



**SANDUSKY CITY COMMISSION  
REGULAR SESSION AGENDA  
JANUARY 23, 2023 AT 5 P.M.  
CITY HALL, 240 COLUMBUS AVENUE**

INVOCATION	Mr. Waddington
PLEDGE OF ALLEGIANCE	
CALL TO ORDER	
ROLL CALL	W. Poole, D. Murray, D. Brady, S. Poggiali, D. Waddington, B. Harris, M. Meinzer
APPROVAL OF MINUTES	January 9, 2022 Regular Meeting
AUDIENCE PARTICIPATION	
INTRODUCTION	New Police Officer, Amanda Blodgett, Chief Jared Oliver
PUBLIC HEARING	Naming of Unnamed Alley, Arin Blair, Chief Planner
COMMUNICATIONS	Motion to accept all communications submitted below
CURRENT BUSINESS	

**CONSENT AGENDA ITEMS**

**ITEM A – Submitted by James Stacey, Transit Administrator**

**AGREEMENT WITH CEDAR POINT FOR TRANSPORTATION SERVICES**

**Budgetary Information:** STS will receive \$200,000 for the length of the proposed contract. This money collected will be used to offset the capital planning and operating expenses through the 2023 5311 Rural Grant Program.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the City Manager to enter into an agreement for transportation services between the City of Sandusky and Millennium Operations LLC, D.B.A. Cedar Point for the period of January 1, 2023, through December 31, 2023; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

**AMENDING RESOLUTION NO. 066-22R FOR THE WPCLF APPLICATION FOR MILLS STREET HIGH-RATE PROJECT**

**Budgetary Information:** There is no budgetary impact for submitting the application. Formal legislation will be needed for acceptance of the loan after both projects are awarded and final costs are known. The interest rate, any partial grants, and/or principal forgiveness will be known at that time. Direct payment will be made from Ohio EPA to the contractor.

**RESOLUTION NO. \_\_\_\_\_:** It is requested a resolution be passed amending Resolution No. 066-22R, passed on December 12, 2022, authorizing and directing the City Manager to file an application with the Ohio Environmental Protection Agency (OEPA) for a loan through the Water Pollution Control Loan Fund (WPCLF) Program for the design, construction and inspection of the Mills Street High-Rate Treatment Project and the Ultraviolet (UV) Disinfection Refurbishment Project; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM C – Submitted by Mario D’Amico, Fire Chief**

**APPROVAL FOR FIRE TO PURCHASE TEN SETS OF TURNOUT GEAR FROM MUNICIPAL EMERGENCY SERVICES**

**Budgetary Information:** The total amount of this expenditure is **\$40,490.00** with each set costing \$4049.00. These purchases will be paid with monies from the EMS Fund.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the City Manager to purchase ten (10) Morning Pride Tails Turnout Gear, fire coat and pant sets, through the Sourcewell Cooperative Purchasing Program from Municipal Emergency Services, Inc., of Southbury, Connecticut, for use in the Fire Department; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

**APPROVAL FOR FIRE TO APPLY FOR OBWC FEEEG PROGRAM GRANT**

**Budgetary Information:** The total amount of the grant project is **\$11,050.00** and will be paid with grant funds if awarded.

**RESOLUTION NO. \_\_\_\_\_:** It is requested a resolution be passed authorizing the submission of a grant application to the Ohio Bureau of Workers’ Compensation for the Firefighter Exposure to Environmental Elements Grant (FEEEG) Program for the Sandusky Fire Department; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM E – Submitted by Mario D’Amico, Fire Chief**

**APPROVAL FOR FIRE TO APPLY FOR OBWC SAFETY INTERVENTION GRANT**

**Budgetary Information:** With this grant the recipients are eligible for a 3 to 1 matching grant, up to a maximum grant award of \$40,000.00. The total price of the power load system is \$65,702.03.

**RESOLUTION NO. \_\_\_\_\_:** It is requested a resolution be passed authorizing the submission of a grant application to the Ohio Bureau of Workers’ Compensation for the Safety Intervention Grant (SIG) Program for the Sandusky Fire Department; 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 Arin Blair, Chief Planner**

**AGREEMENT FOR SANDUSKY PRESERVATION DESIGN GUIDELINES UPDATE WITH DESIGNING LOCAL**

**Budgetary Information:** The professional services will not exceed \$18,800 including all normal reimbursable expenses and will be funded by the Certified Local Government Grant from Ohio History Connection, accepted in Sandusky Ordinance No. 22-136.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the City Manager to enter into an agreement for professional services with Designing Local, LTD, of Columbus, Ohio, for the Sandusky Preservation Design Guidelines Update Project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM 2 – Submitted by Aaron Klein, Public Works Director**

**MOU FOR REPAIRS FROM TRAIN DERAILMENT ON COLUMBUS AVE WITH MOSSER**

**Budgetary Information:** There is no cost to grant permission to sign the MOU, but all cost estimates and final construction costs will be provided to City Commission, including total reimbursements from Norfolk Southern. It is yet unclear if the City will have to pay Mosser or if Norfolk Southern will be willing to pay them directly. Staff is tracking all time and material associated with this work and will seek reimbursement at current wage rates, plus fringes.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the City Manager to enter into a Memorandum of Understanding with Mosser Construction, Inc, of Fremont, Ohio, for emergency repairs resulting from the train derailment at the Columbus Avenue underpass in Sandusky; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM 3 – Submitted by Aaron Klein, Public Works Director**

**PERMISSION TO BID ULTRAVIOLET DISINFECTION REFURBISHMENT PROJECT**

**Budgetary Information:** The engineer’s estimate for the construction costs is \$4,700,000. The City will be applying for funds through Water Pollution Control Loan Fund (WPCLF) program through the OEPA. The WPCLF program has a lower interest rate than the OWDA program and is therefore more enticing for a project of this magnitude. Additionally, Erie County will be responsible for paying their share of this project, including design and inspection which is 46.18%, pursuant to the Sewer Services Agreement.

**RESOLUTION NO. \_\_\_\_\_:** It is requested a resolution be passed declaring the necessity for the City to proceed with the proposed Ultraviolet (UV) Disinfection Refurbishment Project; approving the specifications and engineer’s estimate of cost thereof; and directing the City Manager to advertise for and receive bids in relation thereto; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM 4 – Submitted by Jason Werling, Recreation Superintendent**

**AGREEMENT WITH LIBRARY ASSOCIATION FOR JACKSON STREET PIER PROGRAMMING**

**Budgetary Information:** The Lange Trust will provide up to \$50,000 to the City of Sandusky to assist with the curation of these cultural events at the Jackson Street Pier. These dollars will go into the programming fund.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the City Manager to enter into a sponsorship agreement with the Library Association of Sandusky, Ohio, for programming events at the Jackson Street Pier in 2023; 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](http://www.CityofSandusky.com/Live) – Click “Play” 



---

## DEPARTMENT OF COMMUNITY DEVELOPMENT

240 Columbus Ave  
Sandusky, Ohio 44870  
419.627.5891  
[www.cityofsandusky.com](http://www.cityofsandusky.com)

**TO:** John Orzech, Interim City Manager

**FROM:** James A. Stacey III, Transit Administrator

**DATE:** January 11, 2023

**SUBJECT:** Agreement for Transportation Services – Cedar Point

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

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

This contract is in effect from January 1, 2023 until December 31, 2023 at a negotiated rate of \$200,000 per year.

Cedar Point will be invoiced and billed \$50,000 on a Quarterly basis and be expected to pay in a timely manner. The money received from this contract will help meet the local match to support the 2022 5311 Rural grant program to support transit in Erie County.

**BUDGET IMPACT:** STS will receive \$200,000 for the length of the proposed contract. This money collected will be used to offset the capital planning and operating expenses through the 2023 5311 Rural grant program.

**ACTION REQUESTED:** It is requested legislation be adopted allowing the City Manager to enter into a contract for transportation services with Cedar Point. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter to allow the agreement to be immediately executed as it commenced on January 1, 2023, and to continue provides services for Cedar Point.

---

James A. Stacey III, Public Transit Administrator

I concur with this recommendation:

John Orzech, Interim City Manager

Jonathan Holody,  
Director of Community Development

---

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

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR TRANSPORTATION SERVICES BETWEEN THE CITY OF SANDUSKY AND MILLENNIUM OPERATIONS LLC, D.B.A. CEDAR POINT FOR THE PERIOD OF JANUARY 1, 2023, THROUGH DECEMBER 31, 2023; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

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

**WHEREAS**, the Sandusky Transit System has provided these services to Cedar Point since 2019, and is desirous to continue these services; and

**WHEREAS**, Cedar Point will pay \$200,000.000 for the unlimited ridership for their employees for all fixed routes for the period of January 1, 2023, through December 31, 2023; and

**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to immediately execute the agreement which commenced on January 1, 2023, and to continue providing services for Cedar Point; and

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

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

Section 1. The City Manager is authorized to execute an Agreement with Millennium Operations LLC, d.b.a. Cedar Point, for transportation services related to the Sandusky Transit System for the period from January 1, 2023, through December 31, 2023, 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: January 23, 2023

## TRANSPORTATION AGREEMENT

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

**Term:** The services performed under this agreement will be for the period commencing January 1, 2023 and continuing through December 31, 2023.

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

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

**Fare and Payment Schedule:** Cedar Point will pay \$200,000 for unlimited ridership for Cedar Point employees for all fixed routes. Fixed Routes are Monday through Sunday and normally scheduled service hours between 5:00 a.m. to 12:30 a.m., but subject to change.

**Billing:** Cedar Point will be billed, and shall pay, for services quarterly in the amount of \$50,000, for a total amount of \$200,000. Cedar Point shall pay STS for the services performed quarterly prior to the following dates: February 28, 2023; May 31, 2023; August 31, 2023; November 30, 2023.

### STS Responsibilities

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

### Cedar Point Responsibilities

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

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

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

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

**SIGNATURE PAGE TO FOLLOW**

CITY OF SANDUSKY

MILLENNIUM OPERATIONS LLC  
D.B.A. CEDAR POINT

By: \_\_\_\_\_  
John Orzech, Interim City Manager

By: \_\_\_\_\_  
Carrie Boldman, General Manager

\_\_\_\_\_  
Date

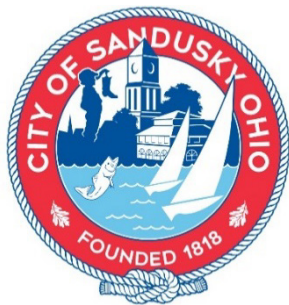
\_\_\_\_\_  
Date

Approved as to form:

\_\_\_\_\_  
Sarah S. Chiappone (#0101179)  
Assistant Law Director  
City of Sandusky

EXHIBIT "A"





## DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue  
Sandusky, Ohio 44870  
419.627.5829  
[www.cityofsandusky.com](http://www.cityofsandusky.com)

To: John Orzech, Interim City Manager

From: Aaron M. Klein, P.E.

