation approved at the April 25, 2022, Ordinance 22-082, staff moved forward with ordering a new 2022 Ford F-450 Chassis for the Streets & Traffic Division. The truck shall be utilized by staff who maintain all street and roadway signs, as well as, placing new signs throughout all City facilities and properties.

In order to fully equip the vehicle with operational bins and storage compartments, staff issued a Request for Proposals (RFP) on July 26, 2022, soliciting vendors to provide a quote to outfit the truck. Proposals were received on August 9, 2022, with Kalida Truck Equipment, Inc. being the only responding vendor. The proposal was evaluated by a selection committee who determined the quote met the specifications of the RFP and was determined to be the lowest and best.

BUDGETARY INFORMATION: The total cost of the custom built Traffic Sign Truck Body shall not exceed \$66,800.00 and will be paid from American Rescue Plan Act Stimulus Funds.

ACTION REQUESTED: It is recommended that proper legislation be prepared approving the purchase and installation of a custom built Traffic Sign Truck Body from Kalida Truck Equipment, Inc. of Walbridge, Ohio in an amount not to exceed \$66,800.00 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 order to be placed and production to begin as the lead time on delivery is 14-18 weeks.

I concur with this recommendation:

Eric Wobser
City Manager

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



KALIDA TRUCK EQUIPMENT, INC.

Kalida Truck Equipment, Inc.
30840 Tracy Road
Walbridge, OH 43465
Phone: 419-666-3700
Fax: 419-666-4133
www.kalidatruck.com

QUOTATION

DJB0000835

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Customer: CITY OF SANDUSKY DEPARTMENT OF PUBLIC WORKS

Contact: AARON M. KLEIN, P.E.

Address: 222 MEIGS ST
SANDUSKY OH 44870

Quote Number: DJB0000835

Quote Date: 8/9/2022

Quote valid until: 9/9/2022

Phone: 419-627-5844

Fax: 419-627-5825

Email: MSTOOKEY@CI.SANDUSKY.OH.US

Salesperson: Dylan B

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	<u>CITY OF SANDUSKY TRAFFIC SIGN TRUCK BODY</u> ALUMLINE SIGN BODY LENGTH: 11'6" WIDTH: 96" 12" CENTERS ON 3" I-BEAM CROSSMEMBERS 1-1/4" EXTRUDED ALUMINUM FLOORING MESH WINDOW IN 41" TALL HEADACHE RACK 18" LONG CAB SHIELD - CAB WIDTH 5" ALUMINUM CHANNEL LONG SILLS TWO (2) DRIVER SIDE FRONT STACKED ABB 36" L X 34" H X 34" D X .125 DIAMOND PLATE * BOTTOM BOX - SLANTED DIVIDERS - OPENS OUT * * TOP BOX - THREE (3) SIDE-OUT TRAYS OPENS TO INSIDE* TWO (2) FRONT UBB 54" L X 18" H X 18" D X .125 DIAMOND PLATE TWO (2) DRIVER SIDE MID ABB 40" L X 17" H X 34" D X .125 DIAMOND PLATE * BOTTOM BOX - IS OPEN AND OPENS OUT * * TOP BOX HAS (1) ADJ. SHELF AND OPEN TO INSIDE * ONE (1) DRIVER SIDE ABB SIGN BOX 30" L X 34" H X 34" D X .125 DIAMOND PLATE * FALSE FLOOR W/ SLANTED SIGN DIVIDERS * ONE (1) DRIVER REAR UPPER BOX 30" L X 57.5" H X 34" X 18" D X .125 DIAMOND PLATE 36" W X 48" D BED RAT - PASSENGER FRONT * DP FLOOR & SAFETY RAILING * * RAISERS UP 30" AND HAS A 1,500 LBS CAPACITY * ONE (1) PASSENGER REAR ABB 21" L X 24" D X 33" H X .125 DP * INTERIOR LINED W/ STEEL * * REINFORCED ABOVE AND BELOW FLOOR FOR CRANE * ONE (1) PASSENGER SIDE ABB SIDE 60" L X 20" H X 24" W * TOP LID W/ GAS SHOCK AND ACCESS FROM CARGO AREA * * FOLD DOWN DOOR W. GROUND ACCESS * STORAGE AREA BETWEEN LONG SILL 124" L X 28" W X 5" H	\$66,800.00	\$66,800.00