Date: January 11, 2023

Subject: **Commission Agenda Item – Amendment to Resolution No. 066-22R for the WPCLF Loan Application with the Ohio EPA for the Mills Street High Rate Treatment Project and the Ultraviolet (UV) Disinfection Refurbishment project**

**ITEM FOR CONSIDERATION:** Legislation amending Resolution No. 066-22R for the Water Pollution Control Loan Fund (WPCLF) application to Ohio Environmental Protection Agency (OEPA) for the Mills Street High Rate Treatment Project and the Ultraviolet Disinfection Refurbishment project.

**BACKGROUND INFORMATION:** Previous legislation was presented to City Commission and approved at the December 12, 2022 meeting via Resolution 066-22R, approving submittal of a WPCLF loan application for the design, construction, and inspection of the Mills Street High Rate Treatment project. Resolution No. 066-22R should have include the Ultraviolet (UV) Disinfection Refurbishment Project and therefore it is necessary to amend the Resolution. The City will be submitting one application for loan funds for the design, construction, and inspection for both the Mills Street High Rate Treatment Project and the Ultraviolet (UV) Disinfection Refurbishment Project.

**BUDGETARY INFORMATION:** There is no budgetary impact for submitting the application. Formal legislation will be needed for acceptance of the loan after both projects are awarded and final costs are known. The interest rate, any partial grants, and/or principal forgiveness will be known at that time. Direct payment will be made from Ohio EPA to the contractor.

**ACTION REQUESTED:** It is requested that legislation be prepared to approve submission of a loan application to OEPA for WPCLF funds for the construction phase of the Ultraviolet Disinfection Refurbishment project. It is further requested that this be passed under Section 14 of the City Charter in order to submit the application to allow for reimbursement of funds as soon as possible in 2023.

I concur with this recommendation:

---

John Orzech  
Interim City Manager

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

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AMENDING RESOLUTION NO. 066-22R, PASSED ON DECEMBER 12, 2022, AUTHORIZING AND DIRECTING THE CITY MANAGER TO FILE AN APPLICATION WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY (OEPA) FOR A LOAN THROUGH THE WATER POLLUTION CONTROL LOAN FUND (WPCLF) PROGRAM FOR THE DESIGN, CONSTRUCTION AND INSPECTION OF THE MILLS STREET HIGH RATE TREATMENT PROJECT AND THE ULTRAVIOLET (UV) DISINFECTION REFURBISHMENT PROJECT; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the OEPA established the Water Pollution Control Loan Fund (WPCLF) program in 1988 and finances a variety of projects that have a water quality benefit at their core and with assistance from the Ohio Water Development Authority (OWDA), the Division of Environmental and Finance Assistance (DEFA) administers the program designed to operate in perpetuity, and to assist Ohio's communities and citizens with their water resource protection and restoration projects; and

**WHEREAS**, the Mills Street High Rate Treatment Project involves the replacement of three (3) pumps and the generator at the Pier Track Pump Station located along the eastern side of Cedar Point Road between Cleveland Road and First Street and major improvements to the Farwell Pump Station located along Farwell Street between Second Street and First Street; and

**WHEREAS**, the Ultraviolet (UV) Disinfection Refurbishment Project involves the replacement of the Trojan UV4000 system with the newest Trojan model, TrojanUV Signa, which has a slightly different footprint requiring modifications to the channel and incorporated Parshall flume entering the disinfection building where the effluent flow is metered for permit compliance and includes instrumentation, controls, and electrical upgrades, as well as a new variable frequency drive for the effluent pumping system at the Plant; and

**WHEREAS**, the City Commission approved an agreement for Professional Design Services with Stantec Consulting Services, Inc. of Cleveland, Ohio, for the preliminary engineering and limited detailed design of the Mills Street High Rate Treatment Project by Ordinance No. 21-136, passed on September 13, 2021; and

**WHEREAS**, this City Commission approved an Amendment to the agreement for Professional Design Services with Stantec Consulting Services, Inc. of Cleveland, Ohio, for the Mills Street High Rate Treatment Project, which included detailed design and preparation of bidding documents for the Ultraviolet (UV) Disinfection Refurbishment Project by Ordinance No. 22-047, passed on March 14, 2022, and subsequently approved a Second Amendment to the agreement for additional services which included construction administration for the Ultraviolet (UV) Disinfection Refurbishment Project by Ordinance No. 23-006, passed on January 9, 2023; and

**WHEREAS**, this City Commission approved the filing of an application with the Ohio Environmental Protection Agency for a loan through the Water Pollution Control Loan Fund Program for the design of the Mills Street High Rate Treatment Project by Resolution No. 042-22R, passed on August 8, 2022; and

**WHEREAS**, this City Commission amended Resolution No. 042-22R, passed on August 8, 2022, approving the filing of a revised application with the Ohio Environmental Protection Agency for a loan through the Water Pollution Control Loan Fund Program to include the construction, and inspection for the Mills Street High Rate Treatment Project by Resolution No. 066-22R, passed on December 12, 2022; and

**WHEREAS**, Resolution No. 066-22R should have include the Ultraviolet (UV) Disinfection Refurbishment Project and therefore it is necessary to amend the Resolution; and

**WHEREAS**, the City will be submitting one application for loan funds for the design, construction, and inspection for both the Mills Street High Rate Treatment Project and the Ultraviolet (UV) Disinfection Refurbishment Project; 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 application to allow for reimbursement of funds as soon as possible in 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 **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter; and NOW, THEREFORE,

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

Section 1. This City Commission hereby amends Resolution No. 066-22R, passed on December 12, 2022, and authorizes and directs the City Manager to file an application on behalf of the City with the Ohio Environmental Protection Agency for a loan through the Water Pollution Control Loan Fund (WPCLF) program for the **design, construction, and inspection for both the Mills Street High Rate**

**Treatment Project and the Ultraviolet (UV) Disinfection Refurbishment Project**, a copy of which is on file in the Office of the Director of Public Works.

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: January 23, 2023



## FIRE DEPARTMENT

600 West Market Street

Sandusky, Ohio 44870

419.627.5822

Fire Prevention 419.627.5823

Fax 419.627.5820

[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

**TO:** John Orzech, Interim City Manager

**FROM:** Mario D'Amico III, Fire Chief

**DATE:** January 11, 2022

**RE:** Commission Agenda Item – Purchase 10 sets of Turnout Gear

**ITEM FOR CONSIDERATION:** Requesting legislation authorizing the City Manager to purchase ten (10) sets of Morning Pride Tails Turnout Gear, Fire Coats and Fire Pants from Municipal Emergency Services, Inc. of Southbury, Connecticut, through Sourcewell Cooperative Purchasing Program, Member ID 68351, Contract No. 032620-MES.

**BACKGROUND INFORMATION:** The need to purchase ten (10) sets of firefighting protective clothing has been determined by the Fire Chief. Two (2) sets of gear will be used for new hires throughout the year and eight (8) sets of gear will replace our front line gear which is good for 5 years and will then be used for backup gear. This will put us back on schedule with our turn out gear replacement schedule.

NFPA requires turn out gear to be replaced and taken out of service after ten years. The Labor Agreement required that the City of Sandusky provides and maintains protective clothing to be utilized by employees in the performance of their job duties.

Sourcewell Cooperative Purchasing Program allows local political subdivisions to purchase items that have been competitively bid from the successful State vendor thereby giving the City the benefit of the State's competitively bid price and eliminating the necessity of formal bidding by the City.

**BUDGETARY INFORMATION:** The total amount of this expenditure is **\$40,490.00** with each set costing \$4049.00. These purchases will be paid with monies from the EMS Fund.

**ACTION REQUESTED:** It is requested that the proper legislation be prepared to purchase ten (10) sets of Morning Pride Tails Turnout Gear at a total cost of **\$40,490.00** from Municipal Emergency Services, Inc. of Southbury, Connecticut through Sourcewell Cooperative Purchasing Program Contract No. 032620-MES. It is further requested that this legislation take immediate effect in full accordance with section 14 of the City Charter to allow the order to be placed immediately as the quote will expire on January 25<sup>th</sup> and there will be a 10% price increase for orders placed after this date.

**Approved:**

\_\_\_\_\_  
Mario D'Amico III, Fire Chief

**I concur with this recommendation:**

\_\_\_\_\_  
John Orzech, Interim City Manager

Cc: Brendan Heil, Law Director; Michelle Reeder, Finance Director



6880 Tod Avenue SW  
Warren, OH 44481

## Quote

**Quote #** QT1654435  
**Date** 01/10/2023  
**Expires** 01/25/2023  
**Sales Rep** Jesberger, Michael  
**PO #** Gear  
**Shipping Method** FedEx Ground  
**Customer** SANDUSKY FIRE DEPARTMENT (OH)  
**Customer #** C216575

### Bill To

SANDUSKY FIRE DEPARTMENT  
600 W MARKET STREET  
SANDUSKY OH 44870  
United States

### Ship To

SANDUSKY FIRE DEPARTMENT  
600 W MARKET ST  
SANDUSKY OH 44870  
United States

Item	Alt. Item #	Units	Description	QTY	Unit Price	Amount
HFRP Tail Coat			HFRP Tail Coat LTO 48I3 Tail Black Spec ID: OHSAND00058	10	\$2,135.00	\$21,350.00
HFRP Tail Pant			HFRP Tail Pant LTO 48I3 Pants Black OHSAND00059	10	\$1,914.00	\$19,140.00

Quoted under Sourcewell contract.

MES Contract #032620

City of Sandusky ID# 68351

<b>Subtotal</b>	\$40,490.00
<b>Shipping Cost</b>	\$0.00
<b>Tax Total</b>	\$0.00
<b>Total</b>	\$40,490.00

This Quotation is subject to any applicable sales tax and shipping & handling charges that may apply. Tax and shipping charges are considered estimated and will be recalculated at the time of shipment to ensure they take into account the most current information.

All returns must be processed within 30 days of receipt and require a return authorization number and are subject to a restocking fee.

Custom orders are not returnable. Effective tax rate will be applicable at the time of invoice.



QT1654435

## CERTIFICATE OF FUNDS

In the Matter of: Ten Sets of Turnout Gear

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

Account #431-1330-54090

By: 

Michelle Reeder

Finance Director

Dated: 1/18/2023

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE TEN (10) MORNING PRIDE TAILS TURNOUT GEAR, FIRE COAT AND PANT SETS, THROUGH THE SOURCEWELL COOPERATIVE PURCHASING PROGRAM FROM MUNICIPAL EMERGENCY SERVICES, INC. OF SOUTHBURY, CONNECTICUT, FOR USE IN THE FIRE DEPARTMENT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the need to purchase ten (10) coat and pant sets of firefighting protective clothing has been determined by the Fire Chief of which eight (8) sets will be replacements and two (2) sets will be for new hires throughout the year; the eight (8) sets that will be replaced will be used as back-up gear for an additional five (5) years; and

**WHEREAS**, the Labor Agreement requires the City of Sandusky to provide and maintain protective clothing to be utilized by employees in the performance of their job duties; and

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

**WHEREAS**, the City, as a member of the Sourcewell Cooperative Purchasing Program (Member ID 68351), desires to purchase the coat and pant sets of firefighting protective clothing that have been competitively bid and made available through the membership from Municipal Emergency Services, Inc. of Southbury, Connecticut; and

**WHEREAS**, the cost for the Morning Pride Fire Tails Turnout Gear, Coat and Pant Set, is \$4,049.00 for a total cost of \$40,490.00 for ten (10) sets and will be paid with EMS 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 immediately as the quote expires on January 25, 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 Fire Department, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,



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

Section 1. The City Manager is authorized and directed to purchase ten (10) Morning Pride Tails Turnout Gear, Fire Coat and Pant sets, through the Sourcewell Cooperative Purchasing Program (Contract No. 032620-MES), from Municipal Emergency Services, Inc. of Southbury, Connecticut, for use in the Fire Department at an amount **not to exceed** Forty Thousand Four Hundred Ninety and 00/100 Dollars (\$40,490.00).

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

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

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

\_\_\_\_\_  
RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION

ATTEST:

\_\_\_\_\_  
CATHLEEN A. MYERS  
CLERK OF THE CITY COMMISSION

Passed: January 23, 2023



## FIRE DEPARTMENT

600 West Market Street

Sandusky, Ohio 44870

419.627.5822

Fire Prevention 419.627.5823

Fax 419.627.5820

[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

**TO:** John Orzech, Interim City Manager

**FROM:** Mario D'Amico III, Fire Chief

**DATE:** January 11, 2022

**RE:** Commission Agenda Item – Approval to Apply for Grant

**ITEM FOR CONSIDERATION:** Requesting legislation for the approval of the submission of a grant application to the Ohio Bureau of Workers Compensation for Firefighter Exposure to Environmental Elements Grant (FEEEG) Program funds.

**BACKGROUND INFORMATION:** The purpose of this grant is to purchase fifty (50) sets of Fire Dex-Pro Leather Gauntlet Gloves and fifty (50) Cobra BarriAire particulate Barrier Hoods. These items are used to minimize exposure to dangerous environmental elements and to further enhance protective measures the firefighters take every day. These items are NFPA compliant and provide maximum protection from cancer causing agents found at a fire scene. These items will also help keep firefighters at the forefront of safety technology in regards to environmental elements.

**BUDGETARY INFORMATION:** The total amount of the grant project is **\$11,050.00**, and will be paid with grant funds if awarded.

**ACTION REQUESTED:** It is requested that the proper legislation be prepared to allow for the approval of the submission of the grant application to the Ohio Bureau of Workers Compensation for Firefighter Exposure to Environmental Elements Grant (FEEEG) Program funds in the amount of **\$11,050.00**. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter as the grant money is on a first come basis.

**Approved:**

**I concur with this recommendation:**

\_\_\_\_\_  
Mario D'Amico III, Fire Chief

\_\_\_\_\_  
John Orzech, Interim City Manager

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

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OHIO BUREAU OF WORKERS' COMPENSATION FOR THE FIREFIGHTER EXPOSURE TO ENVIRONMENTAL ELEMENTS GRANT (FEEEG) PROGRAM FOR THE SANDUSKY FIRE DEPARTMENT; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the Bureau of Workers' Compensation created the Firefighter Exposure to Environmental Elements Grant (FEEEG) Program as an extension and modification of BWC's general industrial Safety Intervention Grant (SIG) Program and uses the FEEEG program to partner with Ohio employers to minimize firefighter exposure to dangerous environmental elements; and

**WHEREAS**, the Sandusky Fire Department desires to purchase fifty (50) sets of Fire Dex-Pro Leather Gauntlet Gloves and fifty (50) Cobra BarriAire Particulate Barrier Hoods which are used to minimize exposure to dangerous environmental elements and to further enhance protective measures for firefighters and these items are NFPA (National Fire Protection Association) compliant and provide maximum protection from cancer causing agents found at fire scenes and additional keep firefighters at the forefront of safety technology in regards to environmental elements; and

**WHEREAS**, the total cost of the gloves and hoods is \$11,050.00 and will be paid with grant funds, if awarded; 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 to the Ohio Bureau of Workers' Compensation for the Firefighter Exposure to Environmental Elements Grant (FEEEG) Program at the earliest opportunity as the grant funds are awarded on a first come basis; and

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

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

Section 1. This City Commission hereby approves the submission of a grant application to the Ohio Bureau of Workers' Compensation for the Firefighter Exposure to Environmental Elements Grant (FEEEG) Program for financial assistance to purchase fifty (50) sets of Fire Dex-Pro Leather Gauntlet Gloves and

fifty (50) Cobra BarriAire Particulate Barrier Hoods for the Sandusky Fire Department and authorizes and directs the City Manager to execute any grant agreements and lawfully expend funds should they be awarded.

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

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

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

\_\_\_\_\_  
RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
CATHLEEN A. MYERS  
CLERK OF THE CITY COMMISSION

Passed: January 23, 2023



## FIRE DEPARTMENT

600 West Market Street

Sandusky, Ohio 44870

419.627.5822

Fire Prevention 419.627.5823

Fax 419.627.5820

[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

**TO:** John Orzech, Interim City Manager

**FROM:** Mario D'Amico III, Fire Chief

**DATE:** January 11, 2022

**RE:** Commission Agenda Item – Approval to Apply for Grant

**ITEM FOR CONSIDERATION:** Requesting legislation for the approval of the submission of a grant application to the Ohio Bureau of Workers Compensation Safety Intervention Grant.

**BACKGROUND INFORMATION:** The purpose of this grant is to purchase a Stryker Power Load System which includes the cot for the new ambulance that is due in year 2024. This system is vital in preventing workers comp injuries.

**BUDGETARY INFORMATION:** With this grant the recipients are eligible for a 3 to 1 matching grant, up to a maximum grant award of \$40,000.00. The total price of the power load system is \$65,702.03.

**ACTION REQUESTED:** It is requested that the proper legislation be prepared to allow for the approval of the submission of the grant application to the Ohio Bureau of Workers Compensation Safety Intervention Grant. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter as there is a limited amount of funds to be awarded.

**Approved:**

**I concur with this recommendation:**

\_\_\_\_\_  
Mario D'Amico III, Fire Chief

\_\_\_\_\_  
John Orzech, Interim City Manager

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

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OHIO BUREAU OF WORKERS' COMPENSATION FOR THE SAFETY INTERVENTION GRANT (SIG) PROGRAM FOR THE SANDUSKY FIRE DEPARTMENT; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the Bureau of Workers' Compensation uses the Safety Intervention Grant (SIG) Program to partner with Ohio employers to measure the effectiveness of workplace safety interventions, which is available to eligible Ohio employers who wish to purchase equipment, to substantially reduce or eliminate injuries or illnesses associated with a particular task or operation and the program is designed to establish safety intervention best practices for accident and injury prevention; and

**WHEREAS**, the Sandusky Fire Department desires to purchase a Stryker Power Load System, which includes a cot, for the new ambulance that is due in year 2024 and this system is vital in preventing workers compensation injuries; and

**WHEREAS**, the total cost of the Stryker Power Load System is \$65,702.03 and if awarded, the City is eligible for a 3-to-1 matching grant, up to a maximum grant award of \$40,000 for each eligibility cycle, and the City's match will be paid with EMS Funds; and

**WHEREAS**, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to submit the grant application to the Ohio Bureau of Workers' Compensation for the Safety Intervention Grant Program at the earliest opportunity as there a limited amount of funds to be awarded; and

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

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

Section 1. This City Commission hereby approves and the submission of a grant application to the Ohio Bureau of Workers' Compensation for the Safety Intervention Grant (SIG) Program for financial assistance to purchase a Stryker Power Load System for the Sandusky Fire Department and authorizes and directs

the City Manager to execute any grant agreements and lawfully expend funds should they be awarded.

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

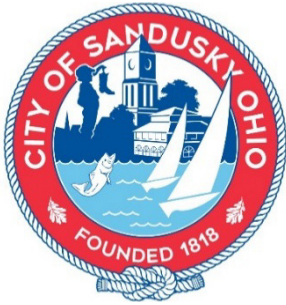
Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted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

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

\_\_\_\_\_  
RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
CATHLEEN A. MYERS  
CLERK OF THE CITY COMMISSION

Passed: January 23, 2023



## COMMUNITY DEVELOPMENT

240 Columbus Ave  
Sandusky, Ohio 44870

419.627.5891

[www.cityofsandusky.com](http://www.cityofsandusky.com)

To: John Orzech, Interim City Manager  
From: Arin Blair, Chief Planner  
Date: January 11, 2023  
Subject: **Commission Agenda Item – Professional Services Agreement for the Sandusky Preservation Design Guidelines Update**

**ITEM FOR CONSIDERATION:** Agreement with Designing Local, Ltd for professional services to complete the Sandusky Preservation Design Guidelines Update.

**BACKGROUND INFORMATION:** This comprehensive update of the Sandusky Preservation Design Guidelines will enable the Planning Division in coordination with the Landmarks Commission to continue to promote historic preservation with excellence in our community. Sandusky has more than 100 buildings on the National Register of Historic Places, two nationally registered Historic Districts, and more than 1,500 inventoried historic structures within the city. Preserving these structures, while allowing them to take on new life, is essential to Sandusky's community pride and heritage. The existing guidelines were established in 2007 and have not received a comprehensive update. The 2023 updated guidelines will improve Sandusky's historic preservation process and ensure we are using up-to-date best practices in our community.

The process will be led by Designing Local, along with Latus Studio architecture and design, whose passion and experience in community engagement, local design guidelines, national historic preservation standards, national registry process, local designations, and historic architecture will ensure Sandusky has the tools we need to best preserve our historic character while supporting the economic opportunity of revitalizing existing structures.

Designing Local was selected as the top ranked design firm to perform the update to the Preservation Design Guidelines based on the 2022 Annual Requests for Statements of Qualifications process based on the firm's professional expertise and technical ability to perform the required tasks and additionally has extensive experience with the policy and administration aspects of this project. A Scope of Services (SOS), dated January 11, 2023, is attached to the legislation as Exhibit "A".

The general scope of the professional services include:

- Background data collection: existing guidelines review, benchmark analysis, public engagement plan
- Stakeholder & Community Engagement: stakeholder meetings including Landmarks Commission, public workshop
- Draft Guidelines: outline, template, draft graphic exhibits, full draft of guidelines, public workshop, Landmarks Commission review, State Historic Preservation Office reviews (2)
- Final Design Guidelines: final documentation, adoption by Landmarks Commission

The final deliverable will provide new guidelines for Landmarks Commission applications to begin using in 2024.