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QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
	<p>SQUARE REAR LIGHT SKIRT I.C.C. & D.O.T. APPROVED LIGHTS TWO (2) GRAB HANDLES MOUNTED ON REAR OF BODY</p> <p>** CUSTOM MADE ALUMINUM DIAMOND PLATE BUMPER WITH 2.5" RECEIVER TUBE AND STEPS WITH A 7-WAY RV STYLE PLUG. **</p> <p>*** THE BODY WILL NOT HAVE SIDE SKIRTING OR FENDER FLARES ***</p> <p>**** POLY REAR WHEEL FENDERS ****</p> <p>LED LIGHTING: LED STOP/TURN/TAIL LIGHT INSTALLED, ONE (1) ON STREETSIDE AND ONE (1) ON CURBSIDE ON REAR OF BODY. LED REVERSE LIGHT INSTALLED, ONE (1) ON STREETSIDE AND ONE (1) ON CURBSIDE ON REAR OF BODY.</p> <p>*** NO STROBES PROVIDED BY KALIDA TRUCK EQUIPMENT ***</p> <p>CRANE: VENTURO ELECTRIC-HYDRAULIC SERVICE CRANE MODEL: ET12KX MAX CAPACITY: 3,500 LB FT/LB RATING: 12,000 65' OF 1/4" WIRE ROPE BOOM LENGTH: 7'-15' OVERALL LENGTH RETRACTED: 8' 5-5/16" OVERALL EXTENDED LENGTH: 15' 3-3/4" CAPACITY OVERLOAD SHUTOFF SYSTEM ANTI-TWO BLOCKING 25' PLUG-IN REMOTE CONTROL PENDANT SWIVEL LOAD BLOCK WITH SAFETY HOOK MASTER DISCONNECT SWITCH AND BRACKET 12V DC ELECTRIC/HYDRAULIC OPERATION NON-PROPORTIONAL CORDED & WIRELESS</p> <p>*BOOM REST *CIRCUIT BREAKER KIT *CRANK DOWN OUTRIGGER PACKAGE, MANUAL PULLOUT/MANUAL CRANK DOWN.</p> <p>** CRANE MOUNTED TO A PEDESTAL ON THE RIGHT REAR OF THE BODY **</p> <p>**ONE (1) YEAR WARRANTY ON THE ABOVE EQUIPMENT**</p> <p><i>ALL EQUIPMENT QUOTED INSTALLED 2022 FORD F-450 2WD CAB AND CHASSIS W/ AN 84" CAB TO AXLE W/ A GAS ENGINE</i></p>		



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DJB0000835

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QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
	** COMPLETED TRUCK WILL BE DELIVERED TO CITY OF SANDUSKY **		
	*** LEAD TIME OF BODY IS APPROXIMATELY 14-18 WEEKS ***		
		Quote Total:	\$66,800.00
		Sales Tax:	\$0.00
		Total Due:	\$66,800.00

Customer must fill out the information below before the order can be processed...

Accepted by:	
Date:	
P.O. number:	
Salesperson:	

- ◆ **A 3% CHARGE WILL BE APPLIED TO ALL DEBIT/CREDIT CARD TRANSACTIONS**
- ◆ Quoted price does not include any applicable taxes.
- ◆ Terms are Due Upon Receipt unless prior credit arrangements are made at the time of order.
- ◆ Due to the extremely volatile steel prices, our quoted price may change at any time. Call our office for an up to date price.