**BUDGETARY INFORMATION:** The professional services will not exceed \$18,800 including all normal reimbursable expenses and will be funded by the Certified Local Government Grant from Ohio History Connection, accepted in Sandusky Ordinance No. 22-136.

**ACTION REQUESTED:** It is recommended that an ordinance authorizing a Professional Services contract between the City of Sandusky and Designing Local, Ltd. for the Sandusky Preservation Design Guidelines be prepared 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 expeditiously proceed with the professional services and have the guidelines update completed within the terms of the grant award (by the end of December of 2023).

---

Arin Blair, AICP, Chief Planner

I concur with this recommendation.

---

John Orzech, Interim City Manager

---

Jonathan Holody, Community Development Director

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

## CERTIFICATE OF FUNDS

In the Matter of: Sandusky Preservation Guidelines Update- Grant funded

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

Account #110-4070-53000

By: \_\_\_\_\_

Michelle Reeder

Finance Director

Dated: 1/18/2023

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL SERVICES WITH DESIGNING LOCAL, LTD, OF COLUMBUS, OHIO, FOR THE SANDUSKY PRESERVATION DESIGN GUIDELINES UPDATE PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, Sandusky has more than 100 buildings on the National Register of Historic Places, two nationally registered Historic Districts, and more than 1,500 inventoried historic structures within the City and preserving these structures, while allowing them to take on new life, is essential to Sandusky's community pride and heritage; and

**WHEREAS**, the existing guidelines were established in 2007 and this comprehensive update of the Sandusky Preservation Design Guidelines will improve Sandusky's historic preservation process and ensure the City is using up-to-date best practices as well as enable the Planning Division in coordination with the Landmarks Commission to continue to promote historic preservation with excellence in our community; and

**WHEREAS**, this City Commission authorized the acceptance of grant funds in the amount of \$18,800.00 from the State Historic Preservation Office, Ohio History Connection through the Certified Local Governments Grant Program for the Design Guidelines Update Project by Ordinance No. 22-136, passed on July 25, 2022; and

**WHEREAS**, Designing Local, Ltd. was selected as the top-ranked firm for the Sandusky Preservation Design Guidelines Update through the 2022 Annual Request for Statements of Qualifications (SOQ) for Services process based on the firm's professional expertise and technical ability necessary to complete the required tasks and has extensive experience with the policy and administration aspects of the project; and

**WHEREAS**, Designing Local, Ltd., will be providing professional services for the Sandusky Preservation Design Guidelines and is more fully described in the Scope of Services, which is attached to this Ordinance and marked Exhibit "A" and specifically incorporated herein; and

**WHEREAS**, the cost of the professional services is not to exceed \$18,800.00 and will be paid with funds received through the Certified Local Governments Grant Program; and

**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to immediately proceed with the professional services so the guidelines update can be completed by the end of December 2023, in accordance with the terms of the grant agreement; 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. The City Manager is authorized and directed to enter into an agreement with Designing Local, Ltd. Of Columbus Ohio, for Professional Services for the Sandusky Preservation Design Guidelines Update Project, substantially in the same form as attached to this Ordinance, marked Exhibit "1", and specifically incorporated as if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the terms of this Ordinance, at an amount **not to exceed** Eighteen Thousand Eight Hundred 00/100 Dollars (\$18,800.00).

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 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: January 23, 2023

## **AGREEMENT FOR PROFESSIONAL SERVICES**

This Agreement is made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2023, (the “effective date”) by and between the City of Sandusky, Ohio, an Ohio Municipal Corporation located in the County of Erie, (hereinafter “City”), and Designing Local, LTD., an Ohio limited liability company located at 1223 East Main St. Suite 311, Columbus, Ohio 43205, (hereinafter “Consultant”).

### **Recitals:**

**WHEREAS**, Sandusky has more than 100 buildings on the National Register of Historic Places, two nationally registered Historic Districts, and more than 1,500 inventoried historic structures within the city, and preserving these structures, while allowing them to take on new life, is essential to Sandusky’s community pride and heritage; and

**WHEREAS**, the existing Sandusky Preservation Design Guidelines were established in 2007 and a comprehensive update of the Sandusky Preservation Design Guidelines will enable the Planning Division in coordination with the Landmark Commission to continue to promote historic preservation and ensure the City is using up-to-date best practices ; and

**WHEREAS**, the City Commission of the City of Sandusky authorized the acceptance of grant funds in the amount of \$18,800.00 from the State Historic Preservation Office, Ohio History Connection through the Certified Local Governments Grant Program for the Sandusky Preservation Design Guidelines Update by Ordinance No. 22-136, passed on July 25, 2022; and

**WHEREAS**, Designing Local, Ltd. was selected as the top-ranked firm for the Sandusky Preservation Design Guidelines Update through the 2022 Annual Request for Statements of Qualifications (SOQ) for Services process based on the firm's professional expertise and technical ability necessary to complete the required tasks and has extensive experience with the policy and administration aspects of the project ; and

**WHEREAS**, Designing Local, LTD., will be providing professional services for the Sandusky Preservation Design Guidelines Update and is more fully described in the Scope of Services, which is attached to this Ordinance and marked Exhibit “A” and specifically incorporated herein; and

**WHEREAS**, the cost of the professional services is not to exceed \$18,800.00 and will be paid with funds received through the Certified Local Governments Grant Program; and

**WHEREAS**, the City and the Consultant thereafter negotiated this Agreement to set forth their mutual understandings and agreements concerning Consultant’s provision of the

services and the Sandusky City Commission authorized the City Manager to enter into this Agreement by Ordinance No. \_\_\_\_\_, passed on \_\_\_\_\_, 2023.

**THEREFORE, in consideration of the mutual promises herein set out, the City and the Consultant agree as follows:**

**Agreement:**

1. **Recitals.** The recitals are incorporated by reference and form a part of this Agreement as if set forth herein.

2. **Scope of Services / Non-Assignment.** The Consultant agrees to perform the services as described in the Scope of Services, a copy of which is attached to this Agreement, marked Exhibit "A", and is specifically incorporated as if fully rewritten herein.

Consultant shall perform such services in accordance with applicable sections of the Ohio Revised Code and any other applicable Federal, State, or local statutes, ordinances, rules, and regulations.

Consultant shall perform the services under this Agreement personally and shall not assign or delegate the performance of those services to any other person without the prior written approval of the City.

3. **Independent Contractor.** Consultant acknowledges that it is an independent contractor while performing the services required in this Agreement and any personnel required to perform the services in this Agreement will not be employees of the City.

4. **Compensation.** The City shall pay the Consultant for the services performed in accordance with this Agreement in an amount not to exceed Eighteen Thousand Eight Hundred and 00/100 Dollars (\$18,800.00). Consultant shall timely submit monthly invoices to the City's Community Development Department for services rendered for the previous thirty day period. The City shall make timely payment to the Consultant within thirty days of receipt of the monthly invoice from the Consultant.

5. **Indemnification.** Consultant shall indemnify City against any and all liability, demands, claims, suits, losses, damages, causes of action, fines or judgements and expenses incident to the same, for injuries to persons or property arising out of or in connection with Consultant's negligent performance under and pursuant to this Agreement unless caused by the gross negligence or willful misconduct of the City.

6. **Confidentiality.** City and Consultant each recognize and acknowledge that the City is subject to the Public Records Act, Ohio Revised Code Section 149.43, and that trade secrets are exempt from disclosure as public records and Consultant agrees that any information communicated to the Consultant during the performance of the services required by this Agreement that concerns confidential personal, financial or other affairs of the City shall be treated by Consultant as confidential and shall not be revealed or discussed unless required by law or specifically authorized to do so in writing by the City.

7. **Public Records.** The Consultant shall have access to pertinent public records as are available to the City and applicable to the project. The City does not guarantee the accuracy of said records and it shall be the Consultant's duty to verify the same. The City shall at all reasonable times have access to the work and plans of the Consultant for purposes of inspection. The Consultant agrees that all reports prepared for the City under the terms of this Agreement shall be furnished to the City upon request and delivered to and become the property of the City. The Consultant shall not destroy any documents it creates that belong to the City and shall not destroy any documents in any media that are considered public records as defined in the Ohio Public Records Act, O.R.C. §149.43 et seq.

8. **Term.** The term of the Agreement shall commence on the date set forth above, the effective date, and shall continue until the services are completed unless earlier terminated in accordance with this Agreement.

9. **Termination.** Notwithstanding any other provision of this Agreement, the City may terminate this Agreement for cause or for no cause by giving ten (10) days written notification to the Consultant. The notice of termination shall be by certified mail, return receipt requested.

Upon termination of this Agreement, Consultant shall have no further obligation to provide services to the City and the City shall have no further obligation to pay compensation beyond that for satisfactory services rendered before the notice of termination is received. Consultant shall surrender to the City copies of all completed work, work in progress and any reports, records, and any other documents relating to the scope of services that may be in the possession of Consultant at the time of termination. Consultant shall be paid an amount that bears the same ratio to the total services of the Consultant covered in this Agreement, less payments of compensation previously made.

10. **Notice.** Whenever in this Agreement there shall be required or permitted that notice or demand to be given or served by either party to this Agreement, to or on the other, such

notice or demand shall be given or served in writing by certified mail, return receipt requested addressed as follows:

City of Sandusky  
City Manager  
240 Columbus Avenue  
Sandusky, OH 44870

Designing Local, LTD.  
1223 East Main Street  
Suite 311  
Columbus, Ohio 43205

**11. Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.

**12. Equal Employment Opportunity.** In carrying out this Agreement, the Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity or expression, or national origin. Such action will include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; selection for training, including apprenticeship; and participation in recreational and educational activities. The Consultant will post in conspicuous places, available to employees and applicants for employment, notices to be provided by the government setting forth the provisions of this nondiscrimination clause. The Consultant will state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national original, disability, or age. The Consultant will incorporate the provisions of this paragraph in all subcontracts for any work covered by this Agreement.

**13. Entire Agreement.** This Agreement sets forth the entire Agreement between the parties with regard to the subject matter of the Agreement. No other agreements, representations or warranties have been made by either party to the other with respect to the subject matter of this Agreement.

**14. Severability.** If any of the provisions of this Agreement 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.

**15. Amendments.** This Agreement may be amended by the parties only by a written agreement signed by both parties.

**SIGNATURE PAGE TO FOLLOW**



**WITNESSES:**

\_\_\_\_\_  
  
\_\_\_\_\_

**CITY OF SANDUSKY:**

\_\_\_\_\_  
John Orzech, Interim City Manager

\_\_\_\_\_  
Date

**WITNESSES:**

**Designing Local, LTD.:**

\_\_\_\_\_  
  
\_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name and Title)

\_\_\_\_\_  
Date

Approved as to Form:

\_\_\_\_\_  
Brendan Heil #0091991  
Law Director  
City of Sandusky

**CERTIFICATE OF DIRECTOR OF FINANCE**

The undersigned, fiscal officer of the City of Sandusky, hereby certifies that the moneys required to meet the obligations of the City during the year 2023 under the Agreement have been lawfully appropriated by the Commission of the City for such purposes and are in the treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michelle Reeder  
Director of Finance

\_\_\_\_\_  
Account Number



Designing Local, Ltd.  
1223 East Main St., Suite 311  
Columbus, OH 43205  
www.designinglocal.com

January 11, 2023

Arin Blair, AICP  
Chief Planner  
Community Development Department  
240 Columbus Ave  
Sandusky, OH 44870  
419.627.5873

**RE: City of Sandusky Preservation Design Guidelines Update**

Dear Arin:

On behalf of Designing Local, we would like to thank you for the opportunity to submit this proposal to the City of Sandusky. Based on our past work in Sandusky, it is clear that economic development, historic preservation, excellent planning, and strong resident experiences are important to you.

With the support of a 2022 Certified Local Government Grant, the City of Sandusky proposes to complete a comprehensive update to the Sandusky Preservation Design Guidelines. The City of Sandusky is experiencing a renaissance. More than \$200M in investment has occurred in the Downtown Historic District over the past 10 years and has been guided by the Sandusky Preservation Design Guidelines. However, the Preservation Design Guidelines were created in 2007 and have received minimal update since their adoption. The current guidelines contain conflicting and outdated information, lack guidance for new development and development of structure additions popular in the community, and contain barriers to legibility and community understanding.

We have a strong understanding of the City of Sandusky as we recently led the Sandusky Public Art & Placemaking Plan. To strengthen our team, Designing Local has teamed with Latus Studio, a Columbus-based architectural practice that will provide design feasibility and graphic support.

Please see the enclosed project understanding, work plan, and fee worksheet in support of this project. On behalf of our team, we appreciate the opportunity to submit our qualifications to you and your community partners who are committed to design quality and historic preservation in Sandusky.

Sincerely,

Matt Leasure, PLA AICP  
Principal  
matt@designinglocal.com  
614.893.7178  
(Primary Contact)

Amanda Golden  
Managing Principal  
amanda@designinglocal.com

Josh Lapp, AICP  
Principal  
josh@designinglocal.com

# PROJECT UNDERSTANDING

## INTRODUCTION

The City of Sandusky is experiencing a renaissance. More than \$200M in investment has occurred in the Downtown Historic District over the past 10 years and been guided by the Sandusky Preservation Design Guidelines. Historic preservation is an ongoing priority of the community, as documented by the Bicentennial Comprehensive Plan, Downtown Master Plan, Certified Local Government status, Landmarks Preservation Ordinance, and ongoing community engagement. Founded in 1818, Sandusky has an abundance of historic buildings still standing. Sandusky has more than 100 buildings on the National Register of Historic Places, two nationally registered Historic Districts, and more than 1,500 inventoried historic structures within the city. Preserving these structures, while allowing them to take on new life, is essential to Sandusky's community pride and heritage.

## STATEMENT OF NEED

The City of Sandusky is currently experiencing a boom in downtown redevelopment, especially with updates to historic buildings. Proposed and completed projects largely involve new entertainment experiences, including bars, restaurants, and interactive games. Downtown residential living is also a popular new use of historic buildings, and owners seek to make changes to their structures to meet the needs of market demand. These ventures are attracting more and more people to spend time in our Downtown Historic District, and more and more building owners to consider significant investment in their properties.

The city has a well-established process for reviewing proposed updates to buildings in locally registered districts and nationally registered structures. Staff relies on the city's design guidelines to create reports with recommendations for the Landmarks Commission who has the authority to grant Certificates of Appropriateness for proposed changes. However, the Preservation Design Guidelines were created in 2007 and have received minimal update since their adoption.

Since the majority of the Sandusky Preservation Design Guidelines are 15 years old, they do not necessarily contain the best practices currently in place with the Secretary of the Interior's Standards for Rehabilitation. The guidelines conflict with the 2019 Landmarks Preservation ordinance created when the city established itself as a Certified Local Government and lack guidance for appropriate development of popular structures such as rooftop bars and outdoor patios. Lack of guidance for these project types has produced inconsistent results and created community distrust in our historic preservation process. Throughout the document, some guidelines are vague, lack illustration, or provide unclear guidance. Guidance for new development within established historic districts is ambiguous. Conflicting and inaccurate information is confusing to the community and frustrating to applicants.

## PROPOSED COMPONENTS

With the support of a 2022 Certified Local Government Grant, the City of Sandusky proposes to complete a comprehensive update to the Sandusky Preservation Design Guidelines. The Consultant Team will work with City of Sandusky Staff to complete the update. Components of the update are expected to include:

- A comprehensive audit of current guidelines to identify critical and priority needs for updating.
- Correction of conflicting and inaccurate information.
- Addition of sections to provide guidance for exterior patios on private property, outdoor dining areas within public rights-of-way, and rooftop amenity decks and structures.
- Enhanced guidance for residential properties.
- New diagrams, photos, and illustrations to clarify guidelines and make the document more user-friendly and legible.
- Up-to-date best practices based on Secretary of the Interior Standards for Rehabilitation & Preservation Briefs.
- Community engagement to identify needs for clarity, guidance, and legibility.
- Landmark Commission engagement to identify needs, set expectations, and provide training on updated guidelines.

# PROJECT TEAM

## LEADERSHIP TEAM

The Leadership Team will consist of City of Sandusky Staff. This small group of critical people will be the primary entity that will provide support to the Planning Team. A representative designated by the Leadership Team will directly coordinate with Designing Local for all logistical considerations.

## STAKEHOLDER INPUT

The Landmark Commission will be a key part of the guideline development process. Other key members of the public or City leadership may be included in the stakeholder input sessions. Two opportunities have been included in the guidelines development process to allow for feedback throughout the process.

## PUBLIC WORKSHOPS

The Planning Team will facilitate two Public Workshops during the guidelines development process. The Planning Team will also provide highly visual communication tools throughout the process to properly inform the public about the process and project.

A third Public Workshop to present the final Guidelines Document will be held in December 2023. City Staff will facilitate this meeting. Designing Local will attend this meeting virtually or in-person.

## PLANNING TEAM

### DESIGNING LOCAL - PRIME CONSULTANT

Designing Local is a certified woman-owned business dedicated to helping communities connect people to place through culture. Founded in 2014, our firm was born from the belief that design, art, culture, historic preservation and other important unique attributes are critically important elements which establish a community's sense of place and economic development potential, but are often overlooked in the planning process. We lead planning projects throughout Ohio and nationally.

### LATUS STUDIO - SUBCONSULTANT

Latus Studio is a Columbus, Ohio based architecture and design studio focusing on enhancing the social, environmental, and economic well being of the community through engagement, thought, design, and partnership. We bring a passion for creating sustainable environments and believe this is best achieved when a team of passionate individuals come together to achieve their goals. Latus Studio was founded in 2019.



# PROJECT SCOPE OF WORK

## TASK 1: KICK-OFF MEETING (FEBRUARY 2023)

**1.01: Leadership Team Meeting 1.** Facilitate a brief meeting with members of the Leadership Team and discuss existing conditions, the project process, opportunities and constraints, and key stakeholders.

## TASK 2: BACKGROUND DATA COLLECTION (FEBRUARY - MARCH 2023)

**2.01: Base Mapping.** Coordinate with the City to attain all available GIS base information. Create base maps to support site analysis and public engagement activities.

**2.02: Background Research.** Review existing documents, various development proposals, Landmark Commission meeting minutes, or other elements to determine potential issues to address in the guidelines development process. Develop bullet-point summary of various existing elements including current zoning codes and land use maps.

**2.03: Site & Community Character Analysis.** Facilitate a tour of key areas of the City with Staff and other stakeholders as necessary. This will include identification and documentation of key existing elements, architectural style, constraints, and other issues. Provide a written assessment of key findings.

**2.04: Guidelines Benchmark Research.** Compile benchmark guidelines documents and images which are similar in context and key elements to this project and organize them by type. These will generate ideas and communicate concepts to be tested and refined throughout the process.

**2.05: Public Engagement Plan.** Determine optimal method and process for community engagement opportunities. The Planning Team will work with the Leadership Team to design all community engagement activities as well as a plan for public communication activities such as contact with the media and elected leadership. This will include web-ready information such as images, text, and graphics for use on the project or City's website and social media.

**2.06: Leadership Team Meetings.** Facilitate brief calls/virtual meetings with the Leadership Team to discuss progress on a bi-weekly basis.

### 2.07: Deliverables.

- Background Research.
- Base Maps/Site Photos.
- Communication Materials.

## TASK 3: STAKEHOLDER AND COMMUNITY ENGAGEMENT (APRIL 2023 - JUNE 2023)

**3.01: Stakeholder Meetings.** Facilitate two stakeholder meetings with the Landmark Commission and other key stakeholders. These meetings will be critical to guiding the process toward an effective and productive result. ***These stakeholder meetings will be held in April and June 2023.***

**3.02: Public Workshop 1.** A meeting will be held to generate feedback and input for the development of the design guidelines. This will include elements such as visual preference activities, map exercises, and general discussion and written comment on the design districts and guidelines. The Planning Team will work with the Leadership Team to develop the various interactive activities in order to foster dialogue. Members of the Planning Team will facilitate conversations with attendees and will collect their verbal and written comments. ***This workshop will be held in-person at the end of April.***

**3.03: Leadership Team Meetings.** Facilitate brief calls/virtual meetings with the Leadership Team to discuss progress on a bi-weekly basis.

### 3.04: Deliverables.

- Memo of Engagement Findings.
- Public Meeting Materials.

# PROJECT SCOPE OF WORK (CONTINUED)

## TASK 4: PREPARATION OF DRAFT GUIDELINES (JULY 2023 - SEPTEMBER 2023)

**4.01: Draft Guidelines Document Format.** Create a first draft of the guidelines document for review by the Leadership Team. This will include the text format, page layout, color scheme, table of contents, acknowledgments, etc.

**4.02: Draft Guidelines Visual Exhibits.** Produce 3-Dimensional diagrams to illustrate various elements included in the guidelines including building height, scale, design character, etc. These exhibits will provide clear expectations for developers who use the guidelines in their design process.

**4.03: Draft Guidelines Text Outline (Review #1-60% Draft).** Develop an initial draft of the guidelines text for initial review. This will be provided to the Leadership Team and Stakeholders for their comments and will support review by the public. ***This draft will be completed by August.***

**4.04: Draft Preliminary Guidelines Text (Review #2-95% Draft).** Refine the draft guidelines for review by the Leadership Team and the initial State Historic Preservation Office (SHPO) review. ***This draft will be completed by Beginning of September.***

**4.05: Draft Guidelines Review Stakeholder Meetings.** Facilitate two stakeholder meetings with the Landmark Commission and other key stakeholders. These meetings will allow for presentation of the draft guidelines and discussion. ***These stakeholder meetings will be held in Mid-September 2023.***

**4.06: Public Workshop 2.** A meeting will be held to generate feedback on the preliminary guidelines document. ***This workshop will be held at the end of September.***

**4.07: Leadership Team Meetings.** Facilitate brief calls/virtual meetings with the Leadership Team to discuss progress on a bi-weekly basis.