CERTIFICATE OF FUNDS

In the Matter of: Traffic Sign Truck Body-Kalida Truck Equipment

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

Account #240-0000-54090

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 8/12/2022

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS FOR THE PURCHASE AND INSTALLATION OF AN ALUMINUM CUSTOM BUILT TRAFFIC SIGN TRUCK BODY FROM KALIDA TRUCK EQUIPMENT, INC., OF WALBRIDGE, OHIO, FOR THE STREETS & TRAFFIC DIVISION; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Streets & Traffic Division had a 1991 GMC G3500 Truck that was used for maintaining all street and roadway signs, as well as, placing new signs through all City Facilities and properties that had exceeded its useful life expectancy and it was recommended to be replaced with a 2022 Ford F-450 Chassis; and

WHEREAS, this City Commission approved the purchase of a 2022 Ford F-450 Chassis Truck from Valley Truck Centers of Cleveland, Ohio, through the State of Ohio Department of Administrative Services Cooperative Purchasing Program for the Streets & Traffic Division by Ordinance No. 22-082, passed on April 25, 2022; and

WHEREAS, a Request for Proposals (RFP) was issued on July 26, 2022, for a custom Traffic Sign Truck Body to be build and installed on the 2022 Ford F-450 Chassis Truck in which one (1) proposal was received and evaluated by a selection committee who determined that the proposal from Kalida Truck Equipment, Inc., of Walbridge, Ohio, was the lowest and best; and

WHEREAS, the total cost for the purchase and installation of the Traffic Sign Truck Body is \$66,800.00 and will be paid with American Rescue Plan Act Stimulus Funds; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to allow the order to be placed and production can begin as the lead time on delivery is 14-18 weeks; and

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

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

Section 1. The City Manager is authorized and directed to expend funds for the purchase and installation for an Aluminum Custom Built Traffic Sign Truck Body to be installed on a 2022 Ford F-450 Chassis for the Streets & Traffic Division from Kalida Truck Equipment, Inc., of Walbridge, Ohio, at an amount **not to exceed** Sixty

Six Thousand Eight Hundred and 00/100 Dollars (\$66,800.00).

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.

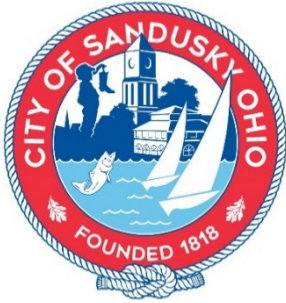
Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST:

CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: August 22, 2022



Community Development

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

TO: Eric Wobser, City Manager

FROM: Nicole Grohe, CDBG Program Administrator

DATE: August 10th, 2022

RE: Erie County Land Bank MOU

ITEM FOR CONSIDERATION: The purpose of this communication is to request the approval of legislation allowing the City Manager to enter into a Memorandum of Understanding (MOU) with the Erie County Land Reutilization Corporation. The intent of the MOU is to allow the Erie County Land Bank to conduct an asbestos survey, mitigation (if needed), and demolition of a non-conforming residential property located at 1002 W. Jefferson Street.

BACKGROUND INFORMATION: The city has purchased a residential property at 1002 W. Jefferson Street. The Erie County Land Bank has received funding to demolish structures through the Delinquent Tax and Assessment Collection (DTAC). The city and the county land bank will work collaboratively with the land bank to carry out the asbestos survey, any abatement, and demolition of the residence at 1002 W. Jefferson Street on behalf of the city by December 31, 2022.

BUDGET IMPACT: There will be no impact on the budget.

ACTION REQUESTED: It is requested that City Commission authorize the Memorandum of Understanding with the Erie County Land Bank allowing the land bank to demolish the residential unit at 1002 W. Jefferson Street. 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 the asbestos abatement and demolition to be completed by December 31, 2022.