**4.08: Deliverables.**

- District(s) Boundary Map and Supporting Documentation.
- Draft Guidelines Document.

# EXHIBIT "A"

## TASK 5: FINAL DESIGN GUIDELINES (OCTOBER - DECEMBER 2023)

**5.01: Final Guidelines Document.** Produce a final guidelines document which will include a summary of the process, public engagement, benchmark research, the guidelines text, and various supporting exhibits. A draft of this document will be circulated for review by the Leadership Team and the second State Historic Preservation Office review. Any comments/feedback will be incorporated into the final version. ***This draft will be completed by the end of October.***

- **City Brand Guidelines & Visual Quality.** Utilize the City's brand guidelines to design the guidelines document. This will create consistency and clarity of communication with the public. The Planning Team will strive to create a visually compelling document that will quickly and effectively communicate the intent and outcomes of the guidelines to the public. Diagrams, maps, and renderings will be utilized as prominent elements in the plan.
- **Document Production and Digital File Delivery.** The document will be designed in an 8.5" x 11", double-sided format (or other agreed upon format) and will be produced in Adobe InDesign. The Planning Team will deliver original, editable graphic and text files to the Leadership Team for future editing and updates.
- **Hard Copy Delivery.** The Planning Team will deliver 3 color printed and bound color copies and 1 flash drive with a digital file (.PDF) of the guidelines document.
- **Process Appendix.** The Planning Team will produce a separate appendix of all process oriented materials including Public Design Workshop results, meeting minutes, benchmark research, recommendations for other policy /code changes as applicable, etc.

**5.02: Final Document Submittal to Landmark Commission and City Commission.** The team will deliver the final document to the Landmark Commission/City Commission. ***Adoption is anticipated in December 2023.***

# TASK AND FEE WORKSHEET

The following task and fee worksheet is based on the preceding scope of work. The Consultant Team anticipates refinement of the scope of work, and subsequently, the task and fee worksheet. Billing will be performed on monthly intervals and will include incurred expenses to that point of the project.

ITEM		TIMEFRAME	FEE (FIXED)
<b>Task 1</b>	Kick-Off Meeting	February	\$1,000
<b>Task 2</b>	Background Data Collection	February - March 2023	\$2,000
<b>Task 3</b>	Stakeholder and Community Engagement	April - June 2023	\$4,000
<b>Task 4</b>	Preparation of Draft Guidelines	July - September 2023	\$6,000
<b>Task 5</b>	Final Design Guidelines	October - December 2023	\$5,000
<b>Part 1 Estimated Costs</b>			
<b>ESTIMATED PROJECT EXPENSES</b>			
Meetings and Field Work		Estimated total for miscellaneous printing, site visits, etc.	\$800
<b>TOTAL</b>			<b>\$18,800</b>

## PROJECT ASSUMPTIONS

- Base information will be provided by the Leadership Team including existing GIS data, current planning proposals, and other key elements.
- Any costs for rental of facilities for meetings and workshops in the City of Sandusky will be covered by the Leadership Team, or the Leadership Team will select facilities that are free of charge for use during the project. If the Planning Team determines the best course of action is to facilitate an event which has various direct costs, the Planning Team will develop a budget for approval and will submit costs for reimbursement.
- The Leadership Team will act as a liaison with the appropriate legislative bodies.
- The Leadership Team will coordinate document review and supply edits or approvals in a timely manner.
- The Leadership Team will assist with securing locations for meetings, events, and workshops.
- The Leadership Team will coordinate with the State Historic Preservation Office (SHPO) and administer the grant requirements.





## DEPARTMENT OF PUBLIC WORKS

240 Columbus Ave.  
Sandusky, Ohio 44870  
419.627.5829  
[www.cityofsandusky.com](http://www.cityofsandusky.com)

To: John Orzech, Interim City Manager

From: Aaron Klein, Director

Date: January 13, 2023

**Subject: Commission Agenda Item – Memorandum of Understanding with Mosser Construction, Inc. for repairs resulting from the train derailment**

**ITEM FOR CONSIDERATION:** Legislation granting the City Manager permission to sign a Memorandum of Understanding authorizing staff to develop plans and a scope of work with Mosser Construction, Inc. of Fremont, Ohio for repairs resulting from the Norfolk Southern Corporation's train derailment at Columbus Avenue.

**BACKGROUND INFORMATION:** In October, a train derailment from the railroad tracks owned by Norfolk Southern Corporation (NS) occurred at or near the Columbus Street underpass. The derailment itself spilled a significant amount of paraffin wax onto the roadway and surrounding area as well as into the sewer system. The storm water pumps turned on immediately to transfer the wax as designed but were quickly turned off by city sewer crews who mobilized quickly to the site. Additionally, the train cars damaged the lift station walls, the pavement on Columbus Avenue, electrical for lights, traffic control and safety devices, the sidewalk, sewer infrastructure, the decorative pedestrian safety railing, the retaining walls on the east and west sides of the underpass, the parapet walls and handrail on the railroad bridge, and other infrastructure. Poles owned by First Energy were also damaged. Carelessness by Norfolk Southern's contractors during cleanup activities further damaged the roadway, vertical walls, pedestrian railing, lift station (including equipment, SCADA, electrical, and controls), curbs and gutters, drive aprons, landscaping, and adjacent roadways that were used for hauling, including some that were recently resurfaced. In addition to multiple cleanup and construction contractors, NS also engaged an engineering firm to redesign what was needed.

With permission from Norfolk Southern, the City engaged Mosser Construction, Inc. (Mosser) to assist with any needed field activities and potential construction at the lift station since they were already under contract for the Columbus Avenue Lift Station Improvements project (See Ordinance 21-178). Mosser hired Kleinfelder, an engineering firm near Bowling Green with a specialty in railroad work to prepare for construction plans. In addition to the lift station, NS asked the City if we could take the lead on several of the damaged areas and then provide financial reimbursement since the infrastructure is owned by the City and we have experience with these types of improvements. After a field walk, a comprehensive list of known damaged infrastructure was sent to the railroad in late November with a request for a commitment from NS to pay for all repairs listed.

Originally NS agreed to pay Mosser directly for any labor and materials associated with work on the lift station. However, after receiving the list of improvements resulting from their derailment, Norfolk Southern sent a letter dated December 20, 2022 stating:

*"Norfolk Southern Corporation has agreed to compensate the City of Sandusky for the damage that occurred during the derailment. Please move forward with necessary repairs associated with the derailment and send us the documentation associated with those repairs...Once we receive that documentation, we will review them and respond as soon as possible."*

Staff has requested clarification to include not only the derailment, but also clean-up efforts. We would also like a firmer commitment that all items on our list **will** be financially reimbursed. Finally, we would like them to pay Mosser directly without the City being in the middle. However, we have received no commitment to date for any of these three requests. We have also had great difficulty obtaining their construction drawings for the improvements that are already being completed even though they are integral to the City's infrastructure.

Therefore, in order to expedite the repairs, staff is seeking permission to enter into the attached Memorandum of Understanding (MOU) with Mosser Construction, Inc. of Fremont Ohio, which would provide assurances to the contractor that they would be compensated financially for all repair work, even that which is not reimbursed directly by NS. The MOU allows staff to work directly with Mosser and Kleinfelder to develop one, or multiple, scope(s) of work and design(s) for necessary repairs in a design-build approach. Construction documents will be forwarded to the NS for review and/or approval in full or in part. Mosser will then be able to complete the repairs with greater urgency than what Norfolk Southern has shown.

Costs are yet to be established because a scope of work has yet to be established. All work already under contract for the Columbus Avenue Lift Station will not be included in this MOU.

**BUDGETARY INFORMATION:** There is no cost to grant permission to sign the MOU, but all cost estimates and final construction costs will be provided to City Commission, including total reimbursements from Norfolk Southern. It is yet unclear if the City will have to pay Mosser or if Norfolk Southern will be willing to pay them directly. Staff is tracking all time and material associated with this work and will seek reimbursement at current wage rates, plus fringes.

**ACTION REQUESTED:** It is recommended that legislation be approved granting permission to the City Manager to sign a Memorandum of Understanding with Mosser Construction, Inc. of Fremont, Ohio for emergency repairs resulting from Norfolk Southern Corporation's train derailment at Columbus Avenue in October 2022 and that the necessary legislation be passed under suspension of the rules in full accordance with Section 14 of the City Charter to expedite repairs, open Columbus Avenue Underpass, and re-start the lift station.

I concur with this recommendation:

---

John Orzech  
Interim City Manager

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

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH MOSSER CONSTRUCTION, INC. OF FREMONT, OHIO, FOR EMERGENCY REPAIRS RESULTING FROM THE TRAIN DERAILMENT AT THE COLUMBUS AVENUE UNDERPASS IN SANDUSKY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, on October 8, 2022, a train derailed at the Columbus Avenue underpass in Sandusky, which caused damage to the Columbus Avenue Lift Station and surrounding area and further damage was done during the cleanup process performed by the railroad and its contractors; and

**WHEREAS**, with permission from Norfolk Southern, on October 11, 2022, the City engaged Mosser Construction, Inc. to perform emergency work involving shoring of the Columbus Avenue Lift Station and to perform Design/Build services for the necessary repairs on the structure and surrounding area since they were already under contract for the Columbus Avenue Lift Station Improvements Projects; and

**WHEREAS**, the purpose of this MOU will allow Mosser Construction, Inc. to perform further Design/Build repairs on the Columbus Avenue Lift Station and surrounding areas, once a scope of work is defined, and ensure Mosser Construction, Inc. is compensated for their efforts and establish payment terms; and

**WHEREAS**, all cost estimates and final construction costs will be provided to City Commission, including total reimbursements from Norfolk Southern; 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 expedite repairs so the Columbus Avenue Underpass can open, and to restart the lift station; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **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 Mosser construction, Inc., of Fremont, Ohio,

for emergency repairs resulting from the train derailment at the Columbus Avenue underpass in Sandusky, substantially in the same form as Exhibit "A", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein, together with such revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with carrying out the terms of this Ordinance and authorizes the City Manager and/or Finance Director to lawfully expend funds as required pursuant to the agreement.

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: January 23, 2023

## **Memorandum of Understanding**

### **Memorandum of Understanding**

Between

The City of Sandusky  
(Owner)

and

Mosser Construction, Inc.  
(Contractor)

This Memorandum of Understanding (MOU) sets the terms and understanding between the Owner and the Contractor to perform Design/Build Services for the Columbus Avenue Railroad Derailment Repairs Project.

#### **Background**

On October 8<sup>th</sup>, 2022, a train derailed at the Columbus Avenue underpass in Sandusky, OH and it caused damage to the Columbus Avenue Lift Station and surrounding area. Further damage was done during the cleanup process performed by the railroad and its contractors. The City of Sandusky contacted Mosser Construction, Inc. on October 11<sup>th</sup>, 2022 to perform emergency shoring of the Columbus Avenue Lift Station and to perform Design/Build services for the necessary repairs on the structure and surrounding area. The temporary shoring and associated engineering were performed prior to this MOU, but will be compensated as part of this project.

#### **Purpose**

This MOU will allow Mosser Construction, Inc. to perform the necessary design/build repairs on the Columbus Avenue Lift Station and surrounding areas owned by the City of Sandusky. This MOU will also ensure Mosser Construction, Inc. is compensated for their efforts and will establish the payment terms.

The above goals will be accomplished by undertaking the following procedure:

- The Owner and Contractor will communicate to determine the scopes of work desired by the Owner. Multiple scopes or packages may be developed to accommodate the schedule of the project.
- Once a scope of work is defined, the Contractor will submit a lump sum quotation for approval by the Owner. A time and materials with guaranteed maximum price (T&M) quotation may be used in-leu of a lump sum quotation. If a T&M style reimbursement is utilized, all rates will be established before the scope of work commences.
- The Owner will then review the quotation and either approve or reject the quotation.
- The Contractor will perform design/build services for the various scopes of work after the quotations have been approved by the Owner.

**Reporting/Inspection**

Evaluation of the design/build services will be performed by the Owner or his designee. The Owner will have access to the worksite during the entire project to ensure compliance with their standards.

**Funding**

The Owner received confirmation from Norfolk Southern Corporation (NS), that NS will compensate the Owner for the damage that occurred due to the derailment and their cleanup efforts in a letter dated 12-20-22 from Jody Solgot. The Contractor is to submit invoices to the Owner so that the Owner can gather costs and submit periodic requests for reimbursement to NS. If NS fails to compensate the Contractor within 60 days of the Contractor's invoice date, the Owner agrees to compensate the Contractor in full within 30 days of being notified by the Contractor of NS's failure to compensate the Contractor. Any legal issues regarding reimbursement are between the Owner and NS.

**Duration**

This MOU is at-will and may be modified by mutual consent of authorized officials from the Owner and the Contractor. This MOU shall become effective upon signature by the authorized officials from the Owner and the Contractor and will remain in effect until modified or terminated by any one of the partners by mutual consent. In the absence of mutual agreement by the authorized officials this MOU shall end on 12-31-23, but not until the Contractor has been compensated in full for all invoices. The MOU can also be extended by mutual consent.

**Contact Information**

Owner: The City of Sandusky  
Owner Representative: Aaron Klein  
Position: Director, Public Works  
Address: 240 Columbus Avenue, Sandusky, OH 44870  
Telephone: 419-627-5829  
E-mail: aklein@cityofsandusky.com

Contractor: Mosser Construction, Inc.  
Contractor Representative: Nicholas Steyer  
Position: Water/Wastewater Department Manager  
Address: 122 South Wilson Avenue, Fremont, OH 43420  
Telephone: 419-355-3266  
E-mail: nsteyer@mossergrp.com

---

(Owner Signature)

(Date)

(Printed Name and Title)

---

(Contractor Signature)

(Date)

(Printed Name and Title)



## DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue

Sandusky, Ohio 44870

419.627.5829

[www.cityofsandusky.com](http://www.cityofsandusky.com)

To: John Orzech, Interim City Manager

From: Aaron M. Klein, P.E.

Date: January 11, 2023

**Subject: Commission Agenda Item – Permission to Bid the Ultraviolet (UV) Disinfection Refurbishment Project**

**ITEM FOR CONSIDERATION:** Requesting legislation authorizing the City Manager to accept bids for the Ultraviolet Disinfection Refurbishment Project.

**BACKGROUND INFORMATION:** A bulletin from March 2021 from TrojanUV, the manufacturer of the ultraviolet disinfection system employed at the wastewater pollution control plant indicated that certain parts would no longer be reproduced for the TrojanUV 4000 equipment after July 31, 2022. While this was not an all-inclusive list of parts and some are still available, it is imperative that the City replace the existing system with a new model that can be properly maintained.

Since staff was already working with Stantec Consulting Services, Inc. (Stantec) on the design of the new high rate treatment system that incorporated a separate Trojan UV System, there was a cost savings for utilizing Stantec to replicate efforts on this project. Ultraviolet disinfection is used as the final treatment process at the Water Pollution Control (WPC) plant to destroy the DNA of the microbes prior to discharge into Sandusky Bay, and it is only required annually when the microbes can survive from spring through fall. UV is much less costly than ozone (O<sub>3</sub>) systems, but much safer to the employees and public, including the traveling public, than chemical addition like chlorine and peracetic acid. For these reasons, the City switched from chlorine to UV in the late 1990's. The current system was installed in 1998, with a second bank of bulbs installed in 2008 to accommodate the plant expansion projects designed to increase plant capacity for wet weather flow and proposed population expansion by Erie County.

After analyzing systems from other manufacturers, the existing TrojanUV 4000 system will be replaced with the newest Trojan model, the TrojanUV Signa, but the footprint is slightly different. This will require modifications to the channel and incorporated Parshall flume entering the disinfection building where the effluent flow is metered for permit compliance. The design also requires instrumentation, controls, and electrical upgrades, as well as a new variable frequency drive for the effluent pumping system at the plant. Although the entire system should be more efficient than the existing system, including the electricity used for the intense ultraviolet bulbs, the annual savings will impact WPC's monthly energy payments, although not extensively.

Replacement of this system was included in the permit application sent to Ohio Environmental Protection Agency (OEPA) for the Mills Street High Rate Treatment (HRT) Project that will be happening simultaneously. It is anticipated that this project will receive more favorable pricing from interested contractors by bidding it shortly after the HRT project.

As a stakeholder at the Water Pollution Control Plant and being partially responsible for project payment, Erie County has been invited to project meetings and other discussions to ensure their input is incorporated into decisions regarding system design.

**BUDGETARY INFORMATION:** The engineer's estimate for the construction costs is \$4,700,000. The City will be applying for funds through Water Pollution Control Loan Fund (WPCLF) program through the OEPA. The WPCLF program has a lower interest rate than the OWDA program and is therefore more enticing for a project of this magnitude. Additionally, Erie County will be responsible for paying their share of this project, including design and inspection which is 46.18%, pursuant to the Sewer Services Agreement.

**ACTION REQUESTED:** It is recommended that the proper legislation be approved allowing the City to accept bids for the Ultraviolet Disinfection Refurbishment Project under suspension of the rules and in accordance with Section 14 of the City Charter to have the new equipment operational by the disinfection season in the spring of 2024.

I concur with this recommendation:

---

John Orzech  
Interim City Manager

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



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION DECLARING THE NECESSITY FOR THE CITY TO PROCEED WITH THE PROPOSED ULTRAVIOLET (UV) DISINFECTION REFURBISHMENT PROJECT; APPROVING THE SPECIFICATIONS AND ENGINEER'S ESTIMATE OF COST THEREOF; AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR AND RECEIVE BIDS IN RELATION THERETO; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City received a bulletin in March 2021 from TrojanUV, the manufacturer of the ultraviolet disinfection system employed at the wastewater pollution control plant, indicating that certain parts would no longer be reproduced for the TrojanUV 4000 equipment after July 31, 2022, and therefore, it is imperative that the City replace the existing system with a new model that can be properly maintained; and

**WHEREAS**, the City Commission approved an amendment to the agreement for Professional Design Services with Stantec Consulting Services, Inc. of Cleveland, Ohio, for the Mills Street High Rate Treatment Project, which included detailed design and preparation of bidding documents for the Ultraviolet (UV) Disinfection Refurbishment Project, by Ordinance No. 22-047, passed on March 14, 2022, and subsequently approved a Second Amendment to the agreement for additional services, which included construction administration for the Ultraviolet (UV) Disinfection Refurbishment Project by Ordinance No. 23-006, passed on January 9, 2023; and

**WHEREAS**, the Ultraviolet (UV) Disinfection Refurbishment Project involves the replacement of the Trojan UV4000 system with the newest Trojan model, TrojanUV Signa, which has a slightly different footprint requiring modifications to the channel and incorporated Parshall flume entering the disinfection building where the effluent flow is metered for permit compliance and includes instrumentation, controls, and electrical upgrades, as well as a new variable frequency drive for the effluent pumping system at the Plant; and

**WHEREAS**, the estimated construction cost of the project is \$4,700,000.00 and the City will be applying for funds through the Water Pollution Control Loan Fund (WPCLF) program to finance the project and Erie County will be responsible for their share of the project, including design and inspection, pursuant to the Sewer Services Agreement; and

**WHEREAS**, approval is being requested in companion legislation to amend Resolution No. 066-22R, passed on December 12, 2022, approving the filing of an application with the Ohio Environmental Protection Agency for a loan through the Water Pollution Control Loan Fund Program for the design, construction, and inspection for both the Mills Street High Rate Treatment Project and the Ultraviolet (UV) Disinfection Refurbishment Project; 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 for the new Trojan UV Signa equipment to be operational by the disinfection season in the Spring of 2024; and

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

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

Section 1. The specifications and estimates of cost as prepared by the Director of Public Works and submitted to this City Commission, and which are now on file in the offices of the Director of Public Works and the Clerk of the City Commission, for the proposed Ultraviolet (UV) Disinfection Refurbishment Project be and the same hereby are approved by this City Commission.

Section 2. This City Commission hereby declares it necessary to proceed with the proposed Ultraviolet (UV) Disinfection Refurbishment Project, at the earliest possible time.

Section 3. The City Manager is authorized and directed to advertise for and to receive bids in relation to the proposed Ultraviolet (UV) Disinfection Refurbishment Project, as required by law.

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

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

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

Commission of the City of Sandusky, Ohio.

\_\_\_\_\_  
RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
CATHLEEN A. MYERS  
CLERK OF THE CITY COMMISSION

Passed: January 23, 2023



## CITY COMMISSION OFFICE

240 Columbus Avenue  
Sandusky, Ohio 44870  
419.627.5850  
[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

TO: City Commission

FROM: Jason Werling  
Recreation Superintendent

DATE: January 12, 2023

**Subject: Commission Agenda Item – Agreement with Lange Trust of the Sandusky Library**

**ITEMS FOR CONSIDERATION:** Legislation approving an agreement with the Lange Trust of the Sandusky Library for use of the Jackson Street Pier amenities and to be a programming partner during 2023.

**BACKGROUND INFORMATION:** The Lange Trust of the Sandusky Library has been curating cultural programming within Erie County and Sandusky for many years. They have brought public art to the city with their outdoor sculptures, and have traditionally worked with the Sandusky State Theatre to bring free and cultural performances to the residents of our area. With the Sandusky State Theatre being under construction, the city entered into an agreement in 2021 and 2022 with the Lange Trust leadership to produce these events outdoors on the Jackson Street Pier last year.