Nicole Grohe, CDBG Program Administrator

I concur with this recommendation:

Jonathan Holody, Director of Community Development

Eric 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 LAND REUTILIZATION CORPORATION FOR THE DEMOLITION OF A STRUCTURE LOCATED AT 1002 W. JEFFERSON STREET, SANDUSKY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission approved a Settlement Agreement with the Doghouse Bar, LLC, et al. for the purchase of real property located at 1002 W. Jefferson Street and identified as Parcel No. 59-00277.000 by Ordinance No. 22-097, passed on May 9, 2022; and

WHEREAS, a Judgment Entry was entered on February 16, 2022, declaring the property at 1002 W. Jefferson Street to be a nuisance in violation of state and local laws; and

WHEREAS, the City is demolishing the building in order to abate the nuisance and preserve the health, safety, and quality of life for the residents of the neighborhood and the City of Sandusky; and

WHEREAS, the Erie County Land Reutilization Corporation has received funding to demolish structures through the Delinquent Tax and Assessment Collection (DTAC); and

WHEREAS, the proposed Memorandum of Understanding provides the obligations for the City and the Erie County Land Reutilization Corporation for the demolition of the property located at 1002 W. Jefferson Street, Sandusky; 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 for the asbestos abatement and demolition to be completed by December 31, 2022; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of Municipal Departments, including the Department of 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. The City Manager is authorized and directed to enter into a Memorandum of Understanding with the Erie County Land Reutilization

Corporation for the asbestos abatement & demolition of a structure located at 1002 W. Jefferson Street, Sandusky, substantially in the same form as reflected in Exhibit "A" which is attached to this Ordinance and specifically incorporated as if fully rewritten herein together with such revisions or additions as are approved by the Law Director as not being substantially adverse to the City and being consistent with the objectives and requirements of this Ordinance and with carrying out the City's public purposes.

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: August 22, 2022

Memorandum of Understanding

This Memorandum of Understanding ("MOU") is made on and entered into on this _____ day of _____, 2022, ("Effective Date") between the City of Sandusky, a municipal corporation of the State of Ohio, ("City") located at 240 Columbus Ave., Sandusky, Ohio 44870, and the Erie County Land Reutilization Corporation, an Ohio non-profit corporation, ("County") located at 2900 Columbus Ave., Sandusky, Ohio 44870.

WHEREAS the City owns the property at 1002 W. Jefferson Street with the parcel number 59-00277.00, ("Property"), and

WHEREAS the County has received funding to demolish the structure and abate any asbestos located on the Property through the Delinquent Tax and Assessment Collection.

THEREFORE, in consideration of the mutual covenants herein set out, the City and the County agree as follows:

I. City's Obligations

- a. The City shall allow the County to enter onto the Property for the purpose of demolishing the structure on the Property.

II. County's Obligations

- a. The County shall enter the Property and perform the demolition at its own risk, and the City shall not incur any liability from injuries or losses to persons or property associated with this demolition project.
- b. The County shall bear all costs associated with the demolition project.
- c. The County shall bid and manage the entire demolition project, which shall include but is not limited to all asbestos surveying and mitigation needs.
- d. The County shall complete the entire demolition project by no later than December 31, 2022.

III. Term

- a. This MOU shall become effective on the Effective Date and shall expire on the completion of the demolition project.

IV. Modifications

- a. This MOU may be amended by either party. All amendments must be in writing and signed by both parties.

V. Governing Law

- a. This MOU shall be governed by and construed in accordance with the laws of the State of Ohio. All claims, counterclaims, disputes, and other matters in question between the City, its agents and employees, and the County, its contractors, subcontractors and agents arising out of or relating to this MOU or its breach will be decided in a court of competent jurisdiction within the County of Erie, State of Ohio.

VI. Merger.

- a. The provisions of this MOU shall supersede all previous agreements and understandings between the Parties concerning the subject matter hereof.

VII. Severability

- a. If any of the provisions of this MOU are found or deemed by a Court of competent jurisdiction to be invalid or unenforceable, they shall be considered severable from the remainder of this Agreement and shall not cause the remainder to be invalid or unenforceable.

EXHIBIT "A"

SIGNATURE PAGE TO FOLLOW

IN WITNESS WHEREOF, the parties have caused this Memorandum of Understanding to
be duly executed in their respective names, all as of the date hereinbefore written.

WITNESSES:

CITY OF SANDUSKY:

Eric L. Wobser, City Manager

WITNESSES:

ERIE COUNTY LAND REUTILIZATION
CORPORATION:

(Signature)

(Printed Name & Title)

Approved as to Form:

Brendan Heil, Law Director
City of Sandusky (0091991)