The city is excited to continue the partnership in 2023, and to continue to use the expertise of the Lange Trust to provide highly production value, cultural events to the residents of Sandusky and Erie County. The city will provide use of the Jackson Street Pier amenities and assist with the logistical side of production, in exchange for the Lange Trust sponsoring the events, up to \$50,000. All events will be free and open to the public.

**BUDGETARY IMPACT:** The Lange Trust will provide up to \$50,000 to the City of Sandusky to assist with the curation of these cultural events at the Jackson Street Pier. These dollars will go into the programming fund.

**ACTION REQUESTED:** It is requested that the proper legislation be prepared approving the events partnership agreement with the Lange Trust of the Sandusky Library, for the 2023 year. It is further requested that the legislation is to be passed under suspension of the rules in full accordance with Section 14 of the City Charter in order to immediately execute the agreement and allow the City to continue with budgetary and event plans at the Jackson Street Pier this year.

I concur with this recommendation:

---

John Orzech  
Interim City Manager

---

Jason Werling  
Recreation Superintendent

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

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A SPONSORSHIP AGREEMENT WITH THE LIBRARY ASSOCIATION OF SANDUSKY, OHIO, FOR PROGRAMMING EVENTS AT THE JACKSON STREET PIER IN 2023; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, Sandusky Library is a beneficiary of The Norbert A. Lange and Marion Cleaveland Lange Trust and under the terms of the trust instrument, income received by Sandusky Library must be used by it in the promotion of cultural and educational enterprises in the City of Sandusky and the adjacent area within Erie County, Ohio; and

**WHEREAS**, the City Commission approved Sponsorship Agreements with the Library Association of Sandusky, Ohio, for programming events at the Jackson Street Pier during 2021 by Ordinance No. 21-090, passed on June 14, 2021, and during 2022 by Ordinance No. 22-009, passed on January 24, 2022; and

**WHEREAS**, the City and the Sandusky Library desire to continue the collaborative relationship to facilitate the presentation of Programming Events during the 2023 calendar year, in which the City will host the events and the Sandusky Library will, in part, sponsor the event by providing funding, through eligible Lange Trust income, for certain customary and reasonable expenses incurred in providing such cultural and educational programming; and

**WHEREAS**, pursuant to the agreement, the Lange Trust will provide up to \$50,000.00 in reimbursable funds to the City to assist with the curation of cultural events at the Jackson Street Pier in calendar year 2023; and

**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to immediately execute the agreement and allow the City to continue with budgetary and event plans at the Jackson Street Pier this year; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Division 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 be and hereby is authorized to execute a Sponsorship Agreement with the Library Association of Sandusky, Ohio, for the sponsoring of programming events at the Jackson Street Pier in 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 adverse to the City and as being consistent with carrying out the terms of this Ordinance.

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

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

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

\_\_\_\_\_  
RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
CATHLEEN A. MYERS  
CLERK OF THE CITY COMMISSION

Passed: January 23, 2023

## **SPONSORSHIP AGREEMENT**

This Sponsorship Agreement (the "Agreement") is made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between the **City of Sandusky** (the "City"), and **THE LIBRARY ASSOCIATION OF SANDUSKY, OHIO** (the "Sandusky Library") (collectively the "Parties").

**WHEREAS**, the City and Sandusky Library desire to provide cultural and educational programming events to benefit the citizens of the City of Sandusky and Erie County ("Programming Events");

**WHEREAS**, Sandusky Library is a beneficiary of The Norbert A. Lange and Marion Cleaveland Lange Trust (the "Lange Trust"). Under the terms of the trust instrument, income received by Sandusky Library must be used by it in the promotion of cultural and educational enterprises in the City of Sandusky, Ohio and the adjacent area within Erie County, Ohio. In addition, all cultural or educational enterprises sponsored in whole or in part by Lange Trust funds must be open and free to and for the public of Erie County. In addition, the Trust mandates that no part of trust funds available to the Sandusky Library be used in the promotion, assistance, or support of public or private schools, athletic groups or athletic events, or for the support of students or for student scholarships.

**WHEREAS**, the Parties wish to enter into a collaborative relationship to facilitate the presentment of Programming Events during the 2023 calendar year, in which the City will host the events and the Sandusky Library will, in part, sponsor the event by providing funding, through eligible Lange Trust income, for certain customary and reasonable expenses incurred in providing such cultural and educational programming.

**WHEREAS**, the City seeks to increase the economic vitality of downtown, promote community engagement with the Jackson Street Pier, and provide free educational and cultural programming for the Citizens of Sandusky (Programming Events"); and

**NOW, THEREFORE**, in consideration of the foregoing and the mutual promises and covenants hereinafter set forth, the Parties hereby agree as follows:

1. For Programing Events approved by The Library as eligible for Lange Trust sponsorship under the terms of the trust, Sandusky Library agrees to expend (or reimburse the City for its expenditure) a total of Fifty Thousand Dollars (\$50,000), or such lesser amount as is the total of the Lange Trust fund eligible invoices tendered by the City ("Sponsorship Funds") for customary and reasonable costs specified in this Agreement that are incurred by the City in its presentment of Programming Events that take place during calendar year 2023.

2. Upon presentment of an invoice and supporting documentation by the City, Sandusky Library shall pay such portion of the following costs eligible for Lange Trust funding under the terms of the trust, for Programming Events that take place during calendar year 2023, until such time as the Sponsorship Funds are exhausted:

- a) Compensation of performers, artists, musicians, or their other entertainment staff.
- b) Advertisement of event(s),
- c) Rental of stage equipment,
- d) Local lodging and transportation expenses of performers; artists, musicians, or their other entertainment staff,
- e) Catering services for performers,
- f) Such other expenses pre-approved in writing by Sandusky Library, through its Director, before the expense is incurred by the City;

In order to qualify for Sponsorship, the invoices for expenses incurred by the City for an event must be tendered to the Sandusky Library for payment on or before ninety (90) days after the completion of the Summer Concert Series.

3. For purposes of this Agreement, the educational or cultural entertainment performers listed in attached Exhibit A, if selected by the City, have been reviewed by the Norbert A. Lange and Marion Cleaveland Lange Trust Committee of the Sandusky Library, and are deemed to be approved by the Sandusky Library as eligible for Sandusky Library sponsorship through use of Lange Trust funds. All other cultural or entertainment performers selected by the City must be pre-approved in writing by the Director of the Sandusky Library before the City's selection(s) are deemed eligible for Sandusky Library sponsorship.

4. In exchange for the funds provided herein to the City, the City shall:

a. Plan and host Programming Events that will take place in the calendar year 2023 that have approval of Sandusky Library for Lange Trust fund sponsorship, in whole or in part;

b. The Programming Events sponsored by the Sandusky Library with use of Lange Trust funds shall have publicity for the event that includes the following language: "This event/concert/project is made possible by the Lange Trust through the Sandusky Library". The City agrees to provide and prominently display at sponsored Programming Events a banner advertising Sandusky Library's financial sponsorship through Lange Trust funds. The City and The Lange Trust Committee will use reasonable efforts and good faith to jointly agree on the size, text, and appearance of the banner, and the location for display of the banner at sponsored Programming Events.

c. The City shall be responsible for hosting the events described herein, including hiring any performers, musicians, artists, or other entertainment, procuring any necessary supplies, and providing the necessary facilities and staffing for said events;

d. The City shall be responsible for the marketing and promotion of said events; and



e. The City shall secure, at its sole cost and expense, liability insurance that includes event liability coverage for the Program Events in an amount not less than \$1,000,000 per claim and \$3,000,000 in the aggregate and name "THE LIBRARY ASSOCIATION OF SANDUSKY, OHIO" as an additional insured for these events. The City will provide the Sandusky Library with proof of the insurance required by this Agreement in the form of a valid certificate of insurance that references this Agreement and confirms the required coverage, on or before the commencement of this Agreement, and renewal replacements on or before the expiry of any such insurance.

f. The City shall be responsible for complying with all federal, state, and local law in its role as planner and host of the Programming Events, including, but not limited to, compliance with all existing public health executive orders issued in response to the Covid-19 Pandemic, if any. The City's logistical plan shall include COVID-19 safety protocols to make it both possible and required for attendees at its Procedural Events to comply with the requirements and restrictions of public health orders, if any, that are in place at the time of the event, such as mandatory mask requirements, social distancing, and placement of signage for Programming Events sponsored in whole or in part by the Sandusky Library in order to protect the well-being of attendees from the dangerous effect of COVID-19.

g. To assist Sandusky Library in its documentation of Lange Trust fund expenditures for accounting purposed, The City agrees to include with each such invoice submitted to Sandusky Library identification by performance date the specific event for which the financial obligation was incurred by the City, and shall attach any contract(s) between the City and any third party that support the debt evidence in the invoice, and include copies of receipts evidencing pre-payment by the City, if any,

4. The City shall plan the events and/or programming described herein in conjunction with the Sandusky Library. The Sandusky Library shall have the right to approve and/or reject any and all events that will be sponsored by the Sandusky Library with Lange Trust funds, including approving any performers, artists, musicians, or other entertainment.

5. All events and programming sponsored by the Lange Trust shall comply with the terms of the Trust document including, but not limited to the following conditions:

- a. The events must take place in Erie County;
- b. The events shall be free of charge and open to the entire public of Erie County;
- c. Tickets, if any, shall be distributed as agreed with the Lange Trust Committee; and

d. No alcohol may be sold at the Lange-Trust sponsored events.

6. This Agreement and its exhibits and any documents referred to herein constitute the complete understanding of the parties and merge and supersede any and all other discussions, agreements and understandings, either oral or written, between the parties with respect to the subject matter hereof.

7. All material changes or modifications to this Agreement, not including the selection of entertainment, shall be approved in writing by both Parties prior to such change or modification becoming effective. Any request by the City for any expenditure of Lange Trust funds by Sandusky Library over and above the \$50,000.00 Sponsorship Funds identified above, is deemed to be a material change or modification of this Agreement. Should the Parties consent to modification of the Agreement, then an amendment shall be drawn, approved, and executed in the same manner as this Agreement.

8. This Agreement shall be governed by the laws of the State of Ohio as to all matters, including but not limited to matters of validity, construction, effect and performance.

9. All actions regarding this Agreement shall be venued in a court of competent subject matter jurisdiction in Erie County, Ohio.

**IN WITNESS WHEREOF**, the parties hereto have caused this Sponsorship Agreement to be executed by their respective officers thereunto duly authorized on the day and year set forth above.

**THE CITY OF SANDUSKY:**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**THE LIBRARY ASSOCIATION OF SANDUSKY,  
OHIO**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## EXHIBIT A

The Sandusky Library and its subcommittee, the Norbert A. Lange and Marion Cleaveland Lange Trust Committee has approved the following list of talent groups for events in the year 2023:

*The Red Hot Chili Pipers*

*The Hit Men of Country*

*Forever Motown*

*Rodney Marsalis*

*A Shining Star*